

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512

June 30, 2009

DOCKET
08-AFC-8DATE June 30 2009RECD. June 30 2009Dale Shileikis
URS Corporation
221 Main Street Suite 600
San Francisco, CA 94105

RE: **Archaeological Resources Application for Confidentiality,
Hydrogen Energy International, LLC,
Docket No. 08-AFC-8**

Dear Mr. Shileikis:

On June 1, 2009, Hydrogen Energy International, LLC, filed an application for confidentiality on behalf of the Hydrogen Energy California (HECA) project (Docket No. 08-AFC-8). The application seeks confidentiality for the Archaeological Reconnaissance Technical Report (hereinafter referred to as "the Report"). HECA states that the Report:

. . . specifically identifies site locations and areas of potential archaeological resource sites. If the descriptions of the locations of the sites are released to the public domain, there is a risk of looting. . . . The public interest will be served by nondisclosure by preventing looting of the archaeological resource sites described in the Technical Report.

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 archaeological resources, such as the information that you have submitted in the Report, is expressly in the public interest.

Therefore, HECA's June 1, 2009, confidentiality application for the Archaeological Technical Report is granted in its entirety. The Report will be kept confidential for an indefinite period.

Any subsequent submittals related to archaeological 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

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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,

Melissa Jones
Executive Director

cc: Docket Unit
Energy Commission Project Manager