Message

From: Stillwagon, Angela [Stillwagon.Angela@epa.gov]
Sent: 12/13/2021 5:49:30 PM
To: Weekley, Erin [weekley.erin@epa.gov]; Barton, Kasey [Barton.Kasey@epa.gov]
Subject: FW: Request for Substantiation --AltEn Claims of Confidentiality

FYI

From: Ex. 4 CBI
Sent: Monday, December 13, 2021 11:06 AM
To: Stillwagon, Angela <Stillwagon.Angela@epa.gov>
Cc: Ex. 4 CBI
Ex. 4 CBI
Subject: RE: Request for Substantiation --AltEn Claims of Confidentiality

Angela:
I took a few days off last week (blessedly) so apologize for not getting back to you sooner. AltEn will unfortunately have to claim the seed company employees and seed product as confidential business information.

Ex. 4 CBI

This message and any attachments are confidential, may contain privileged or legally protected communications or information, and are intended solely for the recipient named above. If you are not the intended recipient, you are notified that any review, distribution, dissemination or copying of this message or any attachment is prohibited. If you have received this message in error, you should immediately notify the sender by a return e-mail and delete the message from your computer system.

From: Stillwagon, Angela <Stillwagon.Angela@epa.gov>
Sent: Monday, December 13, 2021 10:39 AM
Ex. 4 CBI
Subject: FW: Request for Substantiation --AltEn Claims of Confidentiality
Importance: High

Hi Ex. 4 CBI

I am following up on my email sent last week to determine whether you would like to claim the names of seed company employees and seed product as confidential business information (CBI). If you would like to claim one or both of these categories as CBI, I will send a supplemental substantiation request letter.

Please respond within three business days of this message. *See* 40 C.F.R. § 2.204 (c)(2)(ii).

Please note, failure to respond within three business days will result in a waiver of your right to claim the information as CBI. *See also*, 40 C.F.R. § 2.204(c)(2)(i)(A)-(C).

Thank you,

Angela Stillwagon | Attorney-Advisor
Office of Regional Counsel
EPA Region 7 |11201 Renner Boulevard Lenexa, Kansas
913-551-7707

From: Stillwagon, Angela
Sent: Monday, December 6, 2021 1:25 PM
Ex. 4 CBI Barton, Kasey <Barton.Kasey@epa.gov>
Subject: RE: Request for Substantiation --AltEn Claims of Confidentiality

Hi Ex. 4 CBI

I hope you had a nice weekend.

Last week, our office sent letters requesting substantiation of information AltEn claimed as confidential. In addition to the information submitted on February 24, 2021 and April 27, 2021, our office would like to confirm whether AltEn would like to claim the names of seed company employees and seed product as confidential business information (CBI). If you would like to claim one or both of these categories as CBI, I will send a supplemental substantiation request letter.

As a reminder, in order for information to be considered CBI, the business must satisfy two conditions:

(1) whether the information is "customarily kept private, or at least closely held," by the submitter; and

(2) whether the government provides "some assurance" that the information will not be publicly disclosed.

See Argus Leader, 139 S. Ct. at 2363.

Please let me know if you have any additional questions related to the CBI substantiation process.

Thank you,

Angela Stillwagon | Attorney-Advisor
Office of Regional Counsel
EPA Region 7 |11201 Renner Boulevard Lenexa, Kansas
913-551-7707

From: Ex. 4 CBI
Sent: Tuesday, November 30, 2021 11:09 AM
To: Stillwagon, Angela <Stillwagon.Angela@epa.gov>
Cc: Barton, Kasey <Barton.Kasey@epa.gov>; Ex. 4 CBI
Ex. 4 CBI
Subject: RE: Request for Substantiation --AltEn Claims of Confidentiality

Thanks, Angela. We'll get right on it and respond within 15 business days.

Ex. 4 CBI

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From: Stillwagon, Angela <Stillwagon.Angela@epa.gov>
Sent: Tuesday, November 30, 2021 10:08 AM
To: Ex. 4 CBI
Cc: Barton, Kasey <Barton.Kasey@epa.gov> Ex. 4 CBI
Subject: Request for Substantiation --AltEn Claims of Confidentiality
Importance: High

Hi Ex. 4 CBI

I hope you had a nice holiday. As we discussed a few weeks ago, attached are the requests to substantiate AltEn's claims of confidentiality.

Please note the response date of no later than 15 business days after receipt of this email. Please let me know if you have any additional questions related to the requests for substantiation.

Thank you,

Angela Stillwagon | Attorney-Advisor
Office of Regional Counsel
EPA Region 7 |11201 Renner Boulevard Lenexa, Kansas
913-551-7707