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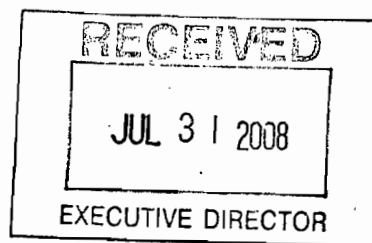
hydrogen energy

DOCKET	
08-AFC-8	
DATE	JUL 28 2008
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July 28, 2008

VIA FEDEX

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



Re: Hydrogen Energy California Application for Certification
Application for Confidential Designation—Cultural Records Technical Report

Dear Ms. Jones:

Hydrogen Energy International LLC (HEI or "Applicant") is the owner of the proposed Hydrogen Energy California project – an integrated gasification combined cycle (IGCC) power generating facility to be located in Kern County, California (HECA or the "Project"). In support of the Application for Certification (AFC) for the Project, Applicant's consultant, URS Corporation, performed a Class III intensive cultural resources inventory of approximately 348 acres of land in Kern County, entitled *Confidential Cultural Resources Technical Report, Hydrogen Energy California Project, Kern County, California* (the "Technical Report"), which is enclosed. Applicant requests that the Technical Report be designated confidential pursuant to 20 CCR Section 2505.

In support of its application for confidential designation, Applicant provides the following information:

1(a). *Title, date and description of the record for which you request confidential designation.*

Confidential Cultural Resources Technical Report, Hydrogen Energy California Project, Kern County, California, July 2008, prepared by URS Corporation.

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1(b). Specify the part(s) of the record for which you request confidential designation.

Applicant requests confidential designation for the entire Technical Report.

2. State and justify the length of time the Commission should keep the record confidential.

The Technical Report should be kept confidential indefinitely to protect potential cultural resources sites. If the descriptions of the locations of the sites are released to the public domain, there is a risk of looting.

3(a). State the provisions of the Public Records Act or other law that allows the Commission to keep the record confidential, and explain why the provision(s) apply to the record.

The Technical Report specifically identifies site locations and areas of potential cultural significance. It is thus protected under Government Code Sections 6254 (e) and 6254(k). Protection provided is analogous to that given to Native American sacred places under Section 6254 (r) of the Government Code.

3(b). Discuss the public interest in nondisclosure of the record. If the record contains trade secrets or its disclosure would otherwise cause loss of a competitive advantage, please also state how it would be lost, the value of the information to the applicant, and the cost or difficulty with which the information could be legitimately acquired or duplicated by others.

The public interest will be served by nondisclosure by preventing looting of the cultural resource sites described in the Technical Report. Such looting would preclude scientific study of the sites to obtain data about the cultural resource areas.

4. State whether the record may be disclosed if it is aggregated with other information or masked to conceal certain portions (including but not limited to the identity of the applicant). State the degree of aggregation or masking required. If the data cannot be disclosed even if aggregated or masked, explain why.



Applicant believes the California Energy Commission staff can incorporate a generalized summary of the information contained in the Technical Report to properly state the basis for its analysis without disclosing information specific enough to facilitate looting.

5. *State how the record is kept confidential by the applicant and whether it has ever been disclosed to a person other than an employee of the applicant. If it has, explain the circumstances under which disclosure occurred.*

HEI has not disclosed any of the subject confidential information to anyone other than its employees, attorneys, and consultants working on the AFC for the Project, and the property owner. Moreover, this information has not been disclosed to persons employed by or working for HEI except on a "need-to-know" basis. HEI has marked this information "confidential" and has instituted a policy that it be segregated from other Project files.

I have been authorized to make this application and certification on behalf of HEI. 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,

Gregory Skannal
HSSE Manager

Enclosure