

**DOCKETED**

<b>Docket Number:</b>	07-AFC-06C
<b>Project Title:</b>	Carlsbad Energy Center - Compliance
<b>TN #:</b>	228941
<b>Document Title:</b>	Response Letter to NRG California Peaker Operations LLC Regarding Application for Confidential Designation
<b>Description:</b>	N/A
<b>Filer:</b>	Patty Paul
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
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<b>Docketed Date:</b>	7/11/2019



June 4, 2019

Mr. Scott Seipel, Environmental Manager  
NRG California Peaker Operations LLC  
4600 Carlsbad Blvd  
Carlsbad, CA 92008

**APPLICATION FOR CONFIDENTIAL DESIGNATION: CULTURAL  
RESOURCES DATA, DOCKET NO. 07-AFC-06C**

Dear Mr. Seipel:

The California Energy Commission is in receipt of an Application for Confidentiality submitted on behalf of Carlsbad Energy Center LLC (Applicant). The application seeks confidential designation for the Cultural Resources Report, which contains the location, photographs, maps and field observations of cultural resources in the project area.

The application states:

*The Commission may designate a record as confidential and require that it not be publicly disclosed if the California Public Records Act provides for that record to be treated as confidential... The Public Records Act protects the confidentiality of any records that are exempted from disclosure under provisions of the California Evidence Code relating to privilege, including Evidence Code section 1040. (Gov. Code §6254(k).)*

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 California Energy Commission to keep the record confidential."

The California Public Records Act provides for the nondisclosure of archaeological site information and reports. (Gov. Code §6254.10.) The Public Records Act also recognizes the confidentiality principles of federal law. (Gov. Code §6254(k).)

Mr. Scott Seipel  
June 4 , 2019  
Page 2

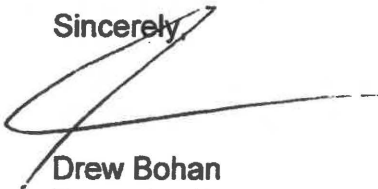
The Archaeological Resources Protection Act establishes a clear, national legal policy that all types of archaeological, paleontological, and cultural resource site locations must be kept confidential in order to preserve them. (16 U.S.C. sec. 470hh.) Non-disclosure of cultural resources, such as the location information that you have submitted, is expressly in the public interest.

Therefore, the Applicant's application seeking confidentiality of location information contained in the Cultural Resources Report is granted in its entirety. Resource site location data will be kept confidential for an indefinite period.

Any subsequent submittals related to cultural resources can be deemed confidential, without the need for an application, by following the procedures set forth in California Code of Regulations, title 20, section 2505(a)(4).

If you have any questions concerning this matter, please contact Jared Babula at (916) 651-1462 or [Jared.Babula@energy.ca.gov](mailto:Jared.Babula@energy.ca.gov).

Sincerely,



Drew Bohan  
Executive Director

cc: Docket Unit  
Jared Babula, Senior Attorney