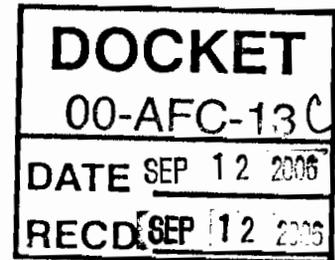


## CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET  
SACRAMENTO, CA 95814-5512

September 12, 2006

Mr. James L. Diven  
Project Manager, URS Corporation  
21730 Newland Street  
Huntington Beach, CA 92646



RE: **Cultural Resources Application for Confidentiality,  
AES Huntington Beach Generating Station,  
Docket 00-AFC-13C**

Dear Mr. Diven:

On September 6, 2006, as part of the Huntington Beach Generating Station Retool project (Docket No. 00-AFC-13C), AES Huntington Beach (AES) filed an application for confidentiality. The application seeks confidentiality for information concerning cultural resources contained in the Final Cultural Resources Report, May 2006. Specifically, AES states:

Applicant requests that the Final Cultural Resources Report including maps, site records and correspondence included with these documents be designated as confidential. . . . The information should be kept confidential indefinitely to protect cultural resources site locations identified in the report. If the descriptions of the location of the sites are released to the public domain, there is an unacceptable risk of looting.

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 cultural resource site location data, such as the information that you have submitted as part of the Huntington Beach Generating Station project is expressly in the public interest.

Therefore, AES's September 6, 2006, confidentiality application for cultural resources is granted in its entirety. The Final Cultural Report will be kept confidential for an indefinite period. Any subsequent submittals related to cultural resources can be deemed

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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 AES files 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,

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  
Energy Commission Project Manager