

DOCKETED

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Project Title:	El Segundo Power Redevelopment Project Compliance
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Document Title:	CEC Response to Application for Designation of Cultural Resources Records in Response to Data Request Nos. 68-82
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CALIFORNIA ENERGY COMMISSION1516 NINTH STREET
SACRAMENTO, CA 95814-5512

October 2, 2013

John A. McKinsey
Locke & Lord LLP
500 Capitol Mall, Suite 1800
Sacramento, CA 95814

RE: **El Segundo Energy Center**
Application for Confidential Designation: Cultural Resources Records in
Response to Data Requests Nos. 68-82
Docket No. 00-AFC-14C

Dear Mr. McKinsey:

The California Energy Commission is in receipt of an Application for Confidentiality submitted on behalf of El Segundo Energy Center ("Applicant"). The Application seeks confidential designation for the following document(S):

Cultural Resources Records in Response to Data Requests Nos. 68-82

The application states:

... The information contained therein assists in identifying potential locations of culturally sensitive resources in the Project area. ... disclosure of this information could heighten the risk of unauthorized excavation of such resources, and/or unauthorized removal of the same from locations of potential resources referenced in the report.

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, sec. 6254.10. The Public Records Act also 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 cultural resources, such as the location information that you have submitted is expressly

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in the public interest. Therefore, Applicant's confidentiality application seeking confidentiality of cultural resource site location information contained within the Cultural Resources Records in Response to Data Requests Nos. 68-82 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 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', is written over a faint, larger version of the same signature.

Robert P. Oglesby
Executive Director

cc: Docket Unit
Craig Hoffman, Compliance Project Manager