**UNITED STATES**
**NUCLEAR REGULATORY COMMISSION**
**WASHINGTON, D.C. 20555-0001**

February 5, 2019

Dr. Arny Bereson, Executive Director
American Society for Nondestructive Testing
P.O. Box 28518
Columbus, OH 43228-0518

Dear Dr. Bereson:

I am responding to the petition for rulemaking (PRM) you submitted to the U.S. Nuclear Regulatory Commission (NRC) on July 14, 2016 (the NRC's Agencywide Documents Access and Management System [ADAMS] Accession No. ML16228A045). The PRM requests the NRC to amend its regulations in Part 34, "Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations," of Title 10 of the *Code of Federal Regulations* (10 CFR), and 10 CFR Part 20, "Standards for Protection against Radiation," and associated guidance, as appropriate, to authorize the use of improved individual monitoring devices for industrial radiographic personnel. The NRC docketed the PRM on August 12, 2016, under Docket Number PRM-34-7.

The NRC published a notice of docketing in the *Federal Register* on November 9, 2016 (81 FR 78732). In the notice of docketing, the NRC requested public comment and supporting rationale in three specific areas: 1) how the use of dual-function devices could achieve the current safety purpose of using independent devices; 2) whether changes similar to those proposed in the petition should be applied to other radiation protection regulatory requirements, such as those in 10 CFR Parts 36 and 39; and 3) what experiences or challenges users have encountered in the use of digital output personnel dosimeters. The NRC received 13 public comments on your petition and has addressed the comments in the enclosed *Federal Register* notice (FRN).

The NRC has reviewed your petition and the public comments. For the reasons provided in the enclosed FRN, the NRC will consider in a future rulemaking your request to amend the NRC's regulations to allow the use of digital output personnel dosimetry. However, the NRC is denying your request to amend 10 CFR Part 34 to allow the use of dual-function electronic alarming dosimeters because the NRC has determined that such devices may currently be used to meet the requirements in 10 CFR Part 34, as described in Regulatory Issue Summary 2017-06, "NRC Policy on Use of Combination Dosimetry Devices during Industrial Radiographic Operations" (ADAMS Accession No. ML16137A077), issued on September 19, 2017. Hence, rulemaking is not necessary to address this portion of your request.

Public comments and supporting materials related to this petition can be found at http://www.regulations.gov by searching on the petition Docket ID NRC-2016-0182 or the future rulemaking Docket ID NRC-2019-0031. The NRC tracks the status of all PRMs on its Web sites at http://www.nrc.gov/reading-rm/doc-collections/rulemaking-ruleforum/petitions-by-year.html and https://www.nrc.gov/about-nrc/regulatory/rulemaking/rules-petitions.html.

The docket for this petition is closed. You may direct any questions regarding this matter to Edward M. Lohr at 301-415-0253, or by e-mailing Edward.Lohr@nrc.gov.

Sincerely,

***/RA/***

Annette L. Vietti-Cook
Secretary of the Commission

Enclosure:
*Federal Register* notice

LETTER TO PETITIONER FOR RULEMAKING ON INDIVIDUAL MONITORING DEVICES FOR INDUSTRIAL RADIOGRAPHIC PERSONNEL (PRM 34-7; NRC-2016-0182) Dated February 5, 2019.

**DISTRIBUTION**:
Docket No. PRM-34-7
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**ADAMS Accession Nos.: Pkg – ML19024A477; Ltr – ML19024A490 *via email**

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