

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512

May 9, 2006

DOCKET	
05-AFC-2	
DATE	MAY 9 2006
RECD	MAY 9 2006

Scott A. Galati, Esq.
Galati & Blek, LLP
Counsel for Edison Mission Energy
555 Capitol Mall, Suite 600
Sacramento, CA 95814

RE: Cultural Resources, Confidentiality Application,
Walnut Creek Energy Park Project, Docket No. 05-AFC-2

Dear Mr. Galati:

On April 6, 2006, as part of the Walnut Creek Energy Park (WCEP) project (Docket 05-AFC-2), Edison Mission Energy filed an application for confidentiality. The application seeks confidentiality for information concerning cultural resources contained in the "Attachment CR-3 to Response to Data Request Number 51." However, it appears that your application is in error. We have confirmed that Edison Mission Energy is seeking confidentiality for "Attachment CR-3 to Response to Data Request **Number 52.**"

Your application for confidentiality states, in part:

Attachment CR-3 to Response to Data Request Number 51 [sic] should be kept confidential indefinitely to protect potential cultural resources sites. If the descriptions of the locations of the sites are released to the public domain, there is a risk of looting. . . . Attachment CR-3 to Response to Data Request Number 51 [sic] specifically identifies areas of potential cultural significance. . . . Protection provided is analogous to that given to Native American sacred places under Section 6254 (r) of the Government Code.

. . . The public interest will be served by nondisclosure by preventing looting of the cultural resource sites described in Attachment CR-3 to Response to Data Request Number 51 [sic].

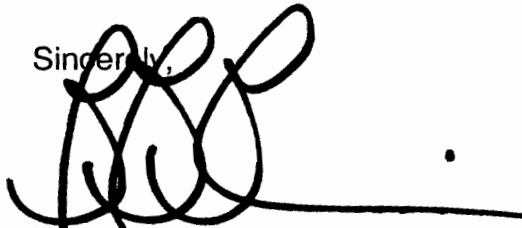
A properly filed application for confidentiality shall be granted under the California Code of Regulations, title 20, section 2505(a)(3)(A), "if the applicant makes a reasonable claim that the Public Records Act or other provision of law authorizes the Commission to keep the record confidential."

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.) Non-disclosure of the cultural resource information, such as the information that you have submitted, is expressly in the public interest.

Scott A. Galati, Esq.
May 9, 2006
Page 2

Therefore, Edison Mission Energy's April 6, 2006, confidentiality application for cultural resources is granted in its entirety. The "Attachment CR-3 to Response to Data Request Number 52" 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 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 at California Code of Regulations, title 20, section 2506.

Sincerely,

B.B. BLEVINS
Executive Director

cc: Docket Unit
Energy Commission Project Manager