

Mr. Donald A. Barbour
Philotechnics
P.O. Box 4489
Oak Ridge, TN 37831-4489

Dear Mr. Barbour:

I am responding to the petition for rulemaking dated August 30, 1999, and supplemented by letters dated April 5, 2000, and February 14, 2001, that you submitted to the U.S. Nuclear Regulatory Commission (NRC). Your petition was docketed as PRM-40-28 and requested that NRC amend its regulations to provide additional rules for the effective control of depleted uranium aircraft counterweights. You stated that this regulatory clarification should address a number of issues concerning the exemption, storage, and disposal of these devices.

The notice of receipt of the petition was published in the Federal Register on January 21, 2000 (65 FR 3394). The comment period closed on April 5, 2000. Two comment letters were received, including one from yourself.

The NRC has considered the petition and your supporting rationale. For the reasons provided in the enclosed *Federal Register* notice, your petition is denied. In summary, the petition is being denied because we have determined that the current NRC regulations provide adequate clarity and appear to already accomplish what you request. The NRC believes that further clarifying the regulations for aircraft counterweights per your request can be more efficiently accomplished through the issuance of a Regulatory Issue Summary (RIS), rather than through rulemaking. A copy of the RIS will be provided to you when it is finalized.

The *Federal Register* notice denying the petition is being transmitted to the Office of the Federal Register for publication.

Sincerely,

Luis A. Reyes
Executive Director
for Operations

Enclosure: *Federal Register* Notice Denying Petition

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*see previous concurrence

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