



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200

DALLAS, TX 75202-2733

January 20, 2012

CERTIFIED MAIL - RETURN RECEIPT REQUESTED: 7010 2780 0002 4357 3650

Patricia D. Horn, Vice President
Governance and Environmental Health & Safety
Oklahoma Gas & Electric
P. O. Box 321
Oklahoma City, OK 73101

Re: Supplemental 114 Information Request under the Clean Air Act
Muskogee and Sooner Generating Stations, Oklahoma

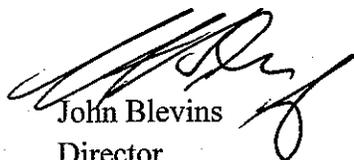
Dear Ms. Horn:

Enclosed is our Supplemental Information Request (Supplemental Request) issued to Oklahoma Gas & Electric Company (OG&E) regarding compliance of the Muskogee and Sooner Generating Stations with Section 114 of the Clean Air Act. Specifically, we are asking for clarification and/or substantiation of information and data provided in your response to our prior information request ("Original Request" dated July 9, 2008) where your response appears to be incomplete or nonresponsive. Also, we are asking for updated information and emissions data not available at the time of your response to our Original Request or not necessarily defined in our Original Request.

Please review our detailed instructions and other relevant material provided for your use in responding to this Supplemental Request, and please note that the instructions have been updated since our Original Request. In addition, be advised that those definitions provided in our instructions must not be redefined in any manner in order to limit the scope of your response.

Please provide the requested information within thirty (30) days of receipt of this letter to Cynthia Kaleri at the above address with a copy mailed to Greg Fried at the address listed below. If you have any questions regarding our Supplemental Request, please feel free to contact Ms. Kaleri, of my staff, at (214) 665-6772, or Ms. Lorraine Dixon in our Office of Regional Counsel at (214) 665-7589.

Sincerely,



John Blevins
Director

Compliance Assurance and
Enforcement Division

Enclosure

cc: Greg Fried
Air Enforcement Division (2201A)
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue
Washington, DC 20460

Kendal Stegmann
Oklahoma Department of Environmental Quality
P.O. Box 1677
Oklahoma City, OK 73101-1677

ENCLOSURE
SUPPLEMENTAL INFORMATION REQUEST
for
OKLAHOMA GAS & ELECTRIC CORPORATION (OG&E)

PART 1 OF 4
AUTHORITY, INSTRUCTIONS, & DEFINITIONS

AUTHORITY

The U.S. Environmental Protection Agency (EPA) Region 6 is issuing this request for information to OG&E pursuant to Section 114(a) of the Clean Air Act (CAA) 42 U.S.C. § 7414(a) for the purpose of determining compliance with the CAA. Section 114(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Compliance Assurance and Enforcement Division, EPA Region 6. Therefore, you are hereby required to provide responses to the questions and requested information regarding the two OG&E Generating Stations, both located in Oklahoma, as identified in **PART 2** of this Enclosure.

EPA requires OG&E to submit the information requested no later than thirty (30) calendar days after your receipt of this letter. This supplemental information request ("Supplemental Request") is necessary for clarification and/or substantiation of information and data provided in your response ("Response" dated October 31, 2008) to our prior information request ("Original Request" dated July 9, 2008) where your Response appears to be incomplete or nonresponsive. This Supplemental Request is necessary to obtain updated information and emissions data not available at the time of your Response to our Original Request and not provided to us since your Response to our Original Request.

EPA requires OG&E to report any changes or revisions to the information supplied within seven (7) calendar days after the change or revision is made. This requirement to provide EPA with changes or revised information shall remain in effect until EPA provides OG&E with written notice of its termination. The required submission of information pursuant to Section 114 of the Act is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501 *et seq.*

Failure to provide the required information in accordance with this information request may result in the initiation of a civil action pursuant to Section 113(b) of the Act, 42 U.S.C. § 7413(b). In addition, knowingly providing false information or omitting relevant information in response to this information request may be actionable under Section 113(c) of the Act, 42 U.S.C. § 7413(c), and 18 U.S.C. §§ 1001 and 1341. Any information that you provide in response to our request may be used in administrative, civil, and criminal proceedings. Therefore, an individual with sufficient knowledge and authority to make such representations on behalf of OG&E must certify all information submitted in response to this information request as true, correct, accurate, and complete.

OG&E SUPPLEMENTAL INFORMATION REQUEST
PART 1: AUTHORITY, INSTRUCTIONS, & DEFINITIONS

Such a duly authorized officer or agent of OG&E should certify your response to this information request by signing the enclosed Statement of Certification, provided in **PART 3**, and returning it with your response. For claiming any information you provide as confidential business information, please see **PART 4**.

This request is not subject to the Paperwork Reduction Act, 44 U.S. C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

INSTRUCTIONS

1. Provide a separate narrative response to each question and subpart of a question set forth in the Information Request.
2. Precede each answer with the number of the question to which it corresponds and at the end of each answer identify the person(s) that provided information that was used or considered in responding to that question, as well as each person that was consulted in the preparation of that response.
3. Indicate on each document produced in response to this Information Request, or in some other reasonable manner, the number of the question to which the document corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where documents or information necessary for a response are neither in your possession nor available to you, indicate in your response why such documents or information is not available or in your possession and identify any source that either possesses or is likely to possess such information.
6. EPA requests that you provide all documents responsive to this request in electronic format such as Portable Document Format (PDF), saved to a compact disc or flash drive, rather than hard copy.
 - (a) When specific questions request data in electronic spreadsheet form to be provided, the data and corresponding information should be provided in editable Excel or Lotus format, and not in image format. If Excel or Lotus formats are not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.
 - (b) When specific questions request electronic maps of the facility, the maps should be provided in electronic desktop geographical information system (GIS) shapefiles compatible with ArcView GIS 9.3, instead of PDF.

OG&E SUPPLEMENTAL INFORMATION REQUEST
PART 1: AUTHORITY, INSTRUCTIONS, & DEFINITIONS

- (c) Each document provided in electronic form, whether image or editable spreadsheet format, or GIS shapefiles, must still be provided in accordance with those instructions for submittal of documents as outlined above (e.g., each PDF document should include all enclosures/attachments associated with the document, or a reference page added to indicate that a separate PDF document is provided as the enclosure/attachment so referenced).
- (d) For each compact disc or flash drive containing electronic documents submitted in response to our request, a table of contents for the electronic documents on individual and/or multiple discs/drives must be provided so that each document can be accurately identified in relation to your response to a specific question. *We recommend the use of file folders organized by question number.* In addition, each compact disc or flash drive should be labeled appropriately (e.g., Company Name, Disc 1 of 4 for Information Request Response, Date of Response).
- (e) To facilitate appropriate records management, confidential business information and non-confidential information should be submitted on separate disks/drives; mark each page that is confidential business information as such.

DEFINITIONS

All terms used in this information request will have their ordinary meaning unless such terms are defined in the Act, 42 U.S.C. § 7401, 40 C.F.R. Part 52 (which incorporates the Federally-approved Stated Implementation Plan), other CAA implementing regulations, or otherwise defined herein.

1. The term "BTU" shall mean the British Thermal Unit of heat.
2. The term "Capital Improvement Project Request" shall mean the documents used by station personnel that serve the purpose of describing "projects" for equipment and process changes when seeking management approval for a planned expenditure at the station. These documents are also known as capital appropriation requests, authorizations for expenditure, work order records, improvement requisition projects, or other similar names.
3. The term "Coal-Fired Boiler" or "Unit" shall mean all equipment used for the purpose of generating electricity including, but not limited to, coal handling facilities, boilers, ductwork, stacks, turbines, generators, and all ancillary equipment.

OG&E SUPPLEMENTAL INFORMATION REQUEST
PART 1: AUTHORITY, INSTRUCTIONS, & DEFINITIONS

4. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents should also include all attachments to or enclosures for the document provided.
5. The term "Electric Utility Steam Generating Unit" shall have the same meaning as defined at 40 C.F.R. § 60.41Da and incorporated into 40 C.F.R. § 52.21(b)(31) and 40 C.F.R. § 51.166(b)(30).
6. The term "KWHR" shall mean kilowatt hours of electrical energy.
7. The term "MWHR" shall mean megawatt hours of electrical energy.
8. The term "mmBTU" shall mean million British Thermal Units.
9. The term "NSPS" shall mean the Standards of Performance for New Stationary Sources promulgated at 40 C.F.R. Part 60.
10. The term "Oklahoma Gas and Electric Corporation" or "OG&E" includes any officer, director, agent, or employee of OG&E, and any merged, consolidated, or acquired predecessor or parent, subsidiary, division, or affiliate thereof.
11. The terms "person" or "persons" shall have the meaning set forth in Section 302(e) of the Act, 42 U.S.C. § 7602(e), and includes an individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency, department, or instrumentality of the United States and any officer, agent or employee thereof.
12. The term "PSD" and the term "NSR" shall mean the Prevention of Significant Deterioration and the New Source Review preconstruction permitting programs established at CAA Subparts C and D and further defined at 40 C.F.R. Parts 51 and 52 and any respective program established under an EPA-approved state implementation plan.
13. The term "production cost model" shall mean a computer application used to simulate an electric utility's generation system and load obligations. The term "production cost modeling" shall mean any and all simulations done using any version of PROMOD, PROSYM, Proscreen, Energy Costing Program (ECP), Strategist, or similar modeling software packages.

OG&E SUPPLEMENTAL INFORMATION REQUEST
PART 1: AUTHORITY, INSTRUCTIONS, & DEFINITIONS

14. The term "project" shall have the same meaning as defined at 40 C.F.R. §§ 52.21(b)(52) and 51.166(b)(51).

15. The terms "you" or "yours", as used in each of the questions set forth in the attached Section 114 letter, refers to, and shall mean, the company or corporation with which each addressee of the attached Section 114 letter is affiliated, including its subsidiaries, division, affiliates, predecessors, successors, assigns, and its former and present officers, directors, agents, employees, representatives,

ENCLOSURE
SUPPLEMENTAL INFORMATION REQUEST
for
OKLAHOMA GAS & ELECTRIC CORPORATION (OG&E)

PART 2 OF 4
QUESTIONS AND INFORMATION SPECIFIC TO
MUSKOGEE & SOONER GENERATING STATIONS

In accordance with that authority outlined in **Part 1**, this Supplemental Request pertains specifically to two (2) OG&E Generating Stations located in Oklahoma:

MUSKOGEE GENERATING STATION

Sections 21, 22, 27 and 28, T15N, R19E, Muskogee County
Located Near Muskogee on Hwy. 62 on the East Bank of the Arkansas River
Latitude 35.763°N, Longitude 95.298°W

SOONER GENERATING STATION

Section 25, T23N, R1E, Noble County
Located 19 Miles North of Stillwater, near Redrock, Oklahoma

Each of the above listed Generating Stations contains emission units that emit or have the potential to emit pollutants subject to requirements of the PSD and NSR programs and is subject to the requirements of Title V of the CAA. OG&E must provide the following information, differentiated for each Generating Station:

1. Provide clarification for each of the items referenced from our Original Request:
 - a. Item 3 – The following applicability determination and permit actions were listed in the Response to this item, but not located in documents produced: 93-035-AD, 93-107-AD, 93-191-C. If documents are available that correspond to the listed actions, please provide copies of all documents in PDF. If documents are not available for a listed action, please indicate in your response that no document is available and explain why no document is available, as specified in **Part 1** (see Instructions).
 - b. Item 5, Subparts 5c, 5e, 5g, 5i, 5j, 5l, and 5m – The Response to our Original Request did not indicate whether or not there were capital improvement project requests for the particular equipment and/or unit operations listed in each subpart of Item 5. Rather, the general response to this item merely indicated that “Doc 0001” was generated in response to the information requested. Doc 0001 is a simple document list generated to identify by Bates stamp number (“Document Number”) those documents provided in response to our Original Request, with the list being sorted once by question and then resorted by Document Number. Although Doc 0001 identifies Document Number 908 in response to each of the particular subparts listed above, Document Number 908

OG&E SUPPLEMENTAL INFORMATION REQUEST
PART 2: MUSKOGEE & SOONER GENERATING STATIONS

did not include any information corresponding to the information requested. Therefore, information provided was determined to be non-responsive and possibly incomplete for each of these subparts. Please clarify whether or not information is available and will be provided *for each subpart* or explain why information is not available *for each subpart*, as specified in **Part 1** (see Instructions).

- c. Item 6, Subpart 6f – Doc 0001 identifies Document Numbers 667 through 971 in response to this subpart. Since none of the Bates stamp number documents were in order and even the Bates stamp numbering sequence did not follow sequentially from item to item, EPA organized all documents in Bates stamp number order and utilized Doc 0001 for assessing the completeness of the response; Document Numbers 667 through 971 were not submitted. Please provide all the listed documents which were missing from the submittal to our Original Request, or explain the discrepancy and/or unavailability of information in accordance with **Part 1** (see Instructions).
- d. Item 10, Subpart 10n – The Response to our Original Request indicated that not all information requested was provided in electronic format and/or hard copy due to time constraints. The Response failed to indicate what test events had been completed at each station for each unit inclusive of the data summaries requested for the specified parameters versus those that were provided. Only two documents were identified in response to Item 10n (Document Numbers 510 and 964). Specifically, Document Number 510 was a compact disc that contained two Excel spreadsheet files. The first file was labeled for response to Item 10n-iii only and consequently contained only PM data summaries for testing pertaining to the years 2006 (MK Units 4, 5, and 6), 2007 (SO Units 1 and 2), 1981 and 1992 (MK Unit 5 only). The second file was labeled for response to Item 10n-iv only and contained one data point each for HF, HCl, and H₂SO₄ testing conducted in 2001 (SO Unit 2 only). Therefore, no documents were submitted in response to Item 10n-i and Item 10n-ii and the documents that were submitted for Item 10n-iii and Item 10n-iv do not appear to be fully responsive.

Please verify if the documents already provided are all-inclusive of stack testing conducted for each of the units over time for the parameter summaries requested or if additional data is available and will be provided in response to this Supplemental Request. The electronic data summary should be revised to be all-inclusive of testing conducted with appropriate references to each stack sampling event conducted at each unit at each Generating Station that addresses the parameters specified in our Original Request. If stack tests were never conducted at a particular unit for the parameters requested, merely indicate this on the electronic data summary appropriately. *Incomplete or missing data from test events that were completed at each unit should be identified in the summary spreadsheet as a footnote or comment field and as such explained adequately in your text response in accordance with Part 1 (see Instructions).* In addition,

OG&E SUPPLEMENTAL INFORMATION REQUEST
PART 2: MUSKOGEE & SOONER GENERATING STATIONS

please incorporate all test data collected since our Original Request into the electronic data summary, in accordance with our request for an update in Item 4, below.

- e. Non-legible Document No. 1863 – Several documents were provided that had specific portions of the document not readable. Document No. 1863 was a spreadsheet that appeared to have specific rows and/or columns that were blackened out. Please resubmit Document No. 1863 so that all portions are readable and in responding, please take into account the revised instructions pertaining to submission of documents in electronic format as outlined in **Part 1** (See Instructions). If available, please provide the document in native electronic spreadsheet form (e.g., xls) with all calculations and/or comments for specific cells maintained.
- f. Redacted Documents 1863 through 1892 – Several documents were provided that had specific portions of the document redacted. In separate correspondence from counsel labeled Privilege log of documents, dated October 31, 2008, attorney-client confidentiality was claimed. EPA is concerned that a number of the documents that were included in the above mentioned privilege log are technical evaluations required under 40 CFR 52.21(r)(6) and thus, no privilege claim would apply. EPA asks that you review your privilege log again. For those documents that you still claim as attorney-client privilege please specify how the technical portion of the document fits within the attorney-client privilege. For those documents that you no longer claim an attorney-client privilege please resubmit unredacted copies of these documents in your response.

For resubmission of documents, please ensure that all portions of the documents are readable and in responding, please take into account the revised instructions pertaining to submission of documents in electronic format as outlined in **Part 1** (See Instructions). If a document is a spreadsheet, please provide the document in native electronic spreadsheet form (e.g., xls) with all calculations and/or comments for specific cells maintained.

- 2. Identify and provide a comprehensive list of all production cost modeling efforts related to analyzing the projects listed below in Table 1, all additional projects that are similar to those projects listed in Table 1 that have been initiated since our Original Request, and all projects currently being planned for the next two (2) year period. Include as part of the list generated, a brief description of the purpose of each modeling simulation conducted and an explanation of the responsive files produced in consideration of Items 3 and 4 below (i.e., identifying by name, electronic file location, and/or Bates stamp number assigned to each responsive document to be provided in relation to the inputs and outputs, those related to unit characteristics, output reports, users' manuals, etc.). Organize the list chronologically by Station,

OG&E SUPPLEMENTAL INFORMATION REQUEST
PART 2: MUSKOGEE & SOONER GENERATING STATIONS

Unit, and then project(s) implementation time period, or planned project(s) implementation time period, and categorize the responsive modeling efforts for each project as follows:

- a. Any pre-project modeling done to specifically analyze the projects identified, including any modeling done with and without each project (or set of projects if modeling simulation included multiple projects) to analyze the impact of the project(s) on generation;
- b. Any modeling of fuel budgets done within the two years preceding completion of the projects identified, including any modeling done to recover the cost of fuels from your customers through official filings with state utility commissions;
- c. Any modeling done to support internal company budgets within the two years of completion of the projects identified;
- d. Any post-project modeling done within the two years following project completion to specifically analyze the projects identified, including any modeling done with and without each project (or set of projects if modeling simulation included multiple projects) to analyze the impact of the project(s) on generation.

Table 1: Question 2 (List of Projects from Response to Original Request)

| Project Identifiers | | Project Implementation Time Period |
|---------------------|------------------------------|------------------------------------|
| Units Modified | OG&E Project Numbers | |
| MK5 & MK4 | 11100 (P-11101) | 1993 (02/12 - 06/03) |
| MK5 | 11003092 | 2002 (09/14 - 10/29) |
| MK4 | 11003535 | 2003 (09/18 - 10/26) |
| MK5 | 11003538, 11003537 | 2004 (04/03 - 06/09) |
| MK6 | 11003536, 11004081 | 2004 (10/16 - 12/21) |
| MK4 | 11004082, 11004083 | 2005 (02/11 - 04/22) |
| MK5 | 11004738 | 2005 (09/ ? - 10/28) |
| MK5 | 11004192, 11004643, 11005334 | 2005 (09/16 - 12/02) |
| MK4 | 11005241, 11003664 | 2007 (08/20 - 11/12) |
| MK6 | 11004881 | 2008 (03/12 - 04/29) |
| SO1 | 32801 | 1994 (02/23 - 06/06) |
| SO2 | 11000975 | 1998 (10/10 - 10/31) |
| SO2 | 11003534 | 2004 (02/13 - 04/18) |
| SO1 | 11002605, 11004848, 11004850 | 2006 (01/27 - 04/07) |
| SO2 | 11003647, 11004882, 11005595 | 2006 (10/20 - 12/29) |

Notes

MK# :: Muskogee Unit Number (i.e., 3, 4, or 5)

SO# :: Sooner Unit Number (i.e., 1 or 2)

OG&E SUPPLEMENTAL INFORMATION REQUEST
PART 2: MUSKOGEE & SOONER GENERATING STATIONS

3. For each production cost modeling effort identified in Item 2, above, and in the same order so identified in your Item 2 response, provide the following in native electronic format (e.g., in “.dat”, “.pff”, “.xls”, etc.), and if the original document was created in Excel or similar spreadsheet format, provide the electronic spreadsheet with all formulas intact:
 - a. All documents relating to the development or discussion of input values related to the following unit characteristics: heat rate, forced outage rate, deratings, capacity, planned outage time, and emissions rates;
 - b. All documents setting forth the inputs and outputs for each model run;
 - c. All output reports created from the responsive modeling simulation.
4. For the various production cost modeling efforts identified in Item 2, above, provide the following:
 - a. Users’ Manuals for each different modeling software used for the responsive modeling simulations identified in Item 3, above;
 - b. Internal company guidance or policy documents relating to the use of each different modeling software used for the responsive modeling simulations identified in Item 3, above;
 - c. All model calibration runs conducted, including documents related to substantiating any of the inputs for each of the responsive modeling simulations identified in Item 3, above.
5. Provide an updated response to each item from our Original Request, with the exception of Items 1 and 2 in our Original Request. If updated information and data is provided for a particular item or subpart of any item in response to the clarifications requested in Item 1 of this Supplemental Request, please merely indicate this appropriately in that item or item subpart. If updated information is not available for any particular item or subparts of any item, please indicate directly the specific reason that information provided previously does not require updating at this time (e.g., a possible Item 3 Updated Response might be “No new information for this item is provided; OG&E has not applied for or received any permits for any of the coal-fired units, has not applied for or received any alternative monitoring or applicability determinations, etc., since our response dated October 31, 2008 for this item.”) In responding, please take into account the revised instructions pertaining to submission of documents in electronic format as outlined in **Part 1** (See Instructions).

ENCLOSURE
SUPPLEMENTAL INFORMATION REQUEST
for
OKLAHOMA GAS & ELECTRIC CORPORATION (OG&E)

PART 3 OF 4
STATEMENT OF CERTIFICATION FORM
FOR DULY AUTHORIZED AGENT

STATEMENT OF CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment.

(Signature)

(Title)

(Date)

ENCLOSURE
SUPPLEMENTAL INFORMATION REQUEST
for
OKLAHOMA GAS & ELECTRIC CORPORATION (OG&E)

PART 4 OF 4
CONFIDENTIAL BUSINESS INFORMATION (CBI)
CLAIM ASSERTION & SUBSTANTIATION REQUIREMENTS

Assertion Requirements

The information requested must be submitted whether or not you regard part or all of it a trade secret or confidential business information. You may assert a business confidentiality claim covering all or part of the information requested in response to this information request, as provided in 40 C.F.R. § 2.203(b). You may assert a business confidentiality claim covering such information by placing on (or attaching to) the information you desire to assert a confidentiality claim, at the time it is submitted to EPA, a cover sheet, stamped, or typed legend (or other suitable form of notice) employing language such as "trade secret," "proprietary," or "company confidential." Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and may be submitted separately to facilitate identification and handling by EPA. If confidential treatment is desired up until a certain date or until the occurrence of a certain event, the notice should state this. Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Clean Air Act (the Act) and 40 C.F.R. Part 2. EPA will construe the failure to furnish a confidentiality claim with your response to the attached letter as a waiver of that claim, and the information may be made available to the public without further notice to you.

Substantiation Requirements

All confidentiality claims are subject to EPA verification in accordance with 40 C.F.R. Part 2, Subpart B. The criteria for determining whether material claimed as confidential is entitled to such treatment are set forth at 40 C.F.R. §§ 2.208 and 2.301, which provide, in part, that you must satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; that the information is not and has not been reasonably obtainable by legitimate means without your consent; and the disclosure of the information is likely to cause substantial harm to your business's competitive edge.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking you to substantiate fully your CBI claim. If you receive such a letter, you must provide EPA with a response within the number of days set forth in the EPA request letter. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider

OG&E SUPPLEMENTAL INFORMATION REQUEST
PART 4: CBI CLAIM ASSERTION & SUBSTANTIATION REQUIREMENTS

confidential. You must be specific by page, paragraph, and sentence when identifying the information subject to your claim. Any information not specifically identified as subject to a confidentiality claim may be disclosed without further notice to you. For each item or class of information that you identify as being subject to CBI, you must answer the following questions, giving as much detail as possible, in accordance with 40 C.F.R. 2.204(e):

1. What specific portions of the information do you allege to be entitled to confidential treatment? For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question #1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.

OG&E SUPPLEMENTAL INFORMATION REQUEST
PART 4: CBI CLAIM ASSERTION & SUBSTANTIATION REQUIREMENTS

8. Any other issue you deem relevant.

Please note that emission data provided under Section 114 of the Act, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2, Subpart B. "Emission data" means, with reference to any source of emission of any substance into the air:

(A) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

(B) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including, to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

(C) A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. §§ 2.301(a)(2)(i)(A),(B) and (C).

If you receive a request for a substantiation letter from the EPA, you bear the burden of substantiating your confidentiality claim. Conclusory allegations will be given little or no weight in the determination. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.