PART He-P 4070 FEES FOR CERTIFICATES OF REGISTRATION, RADIOACTIVE MATERIAL LICENSES, AND OTHER REGULATORY SERVICES

Adopt He-P 4070.01 – He-P 4070.04, previously effective 6-25-15 (Document #10865) and expired 6-25-25, to read as follows:

He-P 4070.01 Purpose. The rules in this part establish fees for radioactive material licensing, general licensed device registration, radiation or MRI machine registration, and provide for their payment.

He-P 4070.02 Scope. Except as otherwise specifically provided, the rules in this part shall apply to any person who is an applicant for, or a holder of:

(a) A radioactive material license or a general licensed device registration issued pursuant to He-P 4030, He-P 4031, He-P 4032, He-P 4033, He-P 4034, He-P 4035, He-P 4036, He-P 4037, or He-P 4039; or

(b) A certificate of registration for radiation or MRI machines issued pursuant to He-P 4040.

He-P 4070.03 Payment of Fees.

(a) Each application for a radioactive material license or a general licensed device registration shall be accompanied by a fee equal to the annual fee described in He-P 4070.05.

(b) An application for a license covering more than one fee category shall be accompanied by the prescribed fee for the highest fee category.

(c) An application for a certificate of registration shall be accompanied by the annual fee described in He-P 4070.06.

(d) The total annual fee paid for a certificate of registration for radiation and MRI machines located at any one physical address shall not exceed $25,000.

(e) No application for a certificate of registration shall be accepted for filing or processed prior to payment of the full amount required.

(f) An application for an amendment to a license that results in a change to a category with a higher fee shall result in a fee being charged equal to the prorated difference between the fee for the current category and the one to which the amended license will escalate.

(g) The prorated costs in (f) above shall be based on monthly intervals and shall be charged from the first day of the month the amendment is effective until the expiration date of the license.

(h) The department of health and human services (DHHS) shall bill the licensee for the prorated amounts required by (f) and (g) above accordingly.

He-P 4070.04 Method of Payment.

(a) Fee payment shall be:

(1) In cash; or

(2) By check or money order made payable to “Treasurer - State of New Hampshire”.

(b) The payments may be made by personal delivery or by mail.

Adopt He-P 4070.05, previously effective 6-25-15 (Document #10865) and expired 6-25-25, and amended 8-21-2015 (Document #10910), and expired 8-21-25, to read as follows:

He-P 4070.05 Schedule of Annual Fees for Radioactive Material Licenses and General Licensed Device Registrations.

(a) The rules in this section establish annual fees that shall apply in accordance with He-P 4070.02(a).

(b) The categories of licensure and the annual fee by category shall be set out in Table 4070.1, "Annual Fees for Radioactive Material Licenses and Services."

(c) The category of general licensed devices and the annual fee per location of use of all devices possessed and registered, shall be set out in Table 4070.1-B, "Annual Fees for Registered General Licensed Devices."

(d) The criteria for registration of general licensed devices shall be set out in Table 4070.1-C, "Criteria for Registration of General Licensed Devices," and in He-P 4031.04(e).

(e) The annual fee for general licensed devices shall not be per device, but shall be assessed per location of use regardless of the number of devices possessed and registered by the registrant. A location of use may consist of different buildings in the same general location which may have different street addresses.

Table 4070.1-A Annual Fees for Radioactive Material Licenses and Services

License or Service Category	Annual Fee
Accelerator (Licenses authorizing production and possession of radioactive material produced by an accelerator)	$6500
Agency-Accepted Training Course (Licenses authorizing possession and use of radioactive material for the purposes of providing training in the use of radioactive material or devices containing radioactive material)	$1500
Bone Mineral Analyzer (Licenses authorizing possession and use of radioactive material in bone mineral analyzers for human or veterinary diagnostic purposes)	$850
Broad Scope License (Licenses of broad scope authorizing possession and use of radioactive material issued under parts He-P 4030 and 4033 of this chapter for research and development purposes, and/or for processing or manufacturing of items containing radioactive material for commercial distribution, and/or for diagnostic and/or therapeutic veterinary or human use of radioactive material)	$5500

License or Service Category	Annual Fee
Calibration Service (survey instruments) (Licenses authorizing possession and use of radioactive material in survey instrument calibration services)	$850
Calibration Service (using reference sources) (Licenses authorizing possession and use of radioactive material as reference sources for calibration services)	$750
Civil Defense (Licenses authorizing possession and use of radioactive material for civil defense activities)	$850
Decontamination/Decommissioning Services (Licenses authorizing possession and receipt of radioactive materials or items contaminated with radioactive material for the purposes of decontaminating such items)	$6500
Demonstration/Sales (Licenses authorizing possession and use of devices containing radioactive material for demonstration, exhibition or sales purposes)	$1300
Distribution Only (Licenses authorizing receipt, storage and distribution of radioactive material or items containing radioactive material, not involving processing or manufacturing of radioactive material or items containing radioactive material)	$4300
Environmental Laboratory (Licenses authorizing possession and use of radioactive material for environmental laboratory use purposes)	$650
Eye Applicator (Licenses authorizing possession and use of eye applicator devices containing radioactive material for therapeutic human or veterinary purposes)	$850
Fixed Multi-Beam Teletherapy (Licenses authorizing possession and use of fixed multi-beam teletherapy devices containing radioactive material for therapeutic human purposes)	$3800
Fluorescence X-Ray Analyzer (in-plant use only) (Licenses authorizing possession and use of radioactive material as sealed sources for use in portable x-ray fluorescence analyzers)	$650
Fluorescence X-Ray Analyzer (temporary job sites) (Licenses authorizing possession, use and transport of radioactive material as sealed sources for use in portable x-ray fluorescence analyzers)	$850

License or Service Category	Annual Fee
Hand-held Light Intensifying Imaging Device (Licenses authorizing possession and use of radioactive material as sealed sources for use in hand-held light intensifying imaging devices)	$750
Gas Chromatograph (Licenses authorizing possession and use of radioactive material in sealed sources for use in gas chromatography devices)	$550
Gauges (fixed) (Licenses authorizing possession and use of radioactive material as sealed sources for use in fixed gauging devices)	$700
Gauges (portable or mobile) (Licenses authorizing possession, use and transport of radioactive material in sealed sources in portable or mobile gauging devices)	$950
Industrial Radiography (fixed facility) (Licenses authorizing possession and use of radioactive material issued under Parts He-P 4030 and He-P 4034 of this chapter for industrial radiography at fixed facility/permanent sites)	$4000
Industrial Radiography (temporary field site) (Licenses authorizing possession, use and transport of radioactive material issued under Parts He-P 4030 and He-P 4034 for industrial radiography at temporary jobsites)	$4500
Installation, Repair, or Maintenance (Licenses authorizing possession of radioactive material incident to installation, repair, or maintenance of devices containing radioactive sources, or for possession only of naturally occurring radioactive material incident to technological enhancement)	$1100
In-vitro Use of Radioactive Materials (Licenses authorizing possession and use of radioactive material for in-vitro testing and use purposes)	$650
In-vitro Test Kit Manufacturer (Licenses authorizing manufacturer of in-vitro test kits)	$3250
Irradiator (self-shielded) (Licenses authorizing possession and use of radioactive material in sealed sources for irradiation of materials in which the source is not removed from its shield)	$1350

License or Service Category	Annual Fee
Irradiator (containing less than 10,000 curies) (Licenses authorizing possession and use of less than 10,000 curies of radioactive material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes. This category also includes underwater irradiators for irradiation of materials where the source is not exposed for irradiation purposes)	$2750
Irradiator (containing 10,000 curies or more) (Licenses authorizing possession and use of 10,000 curies or more of radioactive material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes. This category also includes underwater irradiators for irradiation of materials where the source is not exposed for irradiation purposes)	$5500
Leak Test Service (Licenses authorizing possession and use of radioactive material for testing of sealed sources for leakage or contamination)	$650
Manufacturing and Commercial Distribution (Licenses authorizing possession and use of radioactive material for processing or manufacturing radioactive material or items containing radioactive material for commercial distribution, and/or for distribution of radioactive material or items containing radioactive material)	$4500
Medical Therapy (unsealed) (Licenses authorizing possession and human use of radioactive material in the form of unsealed radioactive material, issued under Parts He-P 4030 and 4035 of this chapter for therapeutic purposes)	$2200
Medical Therapy (sealed) (Licenses authorizing possession and human use of radioactive material in the form of sealed radioactive material, issued under Parts He-P 4030 and 4035 of this chapter for therapeutic purposes, except licenses for radioactive material in sealed sources contained in teletherapy or remote controlled brachytherapy devices)	$2750
Mobile Nuclear Medicine Services (Licenses authorizing receipt, possession, transport, and use of radioactive material for diagnostic human or veterinary use at client sites)	$2750
Mobile Scanning Service (sealed sources only) (Licenses authorizing possession of radioactive material and transport of radioactive material and/or devices containing radioactive material to a medical client’s facility)	$1750

License or Service Category	Annual Fee
Nuclear Medicine (diagnostic only) (Licenses restricted to only the diagnostic human use of radioactive material for uptake, dilution, excretion, imaging or localization studies, sealed sources for diagnosis; and in-vitro studies)	$1650
Nuclear Laundry (Licenses authorizing the commercial collection and laundering of items contaminated with radioactive material)	$4500
Nuclear Pharmacy (Licenses authorizing possession, use, distribution and redistribution of radioactive material in the form radiopharmaceuticals, generators, reagent kits, and/or other sources or devices, issued under Parts He-P 4030, 4032 and 4035 of this chapter, and not involving processing of radioactive material)	$4000
Possession Incident to Exempt Distribution (Licenses authorizing possession, receipt, storage and repackaging of radioactive material or items containing radioactive material for eventual distribution to persons exempt under a specific license issued by the United States Nuclear Regulatory Commission)	$800
Radiopharmaceutical Manufacturing (Licenses authorizing possession, use, processing and manufacturing radioactive material in the form radiopharmaceuticals, generators, and/or reagent kits, issued under Parts He-P 4030 and 4032 of this chapter)	$5500
Remote Controlled Brachytherapy Device (including low dose-rate and high dose-rate remote afterloaders and intravenous brachytherapy) (Licenses authorizing possession and use of radioactive material in Remote Controlled Brachytherapy Devices for therapeutic human or veterinary uses)	$2750
Research and/or Development (Licenses authorizing possession and use of radioactive material for research and development that does not authorize commercial distribution of radioactive material or devices containing radioactive material)	$3800
Sealed Source or Device Safety Evaluation (commercial distribution) (Departmental safety evaluation of sealed sources containing radioactive material, or devices or products containing radioactive material for commercial distribution)	$2750
Sealed Source or Device Safety Evaluation (unique specification) (Departmental safety evaluation of sealed sources containing radioactive material, or devices or products containing radioactive material, manufactured in accordance with the unique specifications of, and for use by, a single applicant)	$2750

License or Service Category	Annual Fee
Sealed Source or Device Safety Annual Maintenance Fee (A fee per active evaluation sheet maintained by DHHS, except unique specification sealed source and device evaluation sheets)	$700
Source Material (shielding) (Licenses authorizing possession, use, and/or installation of source material for shielding)	$375
Source Material (other) (Licenses which authorize the possession and use of source material for commercial, educational, and/or research purposes, excluding manufacturing and distribution purposes)	$2200
Special Nuclear Material (other) (Licenses authorizing possession and use of special nuclear material in quantities not sufficient to form a critical mass, as defined in He-P 4003 of this chapter, in unsealed form for other authorized purposes)	$2200
Special Nuclear Material (sealed sources) (Licenses authorizing possession and use of special nuclear material in quantities not sufficient to form a critical mass, as defined in He-P 4003, in the form of sealed sources for calibration and other authorized purposes)	$550
Storage Only (Licenses authorizing storage only of radioactive material, but does not include facilities described as centralized low-level radioactive waste storage facilities)	$5500
Teletherapy (Licenses issued under Parts He-P 4030 and 4035 of this chapter authorizing human and non-human use of radioactive material in sealed sources contained in teletherapy devices)	$3800
Tracer Studies (non-oil well) (Licenses for possession and use of radioactive material for field flooding tracer studies)	$3250
Veterinary (diagnostic) (Licenses authorizing possession and use of radioactive material for diagnostic purposes in veterinary medicine)	$1600
Veterinary (therapy) (Licenses authorizing possession and use of radioactive material for therapeutic purposes in veterinary medicine)	$1800
Waste Processing (packaging or repackaging for transfer) (Licenses authorizing the possession and receipt of low-level radioactive waste material for preparation for shipment, packaging, or repackaging for transfer to a person authorized to receive or dispose of the radioactive waste material)	$4500

License or Service Category	Annual Fee
Waste Processing (prepackaged transfer only) (Licenses authorizing the possession and receipt of low-level radioactive waste material from other persons, incident to transfer to a person authorized to receive or dispose of the material)	$2750
Well Logging Other Than Field Flooding Tracer Studies (Licenses authorizing possession and use of radioactive material for wireline services and well surveys)	$3250
Additional Authorized Use Sites Where Radioactive Material Is Used or Stored under the Same License (Licenses authorizing possession and use of radioactive material at additional authorized use sites where radioactive material is used or stored under the same license)	20% of applicable fee
Reciprocity (Licenses authorizing possession and use of applicable category radioactive material in the state of New Hampshire by certain U.S. Nuclear Regulatory Commission, Agreement State and Licensing State radioactive material licenses who conduct such activities under reciprocity provisions specified in He-P 4030.18 of this chapter.)	Annual fee for
Radiological Incident Response and Radiation Safety Assessments (Departmental response or reaction to an radiological incident or event in order to protect the public health and safety and protection of property and the environment)	Full cost recovery
Non-Routine and/or Reactive Inspections (Inspection conducted in response or reaction to a complaint, allegation, follow-up to inspection deficiencies or inspections to determine implementation of safety issues)	$1000

Table 4070.1-B Annual Fee for Registration of General Licensed Devices

Registration Category	Annual Fee per Location of Use of Device(s)
Registration of general licensed devices as specified in He-P 4031.04(e) and Table 4070.1-C below.	$150.00

Table 4070.1-C Criteria for Registration of General Licensed Devices

Radionuclide	Activity Greater Than or Equal to:
Strontium-90, Radium-226	3.7 megabecquerel (0.1 millicurie)
Cobalt-60, Curium-244, Americium-241, Californium-252	37 megabecquerel (1 millicurie)
Cesium-137	370 megabecquerel (10 millicurie)

Readopt He-P 4070.06, previously effective 6-25-15 (Document #10865) and expired 6-25-25, amended 6-20-17 (Document #12215) in Table He-P 4070.02 category E.1.d, to read as follows:

He-P 4070.06 Schedule of Annual Fees for Certificates of Registration for Radiation or MRI Machines.

(a) Annual fees for certificates of registration for radiation or MRI machines shall be those set out in Table 4070.2, "Annual Fees for Radiation or MRI Machine Registration."

(b) Annual fee for each machine shall be based on the number of machine-made sources of ionizing radiation the machine controls.

Table 4070.2 Annual Fees for Radiation or MRI Machine Registration

Type of Radiation or MRI Machine	Annual fee Number of Sources Controlled by Machine 1	2	3 or more
A. X-ray machines for diagnostic or visualization purposes in the healing arts or veterinary medicine			
1. Radiographic x-ray machines for dental purposes, including, but not limited to, dental intraoral, dental cephalometric, and dental panoramic x-ray machines, and machines combining those functions	$145	$254	$362
2. Radiographic x-ray machines for podiatric purposes	$145		
3. Radiographic x-ray machines for healing arts or veterinary medicine purposes designed to be portable as defined in He-P 4041.02(dj)	$145		
4. Radiation machines for the generation of information in the healing arts or veterinary medicine, including bone mineral densitometers and medical x-ray cabinets	$145		
5. Non-portable diagnostic x-ray machines for healing arts or veterinary medicine purposes, including general purpose radiographic machines, mobile x-ray machines, mini c-arm units, micro-computed tomography units, dedicated chest units, conventional tomography machines, cone-beam computed tomography machines, veterinary, chiropractic, and standard mammography machines	$275	$482	
6. X-ray machines with fluoroscopic capability without regard to whether they also have radiographic capabilities, including radiographic-fluoroscopic combination machines, C-arm units, angiographic machines, and therapy simulators	$400	$600	$800
7. Computed tomography (CT), stereotactic mammography machines and 3D mammographic machines	$400	$600	$800

Type of Radiation or MRI Machine	Annual fee Number of Sources Controlled by Machine 1	2	3 or more
B. Machines for therapeutic use in the healing arts or veterinary medicine			
1. X-ray machines capable of being used at potentials of 500,000 volts or less	$500		
2. X-ray machines capable of being used at potentials greater than 500,000 volts	$2000		
3. Particle accelerators capable of being used at energies of 500,000 electron volts or less	$1000		
4. Particle accelerators capable of being used at energies greater than 500,000 electron volts	$2000		
5. Electronic Brachytherapy	$1000		
C. Machines not used for diagnostic or therapeutic purposes on humans or animals			
1. Particle accelerators			
a. Ion implanters	$850		
b. Irradiators	$850		
c. For the production of radioactive material	$2500		
d. Other accelerators, including research accelerators	$2000		
2. Industrial Machines			
a. Cabinet x-ray system as defined in He-P 4034.03	$320	$560	
b. Industrial radiographic units	$800		
3. Analytical x-ray machines as defined in He-P 4043.03			
a. X-ray fluorescence machines	$350		
b. X-ray diffraction machines	$350		
4. X-ray gauges (thickness/level)	$400		
5. Items of electronic equipment that produce radiation incidental to their operation for other purposes (SEM or TEM) and which are not exempt from registration under the provisions of He-P 4040.06(a)	$125		
D. Non-ionizing radiation equipment			
Magnetic resonance imaging machines	$500		
E. Other circumstances			
1. Radiation or MRI machines not otherwise specified above used for the following purpose:			
a. Diagnostic	$400		
b. Therapeutic	$600		
c. Industrial	$400		
d. Non-medical Security Screening System	$275		
F. Exempt from Fee Proration			
1. Radiation or MRI machines registered as in storage under the provisions of He-P 4040.12	$100		
2. Radiation or MRI machines used solely for educational demonstration (non-human use) purposes	$100		
3. Service Provider Registration	$125		
4. Reciprocal recognition of out-of-state radiation or MRI machine registration	Half annual fee of applicable machine type		

Type of Radiation or MRI Machine	Annual fee Number of Sources Controlled by Machine 1	2	3 or more

Adopt He-P 4070.07 – He-P 4070.09, previously effective 6-25-15 (Document #10865) and expired 6-25-25, to read as follows:

He-P 4070.07 Proration of Annual Fees for Registration of Radiation or MRI Machines. For each machine a registrant acquires after July 31 of a year, the fee due shall be calculated by multiplying the annual fee for the machine set out in Table 4070.2 A-E by the proration factor in Table 4070.3, "Proration Factors Applicable to Fees for Certificates of Registration for Radiation or MRI Machines".

Table 4070.3 Proration Factors Applicable to Fees for Certificates of Registration for Radiation or MRI Machines

Month of acquisition of the radiation machine	Proration factor
August	1.00
September	0.92
October	0.83
November	0.75
December	0.67
January	0.58
February	0.50
March	0.42
April	0.33
May	0.25
June	0.17
July	0.00

He-P 4070.08 Administrative Fines.

(a) The DHHS shall impose an administrative fine against any person who is required under these rules to submit an application for certificate of radiation for a radiation or MRI machine and the applicable fee, or for an annual fee for a radioactive material license or general licensed device registration, and who fails to do so in a timely manner.

(b) Such administrative fines shall be imposed as follows:

(1) If a person responsible for submitting to the DHHS an application for a certificate of registration for a radiation or MRI machine and the applicable fee, or for an annual fee for a radioactive material license or general licensed device registration, fails to do so within 30 days of the date that the application and fee are due, the person shall be assessed a fine of $100.00;

(2) At the time that the fine is imposed DHHS shall provide the individual written notice that states:

a. The reason(s) for the imposition of the fine; and

b. The right of the person to an adjudicative proceeding allowed in He-C 200;

(3) Failure of the person to request a hearing within 30 days of the receipt of the notice shall result in the imposition of the fine becoming final;

(4) If the person fails to pay the fee due and the imposed fine within 30 days of the date that the fine was imposed or, in the case where an adjudicative hearing is requested, within 30 days of the date that the fine is upheld following the hearing, the amount of the fine shall be doubled; and

(5) If the person fails to pay the fee due and the imposed fine within 30 days of the date that the fine is doubled in accordance with (4) above, the matter shall be referred to the department of justice in order that it may institute civil action to collect the fine in accordance with RSA 125-F:22, IV.

He-P 4070.09 Insufficient Funds. Should a check or other instrument from an applicant, licensee, or registrant be uncollectible from the paying institution, the DHHS shall:

(a) Add any bank, state treasurer, or other charges resulting to the amount owed;

(b) Notify the applicant, licensee, or registrant in writing to the last address known to the DHHS; and

(c) Allow the person 15 days to correct the matter without penalty per He-P 4070.08(b)(1).

APPENDIX

Rule	**State or Federal Statute or Federal Regulation Implemented**
He-P 4070.01 – He-P 4070.09	RSA 125-F:5; RSA 125-F:8; RSA 125-F: 22, IV
He-P 4070.05(e), Table 4070.1-A	RSA 125-F:5; RSA 125-F:8
He-P 4070.06, Table 4070.2	RSA 125-F:5, II & V