

ILLINOIS POLLUTION CONTROL BOARD  
November 20, 1986

IN THE MATTER OF: )  
 )  
TRADE SECRET DETERMINATION ) PCB 86-146  
FOR ABBOTT LABORATORIES )

ORDER OF THE BOARD (by J. D. Dumelle):

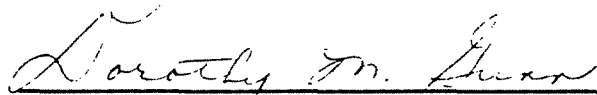
This matter comes before the Board upon a November 11, 1986 Agreed Amended Motion To Reconsider And Vacate And To Allow Withdrawal Of Trade Secret Determination Request filed on behalf of Abbott Laboratories. Abbott had filed a request for determination of trade secret status regarding various documents which had been filed with the Board in proceeding R86-10. The Board dismissed that request by order of September 11, 1986. The basis for that dismissal was that it was procedurally improper for such a request to be made when a similar request concerning the same documents was already pending before the Illinois Environmental Protection Agency (Agency) which might later be appealed to the Board. On October 16, 1986, Abbott filed a motion for reconsideration, indicating that the Agency had granted its request in part and denied it in part, but that Abbott was attempting to reach an agreeable solution to the matter with the Agency. The Board has, therefore, withheld a ruling on the motion for reconsideration pending conclusion of negotiations with the Agency.

Abbott has now reached an agreement with the Agency and the Agency "will issue a new determination in accordance with the agreement." Thus, Abbott alleges that "there is no further need for the Board to make a final determination on Abbott's trade secret determination request." However, Abbott fears that if the Board were to simply deny reconsideration, a third party might argue that such dismissal constituted a denial of the request. The Board does not agree that such an argument would prevail. However, the Board has no reason to deny Abbott's request that the September 11, 1986, order be vacated and that Abbott be allowed to withdraw its request, since the Board believes that such request was improperly before the Board in the first instance. Further, Abbott alleges that the Agency concurs in that request.

The Board, therefore, upon reconsideration orders that its September 11, 1986, order is hereby vacated and the request for a trade secret determination has been withdrawn. The Board will continue to treat the material as confidential until such time as any future determination is made.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 20<sup>th</sup> day of November, 1986 by a vote of 6-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board