

December 23, 2004

MEMORANDUM TO: Michael T. Lesar, Chief  
Rules and Directives Branch  
Division of Administrative Services  
Office of Administration

FROM: Scott Moore, Chief */RA/*  
Rulemaking and Guidance Branch  
Division of Industrial and  
Medical Nuclear Safety, NMSS

SUBJECT: IMPLEMENTATION OF DECEMBER 2, 2004, SRM: DENIAL OF  
PETITION: PRM-40-28

On December 2, 2004, the Commission approved the denial of a petition for rulemaking (PRM-40-28) submitted by Mr. Donald A. Barbour, Philotechnics as set out in SECY-04-0194. The changes to meet the requirements of the Staff Requirements Memorandum have been made.

Please implement the Commission's action by arranging for publication of the attached denial of petition for rulemaking in the *Federal Register*.

Attached is letter of denial to the petitioner and the Congressional Letter package for transmittal to the Office of Congressional Affairs.

SECY and ADM/DAS/RDB have been given owner's rights in ADAMS for the FRN and letter to the petitioner. OCA and ADM/DAS/RDB have been given owner's rights for the Congressional letters.

Please note that the regulatory issue summary discussed in SECY-01-0194 will be issued as a separate document at a later date.

Attachments:

1. Federal Register Notice of Petition Denial  
+ 2 Copies and Diskette, Accession ML043580368
2. Letter to Petitioner, Accession ML043580378
3. Congressional Letters, Accession ML043580404

CONTACT: Gary Comfort, NMSS/IMNS  
(301) 415-8106

December 23, 2004

MEMORANDUM TO: Michael T. Lesar, Chief  
Rules and Directives Branch  
Division of Administrative Services  
Office of Administration

FROM: Scott Moore, Chief */RA/*  
Rulemaking and Guidance Branch  
Division of Industrial and  
Medical Nuclear Safety, NMSS

SUBJECT: IMPLEMENTATION OF DECEMBER 2, 2004, SRM: DENIAL OF  
PETITION: PRM-40-28

On December 2, 2004, the Commission approved the denial of a petition for rulemaking (PRM-40-28) submitted by Mr. Donald A. Barbour, Philotechnics as set out in SECY-04-0194. The changes to meet the requirements of the Staff Requirements Memorandum have been made.

Please implement the Commission's action by arranging for publication of the attached denial of petition for rulemaking in the *Federal Register*.

Attached is letter of denial to the petitioner and the Congressional Letter package for transmittal to the Office of Congressional Affairs.

SECY and ADM/DAS/RDB have been given owner's rights in ADAMS for the FRN and letter to the petitioner. OCA and ADM/DAS/RDB have been given owner's rights for the Congressional letters.

Please note that the regulatory issue summary discussed in SECY-01-0194 will be issued as a separate document at a later date.

Attachments:

1. Federal Register Notice of Petition Denial  
+ 2 Copies and Diskette, Accession ML043580368
2. Letter to Petitioner, Accession ML043580378
3. Congressional Letters, Accession ML043580404

CONTACT: Gary Comfort, NMSS/IMNS  
(301) 415-8106

Distribution:

RGordon R/F	PShea, EDO	
MVirgilio	NMSS R/F	CGallagher (memo only)
SGagner OPA (memo only)		

**ML043580336**

<b>OFFICE:</b>	RGB:IMNS		RGB:IMNS		RGB:IMNS		
<b>NAME:</b>	GComfort		CAbrams		SMoore		
<b>DATE:</b>	12/23/04		12/23/04		12/23/04		

OFFICIAL RECORD COPY