

NOTICE OF DENIAL OF A PETITION FOR RULEMAKING SIGNED BY EDO

OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS

Notice of Denial of Petition for Rulemaking Signed by EDO

On August 18, 2006, the Executive Director for Operations (EDO) denied a petition for rulemaking (PRM) submitted by Terrence O. Hee, of Ion Technology. The petitioner requested that the U.S. Nuclear Regulatory Commission (NRC) amend its regulations regarding unimportant quantities of source material to exempt end users of a catalytic device containing thorium from the NRC's licensing requirements.

The petition was docketed as PRM-40-29. The petition was published in the *Federal Register* on October 15, 2003 (68 FR 59346), requesting comment for a 75-day period. NRC did not receive any comments on the petition.

The NRC denied the petition because the petitioner did not submit information of sufficient scope and depth for NRC to determine the adequacy of this product to be distributed to persons exempt from licensing and regulatory requirements. NRC could not ensure that the public health and safety, and the environment, would be protected based on the information submitted in support of the petition.

This notice informs the Commission that, in accordance with the rulemaking authority delegated to the EDO, the EDO has signed the *Federal Register* notice denying the petition and proposes to forward it on August 25, 2006, to the Office of the *Federal Register* for publication, unless otherwise directed by the Commission.

The petition denial can be found in ADAMS at ML062010412.