

Instructions for Claiming Confidentiality

You may assert a confidential business information claim covering all or part of the information you submit as part of your application for a financial review, as provided in 40 Code of Federal Regulations (“C.F.R.”) § 2.203(b). If you make a confidentiality claim for any of the information you submit to the U.S. EPA, you must substantiate that claim. For each document, your substantiation must separately address the following points enumerated in 40 C.F.R. § 2.204(e):

1. the portions of the information alleged to be entitled to confidential treatment;
2. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
3. measures taken by you to guard against the undesired disclosure of the information to others;
4. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
5. pertinent confidentiality determinations, if any, by the U.S. EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and,
6. whether you assert that disclosure of the information would be likely to result in substantial harmful effects on your business’ competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp or type “**CONFIDENTIAL**” on all confidential responses and any related confidential documents. Confidential portions of otherwise non-confidential documents should be clearly identified. You should also indicate a date, if any, after which the information need no longer be treated as confidential. You must also include the information necessary to substantiate your claim (as described above).

Please submit your response so that all non-confidential information, including any redacted versions of confidential documents, are in one envelope, and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the

information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by CERCLA § 104(e). If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.

Information covered by a confidentiality claim will be disclosed by the U.S. EPA only to the extent permitted by 40 C.F.R. § 2.310. This includes the U.S. EPA's contemplated disclosure of the requested information to the following authorized representatives of the U.S. EPA for purposes of the U.S. Government's response actions at the OII Site:

Science Applications International Corporation/SAIC, Inc.
Work Order No. W91238-05-F-0062 under GSA Federal Supply Schedule Contract Number GS-10F-0076J issued to SAIC through the U. S. Army Corps of Engineers ("COE") pursuant to Interagency Agreement No. DW 96955495 between EPA and the COE

GRB Environmental Services Inc.
Contract No. EP-R9-06-03

CACI, Inc.
Task Order 263
Under U.S. Department of Justice (DOJ) Contract No. 02-C-0437 through Interagency Agreement # DW-15-95566201-1 between EPA and DOJ

Disclosures also may be made to these contractors under successive contracts.

Pursuant to 40 C.F.R. § 2.310(h)(2)(iii), the U.S. EPA will provide notice in the Federal Register or by letter of any subsequent additions to the U.S. EPA contractors who may have access to the confidential information which you submit. You will have at least five working days to submit comments to any such notice.

The information that the U.S. EPA intends to disclose to its authorized representatives includes any submissions you or your company or organization make regarding your or your company or organization's limited financial abilities. This information may be made available to the above-named authorized representatives of the U.S. EPA for any of the following reasons: to assist with document handling, inventory, and indexing; to assist with document review and analysis; for verification of completeness; and to provide expert technical review of the contents of the response. Pursuant to 40 C.F.R. § 2.310(h), you may submit comments on the U.S. EPA's disclosure of any confidential information contained in your response to its authorized representatives along with the response itself within the time period allotted for submission of your application for financial review.