

## STATEMENT OF CONSIDERATIONS

REQUEST BY INVENTOR FOR THE WAIVER OF DOMESTIC AND FOREIGN RIGHTS TO AN IDENTIFIED INVENTION ENTITLED "ATMOSPHERIC TEMPERATURE DIFFERENTIAL POWER GENERATOR" DEVELOPED UNDER DOE CONTRACT NO. DE-AT(29-1)-789; DOE INVENTION DISCLOSURE NO. S-43,860; DOE WAIVER NO. W(I) 2008-004.

The Petitioner, Anthony J. Russo (Inventor), has requested a waiver of the Government's domestic and foreign patent rights in a subject invention entitled "Atmospheric Temperature Differential Power Generator." The invention was conceived by the Inventor while an employee of the Sandia Corporation (Sandia). Sandia is the M&O contractor for the Sandia National Laboratories (SNL), a government-owned, contractor-operated (GOCO) facility, subject to DOE contract number DE-AT(29-1)-789 at the time the invention was made.

The subject invention relates to the natural temperature differential between high and low altitudes. The invention utilizes a reservoir of condensable lighter than air vapor connected to an insulated pipe which runs to a condenser at a higher altitude. Condensed fluid is sent down another pipe to a turbine which generates electricity. SNL, in writing, supports the Inventor's request for title of this invention.

This invention was conceived in 1973 when Sandia was operated by Western Electric. No further program funding for or related to this concept has been approved nor is any anticipated. No B&R Code is known. On the other hand, Petitioner shall spend his own funds to commercialize and further develop this invention should he be granted title. Petitioner will also expend such sums as may be required to obtain and maintain the necessary patent protection as well as provide incentive for commercial development of the invention.

This technology is not export controlled. Furthermore, the technology does not apply to the Naval Nuclear Propulsion Program or to the nuclear weapons programs or other nuclear or atomic energy defense activities of DOE.


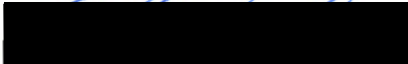
Petitioner has agreed to abide by 35 U.S.C. §§ 202, 203 and 204. Petitioner (Inventor), as part of this petition, has agreed to the provisions of the U.S. Competitiveness Clause, which reads as follows: "The Petitioner agrees that any product embodying any waived invention or produced through the use of any waived invention will be manufactured substantially in the United States, unless Petitioner can show to the satisfaction of DOE that it is not commercially feasible to do so. In the event DOE agrees to foreign manufacture, there will be a requirement that the Government's support of the technology be recognized in some appropriate manner, e.g., recoupment of Government investment, etc." Furthermore, Petitioner has agreed to make this condition binding on any assignee

or licensee. Petitioner will also abide by the Export Control laws and will require its licensees, if any, to do the same.

Granting the waiver is the only way to promote development and prompt commercial utilization of this invention. The Petitioner, Anthony Russo, is a retired employee of Sandia National Laboratories and is committed to develop and market this technology. A utility company has indicated potential interest. The Petitioner has considerable experience in this technology field, including one patent and multiple scientific papers. The Petitioner was employed at Sandia National Laboratories as a research engineer in the field of Fluid Mechanics for 37 years. The Petitioner's interest in obtaining title and actively seeking commercialization sufficiently satisfies DOE/NNSA's technology transfer mission without the need to expend additional funds.

The pollution free power generation field is extremely well established and fast paced. Advances in this technological field can become obsolete within months. Based on this, it is not foreseen that the grant of this specific waiver would in any way cause a decrease in competition, cause an undesirable market concentration, nor place Petitioner in a dominant market position.

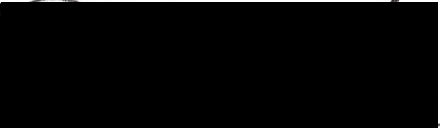
As such, upon evaluation of the Waiver Petition and in view of the objectives and considerations set forth in 10 CFR 784, all of which have been considered, it is recommended that the requested waiver be granted.

Arthur N Trausch  
Patent Attorney, NNSA

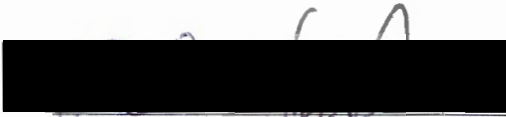
Based on the foregoing Statement of Considerations and the representations of the attached Waiver Petition, it is determined that the interests of the United States and the general public will best be served by a waiver of patent rights of the scope described above and, therefore, the waiver is granted.

CONCURRENCE:

  
Douglas Kaempf  
Program Manager, Industrial Technologies,  
Office of Energy Efficiency and Renewable  
Energy  
Department of Energy

Date: 6/24/08

APPROVAL:

  
Paul A. Gottlieb  
Assistant General Counsel  
For Technology Transfer and  
Intellectual Property (GC-62)

Date: 7/15/08