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COMPLETED

April 19, 2007

RECEIVED  
APR 19 2007  
EXECUTIVE DIRECTOR

Mr. B.B. Blevins  
Executive Director  
California Energy Commission  
1516 Ninth Street  
Sacramento, CA 95814

**Subject: Request for Confidential Designation  
Confidential Appendix B (Archaeological Information Center  
Records Search) to Appendix M to the AFC, Cultural  
Resources  
San Gabriel Generating Station Project (07-AFC-02)**

Dear Mr. Blevins,

San Gabriel Power Generation, LLC (SGPG) is the owner of the San Gabriel Generating Station. SGPG requests that the attached information be designated confidential pursuant to 20 CCR Section 2505. This information is being supplied to the California Energy Commission (CEC) as Confidential Appendix B (Archaeological Information Center Records Search) to Appendix M to the AFC, Cultural Resources.

In support of its application for confidential designation, SGPG provides the following information:

APPLICANT: San Gabriel Power Generation, LLC  
ADDRESS: P.O. Box 148  
Houston, Texas 77001-0148

1(a). Title, date and description (including number of pages) of the record for which you request confidential designation.

Confidential Appendix B (Archaeological Information Center Records Search) to Appendix M to the AFC, Cultural Resources.

*1(b). Specify the part(s) of the record for which you request confidential designation.*

Confidential Appendix B (Archaeological Information Center Records Search) to Appendix M to the AFC, Cultural Resources.

*2. State and justify the length of time the Commission should keep the record confidential.*

Confidential Appendix B (Archaeological Information Center Records Search) to Appendix M to the AFC, Cultural Resources should be kept confidential indefinitely to protect potential cultural resources sites. If the descriptions of the locations of the sites are released to the public domain, there is a risk of looting.

*3(a). State the provisions of the Public Records Act or other law that allows the Commission to keep the record confidential, and explain why the provision(s) apply to the record.*

Confidential Appendix B (Archaeological Information Center Records Search) to Appendix M to the AFC, Cultural Resources specifically identifies areas of potential cultural significance. It is thus protected under Government Code Sections 6254 (e) and 6254(k). Protection provided is analogous to that given to Native American sacred places under Section 6254 (r) of the Government Code.

*3(b). Discuss the public interest in nondisclosure of the record. If the record contains trade secrets or its disclosure would otherwise cause loss of a competitive advantage, please also state how it would be lost, the value of the information to the applicant, and the ease or difficulty with which the information could be legitimately acquired or duplicated by others.*

The public interest will be served by nondisclosure by preventing looting of the cultural resources sites described in Confidential Appendix B (Archaeological Information Center Records Search) to Appendix M to the AFC, Cultural Resources. Such looting would preclude scientific study of the sites to gain data about the cultural resources area.

*4. State whether the record may be disclosed if it is aggregated with other information or masked to conceal certain portions (including but not limited to the identity of the applicant). State the degree of aggregation or masking required. If the data cannot be disclosed even if aggregated or masked, explain why.*

SGPG believes the CEC staff will require the specific information contained in Confidential Appendix B (Archaeological Information Center Records Search) to Appendix M to the AFC, Cultural Resources to properly perform its analysis. Aggregation of information would hinder a complete CEC analysis. However, SGPG believes the CEC can incorporate a generalized summary of information contained in Confidential Appendix B (Archaeological Information Center Records Search) to Appendix M to the AFC, Cultural Resources to properly state the basis for its analysis without disclosing information specific enough to facilitate looting.

5. *State how the record is kept confidential by the applicant and whether it has ever been disclosed to a person other than an employee of the applicant. If it has, explain the circumstances under which disclosure occurred.*

SGPG has not disclosed any of the subject information to anyone other than its employees, attorneys, and consultants working on the Humboldt Bay Repowering Project. Moreover, this information has not been disclosed to persons employed by or working for SGPG except on a "need-to-know" basis. SGPG is marking this information "Confidential" and is instituting a policy that segregates this information from other San Gabriel Generating Station files and that access to it be restricted to a designated confidential information manager within SGPG or its attorneys/consultants.

I certify under penalty of perjury that the information contained in this application for confidential designation is true, correct and complete to the best of my knowledge and that I am authorized to make the application and certification on behalf of the applicant.



Scott A. Galati  
Counsel for San Gabriel Power  
Generation, LLC