

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512**DOCKET**
09-AFC-5DATE MAY 20 2010RECD. MAY 25 2010

May 20, 2010

Trina Meiser
AECOM
1420 Kettner Blvd., Suite 500
San Diego, CA 92101**RE: Application for Confidentiality, Cultural Resources
Abengoa Mojave Solar Project
Docket No. 09-AFC-5**

Dear Ms. Meiser:

On April 21, 2010, you submitted an Application for Confidentiality on behalf of the Abengoa Mojave Solar Project ("Applicant") (Docket No. 09-AFC-5). The application seeks confidential designation for the following documents ("the documents"):

1. CA-SBR-6553H site report
2. Site Boundary Data Request MS-H-004
3. Site Boundary Data Request MS-H-026
4. Site Boundary Data Request MS-M-225
5. Site Boundary Data Request P-36-006553

Applicant states that the documents contain site descriptions and locations, and that:

Publication of the location and specific descriptions of the assets may invite the curious, who may unwittingly disrupt or destroy the assets. Even worse, publishing the location may encourage the destruction of or theft from the sites. Thus, to protect the integrity of these sites, site descriptions and locations should be kept confidential.

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

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kept confidential in order to preserve them. (16 U.S.C. sec. 470hh.) Non-disclosure of cultural resources, such as the information that you have submitted in the above documents, is expressly in the public interest.

Therefore, Abengoa Mojave Solar Power Project's April 21, 2010, confidentiality application for the documents is granted in its entirety. The documents 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 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 Deborah Dyer, Senior Staff Counsel, at (916) 654-3870.

Sincerely,

/S/

Melissa Jones
Executive Director

cc: Docket Unit
Energy Commission Project Manager