

2. Only employees with a need to know, third parties bound to secrecy by contract, and government agencies bound by law to keep such information confidential have received this information.
3. Information pertaining to process information represents vital parameters of a process which is proprietary to CARBO. CARBO has expended substantial amounts of money, time, and manpower to develop these processes. Disclosure of such information would cause CARBO to lose its investment and its competitive edge.

If the Georgia Environmental Protection Division is not satisfied that the enclosed information contains trade secrets or is entitled to confidential treatment, CARBO requests a hearing on the confidentiality claim. In the event that USEPA or GAEPD receives a FOIA or other request that applies to the enclosed information, CARBO will cooperate fully in defending against that request. CARBO has made and will continue to make every effort to comply with the reporting regulations of USEPA, GAEPD, and other governmental agencies. Nothing contained in this letter is intended to waive any rights or to conflict with any requirements under those regulations. The assertions, claims, and requests contained in this submittal and in the attached documents are intended to supplement the confidentiality provision of the statutes and regulations mentioned herein.

The following is a detailed list of each item of information Keebler is claiming to be subject to confidential treatment, and addresses the detailed issues specified in GEPA's "Procedures for Requesting that Submitted Information be Treated as Confidential."

A. Maximum Production Rate: *Reference (A) in attached letter*

- i. **Legal basis of the confidentiality claim:** CARBO Ceramics (CARBO) claims that the maximum production rate is confidential business information and is a trade secret. As such, these rates are entitled to confidential treatment and excerpted from public disclosure. Disclosure of the production rates would cause substantial injury to CARBO's competitive position.
- ii. **Why disclosure of this information is not required by the Georgia Open Records Act § 50-18-70:** CARBO claims the maximum production rate is a trade secret and therefore specifically exempted from being open to inspection by the general public.
- iii. **How information meets definition of "trade secret":** CARBO has always maintained an active policy of prohibiting disclosure of such information to third parties on a non-confidential basis. CARBO attorneys review any proposed disclosures to ensure against inadvertent disclosure of such information. Process information represents vital parameters of a process, which is proprietary to CARBO. CARBO has expended substantial amounts of money, time, and manpower to develop these processes. Disclosure of such information would cause CARBO to lose its investment and its competitive edge.

- iv. **Period of time for which confidential treatment is requested:** Confidential treatment should never be revoked.
- v. **Have there been pertinent confidentiality determinations by the EPA or EPD?** There has been no previous EPA or court decision regarding the acceptability of holding this information confidential. This information is not, and has never been, reasonably obtainable by other persons using legitimate means without the consent of CARBO.
- vi. **Any other relevant issues:** Production capacity is held confidential as a strategic measure to prevent competitors from using such information strategically in making their own production and capacity planning decisions. As production capacity serves as an upper bound to sales volume, maintaining confidentiality around production capacity also limits the ability of competitors to determine the actual sales volume of a given product.

**PUBLIC VERSION**

<b>Per Spray Dryer (SDxx):</b>	
<u>Input Parameters</u>	
46,000 acfm at:	
206 °F	
27.3% water vapor by volume	
<u>Calculated Parameters</u>	<u>Formula</u>
36,464 wscfm	$= (\text{acfm}) * (68^{\circ}\text{F} + 459.67) / (180^{\circ}\text{F} + 459.67)$
26,502 dscfm	$= (\text{wscfm}) - [(\text{wscfm}) * (\% \text{ water vapor})]$

<b>Per Calciner (KLNx):</b>	
<u>Input Parameters</u>	
63,000 acfm at:	
160 °F	
40.0% water vapor by volume	
<u>Calculated Parameters</u>	<u>Formula</u>
53,647 wscfm	$= (\text{acfm}) * (68^{\circ}\text{F} + 459.67) / (405^{\circ}\text{F} + 459.67)$
32,193 dscfm	$= (\text{wscfm}) - [(\text{wscfm}) * (\% \text{ water vapor})]$