

CALIFORNIA ENERGY COMMISSION1516 NINTH STREET
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January 17, 2006

Mr. Scott Galati, Esq.
Counsel for Edison Mission Energy
555 Capitol Mall, Suite 600
Sacramento, CA 95814

DOCKET 05-AFC-3
DATE JAN 17 2006
RECD JAN 17 2006

**RE: Paleontological Resources Application for Confidentiality,
Sun Valley Energy Project, Docket 05-AFC-3**

Dear Mr. Galati:

On December 13, 2005, as part of the Sun Valley Energy Project (SVEP), Docket No. 05-AFC-3, the California Energy Commission received an application for confidentiality submitted by Edison Mission Energy. That application seeks confidentiality for information regarding paleontological resources contained in SVEP's Application for Certification (AFC), Appendix 8.8.A, Paleontological Resources Location Data and Map. The application states, in part:

Appendix 8.8.A should be kept confidential indefinitely to protect potential paleontological resources sites. If the descriptions of the locations of the sites are released to the public domain, there is a risk of looting. . . . Appendix 8.8.A specifically identifies areas of potential paleontological significance. . . . The public interest will be served by nondisclosure by preventing looting of the paleontological resources sites described Appendix 8.8.A.

A properly filed application for confidentiality shall be granted under the California Code of Regulations, title 20, section 2505(a)(3)(A), "unless the applicant has failed to make any reasonable claim that the Public Records Act or other provision of law authorizes the Commission to keep the record confidential."

The California Public Records Act 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.) Nondisclosure of paleontological resource site location data, such as the data you have submitted as part of SVEP's AFC, is expressly in the public interest.

Therefore, your confidentiality application for paleontological resources is granted in its entirety. Appendix 8.8.A will be kept confidential for an indefinite period.

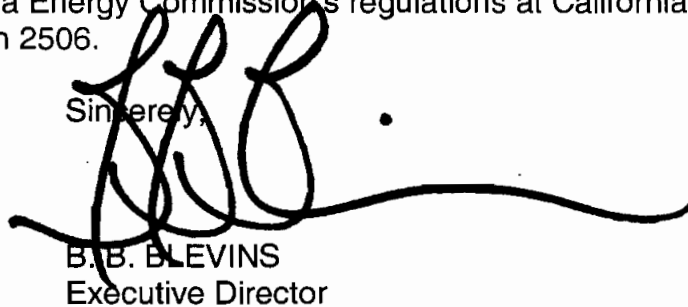
Any subsequent submittals related to paleontological resources can be deemed confidential as specified in this letter without the need for a new application under

Scott Galati, Esq.
January 17, 2006
Page 2

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 that which is granted confidential status by this determination.

Persons may petition to inspect or copy those 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 Energy Commission's regulations at California Code of Regulations, title 20, section 2506.

Sincerely,

A handwritten signature in black ink, appearing to be "B. B. Blevins", with a long horizontal flourish extending to the right.

B. B. BLEVINS
Executive Director

cc: Docket Unit