

DOCKETED

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September 15, 2022

Via Email

David Burnett
National Energy Management Institute Committee
3180 Fairview Park Drive, Suite 400
Falls Church, Virginia 22042
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**NEMIC Repeated Application for Confidential Designation
Docket No. 13-ATTCP-01**

Dear David Burnett:

The California Energy Commission (CEC) has received National Energy Management Institute Committee's (NEMIC or applicant) application for confidential designation, dated July 15, 2022, docketed July 22, 2022. The application requests confidentiality of the following identified documents:

- Attachment 2.2 Mechanical Acceptance Test Employer Training Materials – Module 1
- Attachment 2.2 Mechanical Acceptance Test Employer Training Materials – Module 2
- Attachment 2.2 Mechanical Acceptance Test Employer Training Materials – Module 3
- Attachment 2.2 Mechanical Acceptance Test Employer Training Materials – Module 4

The applicant asserts that substantially similar documents were previously designated as confidential on April 21, 2014, June 14, 2016, July 12, 2018, and April 1, 2019. The applicant further states under penalty of perjury, "The information contained in these amended appendices is substantially similar to the previously submitted information and all facts and circumstances relevant for confidentiality remain unchanged."

California Code of Regulations, title 20, section 2505(a)(4) states, "Repeated Applications for Confidential Designation. If an applicant is seeking a confidential designation for information that is substantially similar to information that was previously deemed confidential by the Commission pursuant to Section 2508, or for which an application for confidential designation was granted by the executive director pursuant to subdivision (a)(3)(A) of this section, the new application need

David Bernett
September 15, 2021
Page 2

contain only a certification, executed under penalty of perjury, stating that the information submitted is substantially similar to the previously submitted information and that all the facts and circumstances relevant to confidentiality remain unchanged. An application meeting these criteria will be approved.”

The applications previously submitted by the applicant were granted based on California Code of Regulations, title 20, section 2505(a)(3)(A).

Therefore, the applicant has established the identified records qualify for confidential designation pursuant to California Code of Regulations, title 20, section 2505(a)(4).

Executive Director’s Determination

For the reasons stated, the applicant's confidentiality application is granted. The information subject to this confidentiality designation will be kept confidential until the Acceptance Test Technician Certification Program ends.

Be advised that under California Code of Regulations, title 20, section 2506, one may petition to inspect or copy records that the CEC has designated as confidential. A decision on a petition to inspect or copy confidential records is issued by the CEC’s chief counsel. Under California Code of Regulations, title 20, section 2507, the executive director may disclose records, or release records previously designated as confidential, in certain circumstances. The procedures for acting on a petition and criteria for disclosing or releasing records previously designated as confidential are set forth in the California Code of Regulations, title 20, sections 2506-2508.

If you have any procedural questions concerning this application for confidential designation, please contact Kari Anderson, staff counsel, at kari.anderson@energy.ca.gov.

Sincerely,



Drew Bohan
Executive Director