

Claims of confidentiality in the substantiation.

- (A) The claimant may claim as confidential any trade secret or confidential business information contained in the substantiation. Such claims for material in the substantiation are not limited to claims of trade secrecy for specific chemical identity, but may also include claims of confidentiality for any confidential business information. To claim this material as confidential, the claimant shall clearly designate those portions of the substantiation to be 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.
- (B) A claimant, owner, or operator or senior official with management responsibility shall sign the certification stating that those portions of the substantiation claimed as confidential would, if disclosed, reveal the chemical identity being claimed as a trade secret, or would reveal other confidential business or trade secret information. This certification is contained on the substantiation form set forth in rule 3750-60-23 of the Administrative Code.
- (C) The claimant shall submit to the commission two copies of the substantiation, one of which shall be the unsanitized version and the other shall be the sanitized version.
 - (1) The unsanitized copy shall contain all of the information claimed as a trade secret or as confidential, and marked as indicated in paragraph (A) of this rule.
 - (2) The second copy shall be identical to the unsanitized substantiation identified in paragraph (C)(1) of this rule, except that it will be a sanitized version, in which all of 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 substantiation 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 for choosing a generic class or category is set forth in rule 3750-60-10 of the Administrative Code. This sanitized copy shall be submitted to the committee and the fire department having jurisdiction over the facility, as appropriate, and made publicly available.

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