DOCKET NUMBER
PROPOSED RULE PR 34, 36 & 39
(65 FR 63753)

(1)

Department of Energy
Germantown, MD 20874-1290

DOCKETED
USNRC

NOV 3 2000

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MEMORANDUM FOR RULEMAKING AND ADJUDICATIONS STAFF
OFFICE OF THE SECRETARY
U.S. NUCLEAR REGULATORY COMMISSION

FROM: JOSEPH E. FITZGERALD, JR.
DEPUTY ASSISTANT SECRETARY
SAFETY AND HEALTH

SUBJECT: COMMENTS - TITLE 10 OF THE CODE OF FEDERAL REGULATIONS, PARTS 34, 36, AND 39, NEW DOSIMETRY TECHNOLOGY - FINAL RULE AND PROPOSED RULE

This is in response to the Nuclear Regulatory Commission's (NRC) notification in the *Federal Register* on October 24, 2000, of their intent to amend regulations that govern radiological safety to allow licensees to use any type of personnel dosimeter that requires processing to determine the radiation dose.

The Commission is to be commended for their foresight in allowing the adoption of new technologies that can improve the determination of dose to monitored individuals. However, the proposed revisions maintain the current requirement that the processor of the dosimeter be accredited to process this type of dosimeter under the National Voluntary Laboratory Accreditation Program (NVLAP), which is operated by the National Institute of Standards and Technology. The Department of Energy (DOE) maintains a similar but more comprehensive Department of Energy Laboratory Accreditation Program (DOELAP). While these programs are very similar in their testing procedures and onsite assessments, DOELAP is more stringent in their tolerance levels (0.3 for DOELAP versus 0.4 for NVLAP) and includes more categories. With the advent of the revision to American National Standards Institute N13.11, *Personnel Dosimetry Performance – Criteria for Testing*, it is anticipated that both the DOELAP and the NVLAP programs will adopt identical criteria in the near future.

Situations have arisen where a DOE national laboratory, accredited by DOELAP, sought to provide dosimetry services to an NRC licensee. However, to do so, the laboratory had to seek an additional accreditation through NVLAP to comply with the NRC regulations in effect. This duplicative requirement was neither cost effective (NVLAP accreditation fees can range upward of $10,000) nor did it provide any additional assurance of quality in the provided service. It is therefore requested that the proposed revisions to parts 34, 36, and 39 (along with any upcoming changes to part 20) allow processors to be accredited by either NVLAP or DOELAP.

If you have any questions about this matter, please contact Mr. Robert Loesch, DOELAP Program Manager, Office of Worker Protection Policy and Programs, on 301-903-4443 or robert.loesch@eh.doe.gov.

cc: Betty Ann Torres
Office of Nuclear Material Safety
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Template = SECY-067

SECY-02.