

human health and the environment and that other alternatives exist that reduce overall risk.

(5) *Pending*. Submissions for which the Agency has not reached a determination will be described as pending. For all substitutes in this category, the Agency will work with the submitter to obtain any missing information and to determine a schedule for providing the missing information if the Agency wishes to extend the 90-day review period. EPA will use the authority under section 114 of the Clean Air Act to gather this information, if necessary. In some instances, the Agency may also explore using additional statutory provisions (e.g., section 5 of TSCA) to collect the needed data.

(c) *Joint processing under SNAP and TSCA*. The Agency will coordinate reviews of substitutes submitted for evaluation under both the TSCA PMN program and the CAA.

(d) *Joint processing under SNAP and FIFRA*. The Agency will coordinate reviews of substitutes submitted for evaluation under both FIFRA and the CAA.

[59 FR 13147, Mar. 18, 1994, as amended at 61 FR 25592, May 22, 1996; 61 FR 54039, Oct. 16, 1996]

§ 82.182 Confidentiality of data.

(a) *Clean Air Act provisions*. Anyone submitting information must assert a claim of confidentiality at the time of submission for any data they wish to have treated as confidential business information (CBI) under 40 CFR part 2, subpart B. Failure to assert a claim of confidentiality at the time of submission may result in disclosure of the information by the Agency without further notice to the submitter. The submitter should also be aware that under section 114(c), emissions data may not be claimed as confidential.

(b) *Substantiation of confidentiality claims*. At the time of submission, EPA requires substantiation of any confidentiality claims made. Failure to provide any substantiation may result in disclosure of information without further notice by the Agency. All submissions must include adequate substantiation in order for an acceptability determination on a substitute to be published. Moreover, under 40 CFR part 2, subpart B, there are fur-

ther instances in which confidentiality assertions may later be reviewed even when confidentiality claims are initially received. The submitter will also be contacted as part of such an evaluation process.

(c) *Confidentiality provisions for toxicity data*. In the event that toxicity or health and safety studies are listed as confidential, this information cannot be maintained as confidential where such data are also submitted under TSCA or FIFRA, to the extent that confidential treatment is prohibited under those statutes. However, information contained in a toxicity study that is not health and safety data and is not relevant to the effects of a substance on human health and the environment (e.g., discussion of process information, proprietary blends) can be maintained as confidential subject to 40 CFR part 2, subpart B.

(d) *Joint submissions under other statutes*. Information submitted as part of a joint submission to either SNAP/TSCA or SNAP/FIFRA must adhere to the security provisions of the program offices implementing these statutes. For such submissions, the SNAP handling of such notices will follow the security provisions under these statutes.

§ 82.184 Petitions.

(a) *Who may petition*. Any person may petition the Agency to amend existing listing decisions under the SNAP program, or to add a new substance to any of the SNAP lists.

(b) *Types of petitions*. Five types of petitions exist:

(1) Petitions to add a substitute not previously reviewed under the SNAP program to the acceptable list. This type of petition is comparable to the 90-day notifications, except that it would generally be initiated by entities other than the companies that manufacture, formulate, or otherwise use the substitute. Companies that manufacture, formulate, or use substitutes that want to have their substitutes added to the acceptable list should submit information on the substitute under the 90-day review program;

(2) Petitions to add a substitute not previously reviewed under the SNAP program to the unacceptable list;