



NATIONAL AUTOMOBILE DEALERS ASSOCIATION  
8400 Westpark Drive • McLean, Virginia 22102  
703/821-7040 • 703/821-7041

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Legal & Regulatory Group

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October 7, 1999

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Secretary Annette Vietti-Cook  
Attention: Rulemakings and Adjudications Staff  
U.S. Nuclear Regulatory Commission (NRC)  
Washington, D.C. 20555-0001

DOCKET NUMBER  
PROPOSED RULE PR 30, 31, 32, 170+171  
(64FR40295)

Re: Requirements for Certain Generally Licensed Industrial  
Devices Containing Byproduct Material; 10 CFR Parts 30,  
31, 32, 170, and 171

Ms. Vietti-Cook:

The National Automobile Dealers Association (NADA) represents 20,000 franchised automobile and truck dealers who sell new and used motor vehicles and engage in service, repair and parts sales. Together they employ in excess of 1,000,000 people nationwide, yet more than 80% are small businesses as defined by the Small Business Administration.

Last summer, the NRC solicited comments on a proposal to amend its regulations governing the use of byproduct material in certain measuring, gauging, or controlling devices. 64 Fed. Reg. 40295, *et seq.* (July 26, 1999). Since some dealers apparently use certain devices containing byproduct material in their facilities (e.g., self-luminous exit signs and spray gun static eliminators), NADA offers the following comments.

Between 1984 and 1986, the NRC sampled a number of general licensees to assess the effectiveness of the general license program. This sampling revealed several concerns. In particular, the NRC has concluded that some general licensees are:

- Unaware of the rules that apply to the possession of generally licensed devices.
- Unable to account for their devices.

To remedy these concerns, the NRC should require specific licensees to undertake increased outreach efforts aimed at making general licensees better aware of their regulatory responsibilities. This can best be done using simple, straightforward, device-specific fact sheets. Requiring specific licensees to distribute copies of the NRC's regulations is of little value to small business general licensees who lack the expertise to interpret rules or who, for a variety of reasons, may be unaware of the devices they use. The NRC also should endeavor to outreach to general licensees by working with and through industry trade associations and trade press.

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It is unclear whether any of the devices (e.g., exit signs, static eliminators, or thickness gages) potentially used at dealerships would make them subject to the proposal's physical inventory, annual registration, and/or fee requirements. Surely such requirements would be excessive given the nature of these devices and their use. On the other hand, additional specific licensee requirements designed to ensure that their customers receive adequate, life-of-product information on the proper use and disposal (or transfer) of these devices, would be consistent with accepted product stewardship best practices.

The NRC recently also issued a final rule providing for the occasional solicitation of information from general licensees, when such information cannot be obtained from or by specific licensees. 64 Fed. Reg. 42269, *et seq.* (August 4, 1999). With respect to small business general licensees (as with any government paperwork requirement), these solicitations should be conducted only when absolutely necessary.

On behalf of NADA, I thank the NRC for the opportunity to comment on this matter.

Respectfully submitted,



Douglas I. Greenhaus

Director, Environment, Health and Safety