

From: <ESPAXE69@aol.com>  
To: <NRCREP@nrc.gov>  
Date: Tue, Jan 17, 2006 7:42 PM  
Subject: Re; Subject: NRC Seeks Public Comment on Radiation Source Protection and Security

My comments regard replacing the radioactive sources (where plausible) for equipment used in the construction field, primarily due to the incessant probabilities of damage due to user negligence or accidents involving vehicle fires, with non-nuclear or low emitting sources. Nuclear anything is serious business, especially when humans are involved.

1/11/06  
71 FR 1776

All too often, as a part of our radiation safety program, we see examples of companies' HAZMAT employees that exhibit poor judgement when it comes to the safety and security of nuclear moisture/density gauges. As you know, these examples include everything from something as simple as not carrying the required transport documents on the passenger seat or in the drivers' door pocket, to actually leaving the radioactive materials unattended in or near construction areas where heavy equipment and personnel are present. Even worse, that radioactive material and its testing apparatus and/or source are compromised by that heavy equipment rolling over it and crushing it!

(2)

I propose an enhanced or perhaps sharper penalty schedule "across the board" for the violations the NRC finds itself investigating. Level III violations seem to be the "mean" among all violations. Here, I propose an increase in these fines by at least 100%, or double the initial proposed fine and confiscate the gauge (where applicable) to make companies hire more responsible individuals and to indicate the brevity of these situations. This not only includes the safety of the gauge itself, but the safety of the operator and anyone else required to be in the areas where the source is exposed. In this vein, I support background checks of individuals applying for or whom already have a job where use of reportable quantities of radioactive material is part of the job description, because an individual's criminal record or lack thereof may indicate whether that individual expresses sound judgement and is able to follow rules or not. I am aware that these measures are taken when sources of high activity levels are involved but, I feel that if they are quantities large enough to be reported and they are transported on our roads and highways with virtual impunity within their respective jurisdictions, they deserve the same level of enforcement action where gross negligence is involved. If gross negligence is present on construction sites, what makes you think it isn't present on our roads and highways?

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I realize the above paragraph includes both NRC and DOT jurisdictions, and that the former's policies are more stringent than the latter's, but I think the two entities should work more closely together to enforce not only safe operation of nuclear gauges in the field, but also safe vehicle operation while in possession of nuclear sources. This could be accomplished by DOT officers making traffic stops of vehicles, wearing DOT numbers issued by the NRC, that are operated in an unsafe manner on all roads and highways. The ticket bearing the number issued by the NRC, would be sent to the NRC for further enforcement action over and above any moving violation incurred by the driver of the said vehicle. This might also carry a significant penalty on the drivers' operators' license such as additional points or revocation for a period of time, depending on the individual's driving record and the severity of infraction.

I propose these measures as only a stop-gap measure on the interim time

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period until such a time where there is a high proliferation of non-nuclear field testing equipment , in specific, nuclear moisture/density gauges. To ultimately reduce theft and damage or the likelihood thereof, I finally propose that where possible, all Federal agencies relevant to these issues take measures to inspire research and development of non-nuclear construction testing devices. I'm not familiar with how the Government might go about doing this, and what time frames may be involved, but the sooner the better. Because, the embarrassment of fines levied that are printed for all to see simply isn't enough for companies to take very seriously the rules set forth by the NRC.

The ultimate goal of my suggestions are only to reduce or possibly eliminate the need to use radioactive materials in reportable quantities by individuals who may exhibit poor judgement, resulting in public safety issues as well as fines for companies licensed to transport these materials, thus reducing the need for NRC enforcement, and in turn reducing the size of our Federal Government, thus reducing my taxes !

Thank you,

Marshall Tincher

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