

DOCKETED

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CALIFORNIA ENERGY COMMISSION

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August 14, 2014

Chase Kappel
Ellison, Schneider & Harris LLP
2600 Capitol Ave, Suite 400
Sacramento, CA 95816

RE: **Application for Confidentiality,
Russell City Energy Center, LLC,
Cultural Resources Monitoring Report, Appendix B
Docket No. 01-AFC-7C**

Dear Ms. Kappel:

The California Energy Commission is in receipt of an Application for Confidentiality submitted on behalf of Russell City Energy Center, LLC ("Applicant"). The Application seeks confidential designation for the following cultural resources document:

- 1) Appendix B of the July 2014 Cultural Resources Monitoring Report

The application notes that disclosure of Appendix B may enable thieves, vandals, or persons conducting unauthorized collection to locate cultural resource material on or near the project site.

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 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).) 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. §. 470hh.) Non-disclosure of cultural resources, such as the location information that you have submitted in Appendix B, is expressly in the public interest. Therefore, Applicant's confidentiality application seeking confidentiality of cultural resource site location information contained within Appendix B of the July 2014 Cultural Resources Monitoring Report is granted in its entirety. Resource site location data will be kept confidential for an indefinite period.

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Any subsequent submittals related to cultural 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.

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 Jared Babula, Senior Staff Counsel, at (916) 651-1462.

Sincerely,

A handwritten signature in blue ink, appearing to read 'R. P. Oglesby', with a long horizontal flourish extending to the right.

Robert P. Oglesby
Executive Director

cc: Docket Unit
Bruce Boyer Energy Commission Compliance Project Manager