

DOCKETED

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650 Town Center Drive, 20th Floor
Costa Mesa, California 92626-1925
Tel: +1.714.540.1235 Fax: +1.714.755.8290
www.lw.com

LATHAM & WATKINS LLP

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September 25, 2013

Mr. Robert Oglesby
Executive Director
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

Re: **Application for Confidential Designation**
Hydrogen Energy California Power Plant (08-AFC-8A)
Errata to Appendix C: Updated DPR 523 Forms in Geoarchaeological Field
Investigations and Sensitivity Assessment

Dear Mr. Oglesby:

Hydrogen Energy California, LLC (“Applicant”) proposed the Hydrogen Energy California integrated gasification combined cycle facility (08-AFC-8) on July 31, 2008 (“Project”). On May 2, 2012, Applicant filed an Amended AFC and a new Docket number, 08-AFC-8A, was assigned. On June 28, 2013, the California Energy Commission (“CEC”) and Department of Energy (“DOE”) issued a joint Preliminary Staff Assessment / Draft Environmental Impact Statement (“PSA/DEIS”). In response to Data Request A152 from staff, the Applicant prepared a geoarchaeological report that summarizes the results of geoarchaeological excavations and docketed it with the CEC on August 26, 2013 (see Docket No. 200343). The Applicant subsequently prepared the attached updated Department of Parks and Recreation form that was previously included in Appendix C of the geoarchaeological report (the “Confidential Record”).

According to the CEC’s regulations, an application for confidential designation for information that is substantially similar to information that was previously deemed confidential by the CEC will be approved if the Applicant properly certifies the information. *See* Title 14, California Code of Regulations, § 2505(a)(4). Accordingly, Applicant requests that the entire Confidential Record be designated confidential as substantially similar to the information previously submitted as confidential in response to Data Request A152 (see Docket No. 200343).

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Applicant requests that the Confidential Record not be disclosed even if aggregated with other information or redacted to conceal certain information. If the information in the Confidential Record is released to the public, there is a risk that the information could be used to loot, vandalize, or otherwise damage sensitive cultural, archaeological, historical and/or paleontological resources. The Applicant has not disclosed any of the subject confidential information to anyone other than its employees, attorneys, consultants, others working as part of the Project application or others with a specific need for the information.

I have been authorized to make this application and certification on behalf of the Applicant. With my signature to this letter, I certify under penalty of perjury that the information contained in this application for confidential designation is true, correct, and complete to the best of my knowledge.

Very truly yours,

/s/ Michael Carroll

Michael Carroll
of LATHAM & WATKINS LLP