

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512

May 17, 2007

DOCKET	
07-AFC-2	
DATE	MAY 17 2007
RECD.	MAY 21 2007

Mr. Scott Galati
Galati Blek, LLP
555 Capitol Avenue, Suite 600
Sacramento, CA 95814

RE: **Paleontological Resources Application for Confidentiality,
San Gabriel Power Generation Station Project,
Docket No. 07-AFC-02**

Dear Mr. Galati:

On April 19, 2007, San Gabriel Power Generation, LLC filed an application for confidentiality on behalf of the San Gabriel Power Generation Station Project (San Gabriel) (Docket No. 07-AFC-02). The application seeks confidentiality for the Paleontological Resources Evaluation, Appendix T to the AFC (hereinafter referred to as "Evaluation"). San Gabriel states, in part, that the Evaluation:

. . . should be kept confidential indefinitely to protect potential paleontological resources sites. If the descriptions of the locations of the sites are released to the public domain, there is a risk of looting. . . The public interest will be served by nondisclosure by preventing looting of the paleontological resources sites described in [the Evaluation]

A properly filed application for confidentiality shall be granted under the California Code of Regulations, title 20, section 2505(a)(3)(A), "if the applicant makes a reasonable claim that the Public Records Act or other provision of law authorizes the [Energy] Commission to keep the record confidential."

The California Public Records Act recognizes the confidentiality principles of federal law. (Gov. Code, sec. 6254(k).) The Archaeological Resources Protection Act establishes a clear, national legal policy that all types of archaeological, paleontological, and cultural resource site locations must be kept confidential in order to preserve them. (16 U.S.C. sec. 470hh.) Non-disclosure of paleontological resources, such as the information that you have submitted in the Evaluation, is expressly in the public interest. Therefore, San Gabriel's April 19, 2007, confidentiality application for paleontological resources is granted in its entirety. The Evaluation will be kept confidential for an indefinite period.

Any subsequent submittals related to paleontological resources can be deemed confidential as specified in this letter without the need for a new application under California Code of Regulations, title 20, sections 2505(a)(1)(G) and 2505(a)(4), if you file a certification under penalty of perjury that the new information is substantially similar to the information granted confidentiality by this determination.

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Be advised that persons may petition to inspect or copy records that I have designated as confidential. The procedures and criteria for filing, reviewing, and acting upon such petitions are set forth in the California Code of Regulations, title 20, section 2506. If you have any questions concerning this matter, please contact Fernando De Leon, Senior Staff Counsel, at (916) 654-4873.

Sincerely,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

B. B. BLEVINS
Executive Director

cc: Docket Unit
Energy Commission Project Manager