



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
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Bureau of Environmental Health
Radiation Control Program
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December 5, 2014

Pamela J. Henderson, Deputy Director
Division of Material Safety, State, Tribal, and Rulemaking Programs
Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
T8-E24
Washington, D.C. 20555-0001

RE: **Proposed Regulations**

Dear Ms. Henderson:

Enclosed is copy of the revisions to the proposed Massachusetts Regulations for the Control of Radiation, 105 CMR 120.000. The proposed regulations are identified by red-in/line-out text and correspond to the following equivalent amendments to NRC's regulations. RATS-ID checklists are also included to key you to the specific State subsections revised.

| <u>Rats ID</u> | <u>Title</u> | <u>State Section</u> |
|----------------|--|-------------------------------|
| • 2011-2 | Licenses, Certifications, and Approvals for Materials Licensees | 120.100; 120.600; and 120.900 |
| • 2012-2 | Advance Notification to Native American Tribes of Transportation of Certain Types of Nuclear Waste | 120.770 |
| • 2012-3 | Technical Corrections | 120.100; 120.300; and 120.770 |
| • 2007-2 & 3 | Specific to NRC Comment 1 included in NRC letter dated March 6, 2014 | 120.100 |
| • 2004-1 | Specific to NRC Comments 2 & 3 included in NRC letter dated March 6, 2014 | 120.770 |

Additionally, we identified that during previous implementation and resultant publication of final regulations, related to RATS ID 2007-3, that our general license equivalent to 10 CFR 31.7, *Luminous safety devices for use in aircraft*, compatibility B, that had previously been approved by NRC upon Massachusetts becoming an Agreement State, had mistakenly been deleted from our regulations when its subsection, 105 CMR 120.122(E), was overwritten by unrelated general license, *General License for Certain Items and Self-Luminous Products Containing Radium-226*. These proposed regulations include reintroduction of the general license, *Luminous Safety Devices for Aircraft* as 105 CMR 120.122(B), also changing 105 CMR 120.128(E) to make correct reference to 120.122(B), using same language as had previously been approved by NRC upon Massachusetts becoming an Agreement State.

We believe that adoption of these revisions satisfies the compatibility and health and safety categories established in the Office of Federal and State Materials and Environmental Programs (FSME) Procedure SA-200.

If you have any questions, please feel free to contact me at 617-242-3035 ext. 2015 or Joshua.daehler@state.ma.us.

Sincerely,



Joshua E. Daehler,
Radioactive Materials Unit Supervisor
Radiation Control Program

Enclosures:
As stated.