

August 2, 2007

Deborah A. Deal Blackwell
Project Manager
Vice President Development
Hyperion Power Generation, Inc.
Purple Mountain Ventures, Inc.
369 Montezuma Avenue, Suite 508
Santa Fe, New Mexico 87501

SUBJECT: NRC REQUEST FOR ADDITIONAL INFORMATION TO CONSIDER HYPERION
POWER GENERATION REQUEST FOR WITHHOLDING INFORMATION FROM
PUBLIC DISCLOSURE

Dear Ms. Blackwell:

By your affidavit dated July 26, 2007, you requested that the information contained in the following document be withheld from public disclosure pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR), Part 2, Section 2.390:

1. Proprietary descriptive SOW
2. Proprietary outline SOW
3. Proprietary Work Plan

Section 2.390(b)(1)(iii) of 10 CFR Part 2 of the Commission's regulations requires that each supporting affidavit contain a full statement of the reasons on the basis of which it is claimed that the information should be withheld from public disclosure. The section further requires the statement to "address with specificity" the considerations listed in 10 CFR 2.390(a)(4).

Your affidavit has been reviewed in light of the aforementioned paragraphs of the regulations and has been found to be deficient in the following areas:

- The affidavit does not:
 - o indicate that this specific information has been held in secret by your company,
 - o indicate that this type of information is customarily held in secret by your company, or
 - o confirm that the information is not already available via public sources.
- Regarding the information contained in the enclosures, the affidavit does not make the case that this information was generated by a non-trivial effort. For example, if this information is the result of a concerted and significant effort to prioritize a much larger list of potential issues, and reduce that list down to a manageable amount of contract work, then the

release of that information would result in competitive harm. However, if the information was generated via more simple means using an insignificant amount of resources, its release would not result in competitive harm. Note that this distinction can not be judged by the NRC in this case, because the information presented in the three enclosures referenced above is at a very high level, rather than at an engineering level.

Accordingly, consideration should be given to supplementing the present record with additional factual information. If such action is taken it is suggested that you furnish specific factual information for your application indicating:

1. your company's practices regarding the protection of this type of information, as well as the protection of these specific documents,
2. that this information is not available via public sources, and
3. that this information is the result of a non-trivial effort to identify the pertinent issues that need to be addressed.

In summary, we have determined that your affidavit is not in conformance with 10 CFR 2.390(b) of the Commission's regulations inasmuch as it fails to address the considerations of paragraph (b)(4) with sufficient specificity to enable us to make the required determination under 10 CFR 2.390(b). Consequently, we are unable to conclude at this time that the information referenced in the affidavit is proprietary.

In accordance with 10 CFR 2.390(c), the information sought to be withheld will be placed in the Commission's Public Document Room 30 days after your receipt of this letter unless you either seek to withdraw the information requested to be withheld or provide the Nuclear Regulatory Commission with an amended affidavit meeting the requirements of 10 CFR 2.390(b). If you request that the information be withdrawn, your request will be considered in light of applicable statutes and regulations and a determination made whether the documents will be withheld from public disclosure and returned to you.

If you elect to augment the information in the affidavit, and you still wish to discuss this information at the August 22, 2007 meeting, we need to receive the additional information no later than August 6, 2007. This quick turnaround is required so that we can make the proprietary information determination and issue the public meeting notice for the August 22, 2007 meeting ten days ahead of the meeting. You are reminded that the information discussed during those closed sessions must be substantively similar to the information provided in your July 26, 2007 submittal. Please also note that in the future, the document markings that indicate that the document should be withheld from public disclosure pursuant to 10 CFR 2.390 should appear at the top of the document.

D. Blackwell

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If you have any questions regarding this matter, I may be reached at 301-415-7558.

Sincerely,

/RA/

Donald Helton, Reactor Systems Engineer
New and Advanced Reactors Branch
New Reactors and Computational Analysis
Division of Risk Assessment and Special Projects
Office of Nuclear Regulatory Research

Project No. 758

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Sincerely,

/RA/

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Publicly Available? (Y or N) Y DATE OF RELEASE TO PUBLIC 8/9/07 SENSITIVE? N

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