

- (A) The commission may request supplemental information from the claimant in support of its trade secrecy claim, pursuant to paragraph (A)(1)(a) of rule 3750-60-40 of the Administrative Code.
  - (1) The commission may specify the kind of information to be submitted pursuant to paragraph (A) of this rule; or,
  - (2) The claimant may provide any additional detailed information which further supports the truth of the information previously supplied to the commission in its initial substantiation under rule 3750-60-20 of the Administrative Code.
  
- (B) The claimant may claim as confidential any trade secret or confidential information contained in the supplemental information. To claim this material as confidential, the claimant shall:
  - (1) Clearly designate those portions of the supplemental information claimed as confidential by marking those portions "Confidential" or "Trade Secret". Information not so marked will be treated as public and may be disclosed without notice to the claimant; and,
  - (2) Provide certification by the claimant, owner, operator, or senior official with management responsibility of the claimant that those portions of supplemental information claimed as confidential would, if disclosed, reveal the chemical identity being claimed as confidential or would reveal other confidential business or trade secret information; and
  - (3) Submit two copies of the supplemental information to the commission, in a sanitized and unsanitized version if the supplemental information is requested by the commission and the claimant claims portion of it as trade secret or confidential.
    - (a) The unsanitized version shall contain all the information claimed as a trade secret or as confidential, marked as indicated in paragraph (B)(1) of this rule.
    - (b) The second copy shall be identical to the unsanitized version identified in paragraph (B)(3)(a) of this rule except that it will be sanitized version, in which all the information claimed as a trade secret or as confidential shall be deleted. If any of the information claimed as a trade secret in the supplemental information is the chemical identity which is the subject of the substantiation, the claimant shall include the appropriate generic class or category of the chemical claimed as a trade secret. The method of choosing

a generic class or category is set forth in rule 3750-60-10 of the Administrative Code.

Effective: June 30, 1993

Original signed by: Kenneth A. Schultz, Acting Chairman, State  
Emergency Response Commission  
Certification

June 11, 1993  
Date

Promulgated under: R.C. Chapter 119  
Rule amplifies: R.C. Section 3750.09  
Rule authorized by: R.C. sections 3750.02(B)(1)(i),  
3750.02(B)(2)(d), 3750(B)(5), and 3750.02(B)(14)  
Prior effective dates: None