



DOCKET NUMBER

PETITION RULE PRM 31-4 (3)

(53 FR 2853)

DOCKETED  
IN

88 MAR 24 P5:47

STATE OF ILLINOIS  
DEPARTMENT OF NUCLEAR SAFETY1035 OUTER PARK DRIVE  
SPRINGFIELD 62704  
(217) 785-9900DOCKETING & SERVICE  
BRANCHTERRY R. LASH  
DIRECTOR

March 21, 1988

Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Attention: Docketing and Service Branch

Re: Petition for Rulemaking, "In-Vitro General License," PRM-31-4  
10 CFR Part 31.11 (53 Fed. Reg. 2853; February 2, 1988)

Dear Sir:

The Illinois Department of Nuclear Safety submits herewith its comments on the above-identified petition for rulemaking. The petition asks that phosphorous-32 be included in the in-vitro general license granted under 10 CFR 31.11(a). The Department is generally in favor of granting a general license for such tests.

The Salmonella and Listeria detection tests discussed in the petition appear to be a major advancement for safety in the food industry. These research advances should be encouraged by safety regulatory agencies whenever possible. Establishment of a general license for use of phosphorous-32 in these tests would encourage further research by making similar products and applications economically desirable.

The Department has two concerns about the petition as presented. First, the petitioner should be aware that the inclusion of 100  $\mu$ Ci of phosphorous-32 in 10 CFR 31.11(a) would not redefine this amount as an exempt quantity. Neither would an applicant for such general license be exempt from licensure, although the general license would represent a significant reduction in the "paperwork burden" for both the licensee and the regulatory agency. Also, in Illinois and several other Agreement States, a nominal fee is charged for this particular type of general license.

DS 1110  
add: David L. Miller 4000 10/15/88  
8803310250 880321  
PDR: PRM  
31-04 DCD

Acknowledged by card

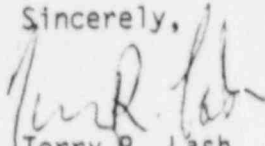
MAR 29 1988

Secretary of the Commission  
Page 2  
March 21, 1988

Second, the Department recommends that the general license for this application be listed separately from the general license granted in 10 CFR 31.11(a). The current general license for in-vitro use of radioactive material is directed at hospitals and clinical laboratories. Inclusion of phosphorous-32, as petitioned, would permit food laboratories to also possess the other radioactive materials listed in 10 CFR 31.11(a). This was not the intent of the original regulation or of the petition.

If you have any questions about these comments, do not hesitate to contact Paul Eastvold, Manager, Office of Radiation Safety, at (217) 785-9918.

Sincerely,



Terry R. Lash  
Director

TRL:gs