

August 6, 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 DENIAL OF 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 documents 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

The affidavit stated that the submitted information should be considered exempt from mandatory public disclosure for the following reasons:

- The documents include patentable ideas and trade secrets, and commercial and financial information.
- Release of this information would cause competitive harm by allowing a competitor to unfairly reduce their expenditures to produce a competitive product.

We reviewed your application and all supporting information in accordance with 10 CFR 2.390 and concluded that you have not provided sufficient justification for us to determine that the information sought to be withheld from public disclosure contains proprietary, or confidential commercial or financial information. By letter dated August 2, 2007, we notified you that we could not make a proprietary information determination based on the originally submitted affidavit, and needed you to supply additional supporting information.

Based on our correspondence on August 3, 2007, it is our understanding that you do not plan on providing the requested additional information and that you understand that the documents submitted via your July 26, 2007 affidavit will be made publicly available. As a result, your request to withhold these documents from public disclosure is denied.

Accordingly, the documents in question will be placed in the NRC's Public Document Room on August 13, 2007. This release date was selected to give you "reasonable" forewarning, as called for in the regulations, while still supporting the public's access to this information prior to the planned August 22, 2007 meeting. If prior to August 13, 2007 you request withdrawal of the documents in accordance with 10 CFR 2.390(c), your request will be considered in light of applicable statutes and regulations and a determination made whether the document will be withheld from public disclosure and returned to you.

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

Sincerely,

IRA/

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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/RA/

Donald Helton, Reactor Systems Engineer
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Division of Risk Assessment and Special Projects
Office of Nuclear Regulatory Research

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Publicly Available? (Y or N) Y DATE OF RELEASE TO PUBLIC 8/13/07 SENSITIVE? N

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