

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512

October 30, 2008

Angela Leiba
URS Corporation Americas
2585 East Bayshore Road
Palo Alto, CA 94303

DOCKET	
08-AFC-5	
DATE	OCT 30 2008
RECD.	OCT 30 2008

RE: **Cultural Resources Technical Report Application for Confidentiality,
SES Solar Two, LLC,
Docket No. 08-AFC-5**

Dear Ms. Leiba:

On September 29, 2008, Solar Two, LLC, filed an Application for Confidentiality (Docket No. 08-AFC-5). The Application seeks confidentiality for the Class III Cultural Resources Technical Report, Appendix Z, of the Application for Certification for the Solar Two Project (hereinafter referred to as "Appendix Z").

You state that Appendix Z includes:

- . . .maps, site records, and correspondence (regarding cultural resources).
- . . .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. . . Such looting would preclude scientific study of the worthy site to gain historical data about human use of the area.

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 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 archeological resources, such as the information that you have submitted in Appendix Z, is expressly in the public interest.

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Therefore, Solar Two's September 29, 2008, confidentiality application for Appendix Z is granted in its entirety. The Appendix 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 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,

A handwritten signature in black ink, appearing to read 'Melissa Jones', written over a circular stamp or seal.

MELISSA JONES
Executive Director

cc: Docket Unit

Chris Meyer,
Energy Commission, Project Manager

Robert J. Mutaw, URS Corporation
Cultural Resources Team Leader