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Governor

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Lieutenant Governor

The Commonwealth of Massachusetts

Executive Office of Health and Human Services
Department of Public Health
Bureau of Climate and Environmental Health
Division of Radiation Control
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KATHLEEN E. WALSH
Secretary

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June 2024

Dear Out-of-State Licensee:

Out-of-State Licensees (hereafter, "licensees") seeking to conduct activities under reciprocity in Massachusetts in a calendar year must submit Agency Form MDRC 120.100-6, "Report of Proposed Activities in Massachusetts Under Reciprocity," a copy of the Out-of-State specific license; and an annual fee as determined by the Executive Office for Administration and Finance. **The Agency must receive this filing at least 3 days before the licensee engages in activities permitted under the general license established in 105 CMR 120.190 (Enclosure 1).** This general license authorizes persons holding a specific license from the U.S. Nuclear Regulatory Commission or an Agreement State to conduct the same activity in Agency jurisdiction if the specific license issued by the Out-of-State licensing authority does not limit the authorized activity to specified locations or facilities. Subsequent to the initial filing in each calendar year, a fee and a copy of the Out-of-State specific license are not required, provided the Agency has already received the fee in its entirety and has the most recent license, including all amendments to date, on file.

A licensee operating under reciprocity pursuant to 105 CMR 120.190 will receive an Agency certificate for the calendar year for performing activities requested on its initial Agency Form MDRC 120.100-6. If, in processing a licensee's Agency Form MDRC 120.100-6, the Agency determines that the Agency Form MDRC 120.100-6 contains omissions or errors, the staff will contact the licensee in an attempt to obtain the correct information. If the discrepancies cannot be resolved and the licensee does not qualify for the general license, staff will inform the licensee of this determination and indicate that the licensee has not complied with the requirements of 105 CMR 120.190, and work is not to be performed in areas of Agency jurisdiction until the Agency receives the required information.

Subsequent to a licensee's receipt of an Agency certificate for the current year, additional written or verbal authorization from the Agency will not be routinely issued to the licensee, even following a licensee's provision to the Agency of one or more additional Agency Form MDRC 120.100-6 during the remaining calendar year, provided notifications are received by the Agency three days prior to a licensee starting work.

Licensees cannot perform work in areas of Agency jurisdiction without either: (a) filing Form MDRC 120.100-6 for reciprocity in accordance with 105 CMR 120.190, or; (b) applying for a specific Agency license.

Under the general license, licensees conducting reciprocity activities, including storage (usage), are limited to a total of 180 days in any calendar year. The Agency tracks reciprocity on the basis of approved usage days. The Agency will not approve any activity, under the general license, that causes the total usage days to exceed 180 days. The Agency may note, and notify the licensee, that a filing proposes reciprocity activities which approach or would exceed the 180-day limit. It is important that licensees track the days of use and clarify or delete dates of work when applicable.

Licenses who perform activities using separate Out-of-State licenses must submit separate reciprocity requests. For example, if a licensee has separate radiography and service licenses, and performs reciprocity work under both, the licensee must submit a separate Agency Form MDRC 120.100-6 with the appropriate fee for the initial filing for each license. The activities under reciprocity for each license will be limited to 180 days.

The Agency will perform inspections of activities performed in Agency jurisdiction by Out-of-State licensees operating under a general license pursuant to 105 CMR 120.190. These inspections will occur at the listed work site location(s) in Agency Form MDRC 120.100-6. **It is expected that licensees will keep the Agency informed of their activities and work site locations.**

Out-of-State licensees operating under reciprocity in areas of Agency jurisdiction must conduct activities involving radioactive materials in accordance with the conditions specified in the licensee's Out-of-State license, representations made in Agency Form MDRC 120.100-6, and other rules, regulations, and orders of the Agency, now or hereafter in effect. Failure to comply with these regulations or to conduct your radiation safety program in compliance with Agency regulations before operating under reciprocity may result in Agency enforcement action(s) against the licensee. Such actions could include the issuance of a notice of violation, the proposed imposition of a civil penalty, or an order suspending, modifying, or revoking the license as specified in Agency regulations.

During the review of enforcement actions taken against Out-of-State licensees operating under reciprocity, it was noted that some Out-of-State licensees have not always made the effort to become aware of Agency regulations. This is the licensee's obligation. The lack of awareness of Agency requirements, and applicable provisions is not an acceptable justification to preclude Agency enforcement actions. Agency regulations and Agency Form MDRC 120.750-1, "Notice to Employees", may be accessed, downloaded and printed from the following Internet location:

<http://www.mass.gov/radiation-control>

If you have any questions about the regulations or the application process, please feel free to contact my staff at (617) 624-5757.

Sincerely,

/RA/

John M. Priest, Jr., Director
Division of Radiation Control

Enclosures:

- (1) 105 CMR 120.190 "Reciprocal Recognition of Licenses"
- (2) Agency Form MDRC 120.100-6 "Report of Proposed Activities in Massachusetts Under Reciprocity"

120.190: Reciprocal Recognition of Licenses

(A) Licenses of Byproduct, Source, and Special Nuclear Material in Quantities Not Sufficient to Form a Critical Mass.

(1) Subject to 105 CMR 120.000, any person who holds a specific license from the U.S. Nuclear Regulatory Commission or an Agreement State, and issued by the Agency having jurisdiction where the licensee maintains an office for directing the licensed activity and at which radiation safety records are normally maintained, is hereby granted a general license to conduct the activities authorized in such licensing document within this State for a period not in excess of 180 days in any calendar year provided that:

(a) the licensing document does not limit the activity authorized by such document to specified installations or locations;

(b) the out-of-state licensee notifies the Agency in writing at least three days prior to engaging in such activity. Such notification shall indicate the location, period, and type of proposed possession and use within the State, and shall be accompanied by a copy of the pertinent licensing document. If, for a specific case, the three day period would impose an undue hardship on the out-of-state licensee, the licensee may, upon application to the Agency, obtain permission to proceed sooner. The Agency may waive the requirement for filing additional written notifications during the remainder of the calendar year following the receipt of the initial notification from a person engaging in activities under the general license provided in 105 CMR 120.190(A)(1);

(c) the out-of-state licensee complies with all applicable regulations of the Agency and with all the terms and conditions of the licensing document, except any such terms and conditions which may be inconsistent with applicable regulations of the Agency;

(d) the out-of-state licensee supplies such other information as the Agency may request; and

(e) the out-of-state licensee shall not transfer or dispose of radioactive material possessed or used under the general license provided in 105 CMR 120.190(A)(1) except by transfer to a person:

1. specifically licensed by the Agency or by the U.S. Nuclear Regulatory Commission to receive such material; or,

2. exempt from the requirements for a license for such material under 105 CMR 120.104(A).

(2) Notwithstanding the provisions of 105 CMR 120.190(A)(1), any person who holds a specific license issued by the U.S. Nuclear Regulatory Commission or an Agreement State authorizing the holder to manufacture, transfer, install, or service a device described in 105 CMR 120.122(D)(1) within areas subject to the jurisdiction of the licensing body is hereby granted a general license to install, transfer, demonstrate, or service such a device in this State provided that:

(a) Filing a report with the Agency (Reserved);

(b) the device has been manufactured, labeled, installed, and serviced in accordance with applicable provisions of the specific license issued to such person by the U.S. Nuclear Regulatory Commission or an Agreement State;

(c) such person shall assure that any labels required to be affixed to the device under regulations of the authority which licensed manufacture of the device bear a statement that "Removal of this label is prohibited"; and,

(d) the holder of the specific license shall furnish to each general licensee to whom he transfers such device or on whose premises he installs such device a copy of the general license contained in 105 CMR 120.122(D) or in equivalent regulations of the Agency having jurisdiction over the manufacture and distribution of the device.

(3) The Agency may withdraw, limit, or qualify its acceptance of any specific license or equivalent licensing document issued by the U.S. Nuclear Regulatory Commission or an Agreement State, or any product distributed pursuant to such licensing document, upon determining that such action is necessary in order to prevent undue hazard to public health and safety or property.

(B) Exceptions to the General License.

(1) The general license granted in 105 CMR 120.190(A) to conduct activities in the State does not include activities in areas of exclusive Federal jurisdiction within the State or offshore waters.

(2) Authorization for use of radioactive materials in areas of exclusive Federal jurisdiction within the State or offshore waters may be obtained from the U.S. Nuclear Regulatory Commission as provided for in 10 CFR 150.20.

(3) Before radioactive material can be used at a temporary job site in another State, authorization shall be obtained from the State if it is an Agreement State, or from the NRC for any non-Agreement State, either by filing for reciprocity or applying for a specific license.



REPORT OF PROPOSED ACTIVITIES IN MASSACHUSETTS UNDER RECIPROCITY

The Commonwealth of Massachusetts
Department Of Public Health
Division of Radiation Control
250 Washington St., Boston, MA 02108
Tel: 617-624-5757

This application must be received by the Agency at least **THREE (3) WORKING DAYS** prior to engaging in an activity involving the use of radioactive material unless a waiver has been granted.

☐ NEW REQUEST ☐ REVISION

<p>1. Person or firm proposing to conduct reciprocity activities described below: (A COPY OF THE SPECIFIC LICENSE MUST ACCOMPANY THIS REPORT)</p> <p>Licensee Name: _____</p> <p>Mailing Address: _____</p> <p>License Number: _____ Issuing State: _____</p> <p>Phone Number: _____ Fax Number: _____</p> <p>Contact Person: _____</p> <p>E-mail Address: _____</p>	<p>2. Personnel authorized by Licensee to perform proposed reciprocity activities:</p> <p>3. Activities to be conducted under the general license given in 105 CMR 120.190:</p> <p><input type="checkbox"/> Portable Gauges <input type="checkbox"/> Industrial Radiography <input type="checkbox"/> Lead Paint Analysis</p> <p><input type="checkbox"/> Medical <input type="checkbox"/> Leak Testing / Calibrations <input type="checkbox"/> Source Exchange</p> <p><input type="checkbox"/> Other (specify): _____</p>																		
<p>4. Description of the activities to be conducted in Massachusetts under the general license given in 105 CMR 120.190 at the locations described below:</p> 																			
<p>5. Work site locations at which these activities will be conducted and dates scheduled: <i>(list additional work sites on a separate sheet using the format below)</i></p> <p>Client Name: _____ Telephone Number: _____</p> <p>Contact: _____ E-mail Address: _____</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 30%;">Work Site Address (Detailed description if remote)</th> <th style="width: 20%;">City and Zip Code</th> <th style="width: 20%;">Start: Date and Time</th> <th style="width: 20%;">End: Date and Time</th> <th style="width: 10%;">No. of Days</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>		Work Site Address (Detailed description if remote)	City and Zip Code	Start: Date and Time	End: Date and Time	No. of Days													
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<p>6. List sealed sources or devices containing sealed sources which will be possessed, used, installed, serviced or tested in Massachusetts during reciprocity activities:</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 25%;">Manufacturer</th> <th style="width: 15%;">Model</th> <th style="width: 15%;">Serial No.</th> <th style="width: 15%;">Source Serial No.</th> <th style="width: 15%;">Isotope</th> <th style="width: 10%;">Activity (Ci)</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>		Manufacturer	Model	Serial No.	Source Serial No.	Isotope	Activity (Ci)												
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<p>7. Provide your procedure for securing and controlling licensed material when not in use:</p> 																			
<p>8. CERTIFICATION: I, the undersigned, on behalf of the licensee, hereby certify that:</p> <p>a. All information in this report is true and complete.</p> <p>b. I have read and understand the provisions of the general license 105 CMR 120.190 and I understand that I am required to comply with these provisions as to all radioactive material which I possess and use in Massachusetts under the general license for which this report is filed with the Commonwealth of Massachusetts.</p> <p>c. I understand that activities, including storage, conducted in Massachusetts under the general license 105 CMR 120.190, are limited to 180 days per calendar year.</p> <p>d. I understand that I may be inspected by the MDRC at the above listed work site locations.</p> <p>e. I understand that conduct of any activities not described above, including conduct of activities on dates or locations different from those described above or without MDRC authorization, may subject me to enforcement action, including civil or criminal penalties.</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 45%;"> <p>_____ NAME OF CERTIFYING INDIVIDUAL</p> <p>_____ TITLE OF CERTIFYING INDIVIDUAL</p> </div> <div style="width: 45%;"> <p>_____ SIGNATURE OF CERTIFYING INDIVIDUAL</p> <p>_____ DATE</p> </div> </div>																			

Send completed reports by email to DRCRadMaterials@mass.gov