

August 23, 2012

Ms. Annette User
5951 Clearwater Drive
Minnetonka, MN 55343

Dear Ms. User:

I am responding to the petition for rulemaking (PRM) dated April 18, 2011 (U.S. Nuclear Regulatory Commission's (NRC) Agencywide Documents Access and Management System (ADAMS) Accession No. ML120250133), that you submitted to the NRC on behalf of GE Osmonics, Inc. (GE). Your petition was docketed as PRM-30-65, and requests that the NRC amend its regulations regarding the commercial distribution of byproduct material to allow recipients of exempt quantities of polymer (polycarbonate or polyester) track etch (PCTE) membranes that have been irradiated with mixed fission products to commercially redistribute the material without a license. The notice of receipt of the petition was published in the *Federal Register* on June 22, 2011 (76 FR 36386). The comment period closed on September 6, 2011. One comment letter, which opposed the petition, was received.

The NRC has considered the petition and your supporting rationale. For the reasons provided in the enclosed *Federal Register* notice, the NRC has determined that the issue raised in your petition merits consideration in the rulemaking process. The NRC will consider this issue as part of a future rulemaking. However, due to current resource constraints, the NRC will not be able to give the rulemaking a high priority but will strive to complete it as resources are available.

The *Federal Register* notice regarding the petition is being transmitted to the Office of the Federal Register for publication. The NRC tracks all rulemaking actions on its Web site at <http://www.nrc.gov/reading-rm/doc-collections/rulemaking-ruleforum/> and on the Federal rulemaking Web site, <http://www.regulations.gov>. The Regulations.gov Web site allows users to receive notifications when documents are added to a docket. To monitor further NRC action on the issue raised in PRM-30-65, register for notification under docket ID NRC-2011-0134. In addition, the NRC publishes a Unified Agenda which is a semiannual compilation of all rules on which the NRC has recently completed action, has proposed action, or is considering action.

A. User

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The Unified Agenda may be found on the NRC's rulemaking web site at <http://www.nrc.gov/about-nrc/regulatory/rulemaking.html>. As in all rulemakings, the NRC will solicit and consider public comments during the proposed rule phase of the rulemaking before determining the approach that will be the basis for the final rule.

Sincerely,

/RA/

R. W. Borchardt
Executive Director
for Operations

Enclosure:
Federal Register notice

A. User

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Enclosure:
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