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September 25, 2008

Ms. Melissa Jones  
Executive Director  
California Energy Commission  
1516 Ninth Street, MS-15  
Sacramento, CA 95814

Re: License Amendment No. 1: Hanford Energy Park Peaker Project  
Conversion to the GWF Hanford Combined Cycle Power Plant Project -  
Confidential Cultural Resources Report and Confidential Paleontological  
Resources Report

Dear Ms. Jones:

GWF Energy, LLC ("GWF" or "Applicant") is the owner of the Hanford Energy Peaker Project ("HEPP") Prior to the approval of the HEPP, a Small Power Plant Exemption ("SPPE") was issued by the CEC for a combined-cycle power plant called Hanford Energy Park or HEP. After the CEC issued the SPPE for the HEP, GWF decided to change the project from a combined-cycle power plant to a two unit peaker plant, the HEPP, which would generate approximately the same amount of electricity. GWF withdrew the SPPE and filed an application for an emergency permit for the HEPP project in April 2001 pursuant to the 21-day Emergency Power Plant Licensing process mandated by the Governor at that time. HEPP received a Final Decision and Technical Area Conditions of Certification (COCs) on April 26, 2001 (01-EP-7) (the "HEPP Final Decision"). GWF now proposes to convert the HEPP to a combined cycle project known as the GWF Hanford Combined Cycle Power Plant ("GWF Hanford" or the "Project"), and is submitting an amendment to the HEPP Final Decision.

In support of the SPPE, Applicant's consultant prepared and submitted documents entitled *Cultural Resources Technical Report, GWF Hanford Energy Park, Kings County, CA. SPPE - Appendix C. Prepared by URS, dated May 2000* (the "Cultural Resources Report"), and *Paleontological Resources Technical Report, GWF Hanford Energy Park, Kings County, CA. SPPE - Appendix G. Prepared by URS, dated February 2000* (the "Paleontological Resources Report"), copies of which are enclosed. Applicant is providing these documents in support of the amendment to the HEPP Final Decision.

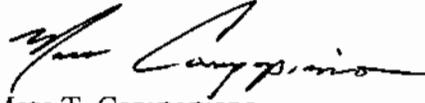
The Cultural Resources Report and Paleontological Resources Report were previously designated confidential in their entirety and indefinitely pursuant to 20 CCR Section 2505. (See attached correspondence dated June 13, 2000.) For the convenience of staff, Applicant is providing the Cultural Resources Report and Paleontological Resources Report concurrently

LATHAM & WATKINS<sup>LLP</sup>

with the amendment. It is being provided under separate cover to maintain its confidential status.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Marc T. Campopiano". The signature is fluid and cursive, with a large initial "M" and "C".

Marc T. Campopiano  
of LATHAM & WATKINS LLP

Enclosures

## CALIFORNIA ENERGY COMMISSION

1518 NINTH STREET  
SACRAMENTO, CA 95814-5512

(916) 654-4996

June 13, 2000

**00 SPPE-1**David A. Stein, P.E.  
Sr. Project Manager  
URS Corporation  
500 12<sup>th</sup> Street, Suite 200  
Oakland, CA 94607-4014

CALIF ENERGY COMMISSION

JUN 13 2000

RECEIVED IN DOCKETS

RE: Cultural and Paleontological Resources Technical  
Appendices, Applications for Confidentiality, GWF  
Power Systems Hanford Energy Park, Docket No. 00-SPPE-1

Dear Mr. Stein:

As part of the Hanford Energy Park Application for a Small Power Plant Exemption, Docket No. 00-SPPE-1, you submitted Cultural and Paleontological Resources Technical Appendices C and G, together with a pair of applications for confidentiality, docketed May 31, 2000. These applications requested permanent non-disclosure for the entirety of Appendices C and G.

Your applications state:

This information is protected pursuant to Government Code Sections 6254(k) and 6254.10 and should remain confidential indefinitely in order to afford appropriate protection and preservation of the cultural resources described in the document.

A properly filed application for confidentiality shall be granted under the Commission's regulations, Title 20, California Code of Regulations, 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 (Govt. Code, § 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. § 470hh). Nondisclosure of cultural and paleontological

David A. Stein, P.E.  
June 13, 2000  
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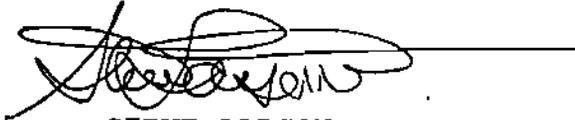
resource site location data, such as that you have submitted in Appendices C and G, is expressly in the public interest.

Your May 31, 2000 confidentiality applications are therefore granted in their entirety. All of Cultural Resources Technical Appendix C and Paleontological Resources Inventory/Impact Assessment Report Appendix G will be kept confidential for an indefinite period.

Any subsequent submittals of additional cultural and/or paleontological resources data can be deemed confidential without the need for a new application under sections 2505(a)(1)(G) and 2505(a)(4) of the CEC regulations, 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 Energy Commission's regulations at Title 20, California Code of Regulations, section 2506.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Larson", is written over a horizontal line.

STEVE LARSON  
Executive Director