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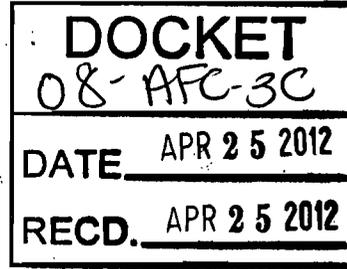
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April 24, 2012

VIA OVERNIGHT DELIVERY

Robert Oglesby  
Executive Director  
California Energy Commission  
1516 9th Street  
Sacramento, CA 95814



LISA A. COTTLE  
Partner  
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**Re: GenOn Marsh Landing, LLC Application for Confidential Designation  
Marsh Landing Generating Station (08-AFC-3C): Attachment B (California  
Department of Parks and Recreation 523 Forms) to Cultural Resources Report  
Submitted With March 2012 Monthly Compliance Report**

Dear Mr. Oglesby:

GenOn Marsh Landing, LLC, a Delaware limited liability company ("GenOn"), owns and is currently constructing the Marsh Landing Generating Station ("MLGS"). The MLGS is a 760 megawatt natural gas-fired peaking facility that was approved by the California Energy Commission ("Commission") in a final decision issued on August 25, 2010 in Docket 08-AFC-3 (the "Final Decision").

In accordance with the Final Decision, GenOn submits Monthly Compliance Reports to the Compliance Project Manager for the MLGS. The Monthly Compliance Report for March 2012 included a Cultural Resources Report as Subsection 2.12. The Cultural Resources Report was prepared in accordance with Condition of Certification CUL-6 of the Final Decision, and summarized the cultural resources monitoring activities which took place at the MLGS construction site in March 2012. The Cultural Resource Report discloses two discoveries that occurred during the month – the discovery of a small glass bottle on March 19, 2012, and the discovery of a redwood fence post on March 21, 2012. The assigned Cultural Resources Specialist reported both discoveries to Commission staff and recommended prescribed treatment that included reporting the discoveries for inclusion in the California Office of Historic Preservation filing system. Accordingly, a California Department of Parks and Recreation

523 Form (“DPR Form”) was prepared and submitted for each find. The DPR Forms were intended to be submitted as Attachment B to the Cultural Resource Report.

Pursuant to Title 20, California Code of Regulations section 2505 (“Section 2505”), GenOn is submitting Appendix B containing the completed DPR Forms with an application for confidential designation. Pursuant to Section 2505, GenOn requests that the Commission maintain the confidentiality of Appendix B containing the completed DPR Forms in its entirety and not disclose Appendix B, the DPR Forms, or the information contained therein to the public or any third party. GenOn requests that the Commission keep Appendix B containing the completed DPR Forms confidential permanently. The requested time frame is consistent with the definition of public records contained in California Government Code Section 6254.10, which specifies that:

Nothing in this chapter requires disclosure of records that relate to archaeological site information and reports maintained by, or in the possession of, the Department of Parks and Recreation, the State Historical Resources Commission, the State Lands Commission, the Native American Heritage Commission, another state agency, or a local agency, including the records that the agency obtains through a consultation process between a California Native American tribe and a state or local agency.

Appendix B containing the completed DPR Forms discloses information regarding cultural resources discovered at the MLGS site during excavation and construction. Those resources were reported for inclusion in the California Office of Historic Preservation filing system.

The California Public Records Act also recognizes the confidentiality principles of federal law. (California Government Code, § 6254(k).) The federal Archaeological Resources Protection Act, 16 U.S.C. § 470hh(a), establishes a national legal policy that all types of archaeological and cultural resource site locations must be kept confidential in order to preserve them.

California Government Code Sections 6254.10 and 6254(k) authorize the Commission to maintain Appendix B containing the completed DPR Forms as confidential. The DPR Forms disclose details regarding the discovery of two cultural resource finds, including the precise location of the discoveries. Publication of these details could invite curiosity and potentially lead to destruction or theft of cultural resources.

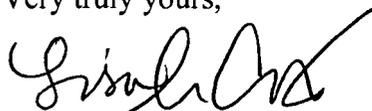
The Cultural Resources Report for March 2012 already generally describes the two objects discovered at the MLGS site. GenOn has isolated Appendix B containing the completed DPR Forms as the subject of this Application. Further aggregation of the information in the DPR Forms is not practical or warranted.

Appendix B containing the completed DPR Forms has not been disclosed publicly and is known only to GenOn personnel and GenOn’s outside consultants, engineers and attorneys.

For the reasons specified above and the specific statutory protection provided for cultural records, the Commission should designate Appendix B containing the completed DPR Forms as confidential.

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

Very truly yours,



Lisa A. Cottle  
Winston & Strawn LLP  
Counsel for GenOn Marsh Landing, LLC

Enclosure: Sealed envelope containing ***Marsh Landing Generating Station (08 AFC-3C): Attachment B (California Department of Parks and Recreation 523 Forms) to Cultural Resources Report Submitted With March 2012 Monthly Compliance Report***

Cc: Christine Stora, Compliance Project Management (without enclosure)  
Kevin Bell, Commission Staff Counsel (without enclosure)