



OFFICE OF LEGISLATIVE SERVICES
ADMINISTRATIVE RULES

STATE HOUSE ANNEX
25 CAPITOL STREET, ROOM 234
CONCORD, NH 03301

Rulemaking Notice Form

Notice Number: 2026-181

Rule Number: He-P 4030

1. **Agency:** Department of Health and Human Services
Former Division of Public Health Services

Agency Address: Department of Health and Human Services
Administrative Rules Unit
Brown Building, 2nd Floor
129 Pleasant St.
Concord, NH 03301

2. **RSA Authority:** RSA 125-F:5, V
3. **Federal Authority:** 42 USC 2021(b)
4. **Action(s):** Readopt, Readopt w/Amendment
5. **Short Title:** Domestic Licensing of Byproduct Material
6. **(a) Summary of what the rule says and of any proposed amendments including whether the rule implements a state statute for the first time:**

He-P 4030 provides the requirements for domestic licensing of byproduct material for the purpose of: receiving, possessing, using, transferring, owning, acquiring, producing, or manufacturing. The rule describes the two types of licenses that shall be granted: a general license or a specific license, and the requirements and all associated Department of Health and Human Services (Department) forms for the various phases of a specific license. In addition, He-P 4030 grants, upon approval, exemption from obtaining a license for certain byproduct materials, source materials, and for US Government contractors. The final provision of He-P 4030 is for the granting of reciprocal recognition of a specific license issued by an agreement state or the Nuclear Regulatory Commission (NRC) to conduct their activities authorized by their license in the State of New Hampshire.

The Department is proposing to readopt He P 4030, various sections of which are effective under the interim rule set to expire October 21, 2026, with the following amendments:

- Replacing “radioactive” material with “byproduct” material where appropriate in accordance with the He-P 4003.01(eb) definition of “radioactive material”;
- Correcting He-P 4030.09 Tables 4030.2 and 4030.3, to align with the applicable NRC regulation;
- Removing duplicate wording of “or the plant” in He-P 4030.09(b);
- Removing “or a licensing state” from He-P 4030.16(c), as this term is no longer valid;
- Revising He-P 4030.01(c) to include electronic submittals of license applications and other communications with the department, which includes updating the revision date on all applications and forms;
- Revise He-P 4030.02, He-P 4030.04, and He-P 4030.05 to adopt the paragraphs that previously expired;
- Removing the redundant section description of He-P 4030.08; and
- Correcting the reference to He-P 4091 to state He-P 4092 in section He-P 4030.09, Table 4030.2, and Table 4030.3.

This proposal does not implement a new state statute.

The Department is entering rulemaking to avoid expiration of the interim rule and for reasons listed above, and is subject to the RSA 541-A:14-a extension.

Does this rule implement a state statute for the first time?

No

6. (b) Brief description of the groups affected:

He-P 4030 affects any person who is an applicant for, or a holder of, a radioactive material license.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule	State or Federal Statute or Federal Regulation Implemented
He-P 4030 (various sections)	RSA 125-F:1; RSA 125-F:2; and RSA 125-F:5, II IV, and V; RSA 541-A:21; Section 274 of the Atomic Energy Act (AEA) of 1954, as amended; and Title 10, Code of Federal Regulations (CFR)
He-P 4030	Section 274 of the AEA of 1954, as amended; Title 10 CFR Parts 30, 40 and 70
He-P 4030.01	10 CFR 30.3; 10 CFR 40.3; 10 CFR 70.3
He-P 4030.02	10 CFR 40.13
He-P 4030.03	10 CFR 30.11; 10 CFR 30.14; 10 CFR 30.15; 10 CFR 30.18; 10 CFR 30.19; 10 CFR 30.20; 10 CFR 30.22; 10 CFR 32.210

He-P 4030.04	10 CFR 30.12; 10 CFR 40.11; 10 CFR 70.11
He-P 4030.05	10 CFR 30.21
He-P 4030.06	10 CFR 30.31
He-P 4030.07	10 CFR 30.32; 10 CFR 30.34; 10 CFR 40.31; 10 CFR 32.210
He-P 4030.08	10 CFR 30.72; Schedule C; 10 CFR 40.31; 10 CFR 70.22
He-P 4030.09	10 CFR 30.33; 10 CFR 30.34; 10 CFR 30.35; 10 CFR 40.32; 10 CFR 40.34; 10 CFR 40.35; 10 CFR 40.36; 10 CFR 40.41; 10 CFR 70.23
He-P 4030.10	10 CFR 30.34
He-P 4030.11	10 CFR 30.36; 10 CFR 40.42; 10 CFR 70.38
He-P 4030.12	10 CFR 30.37; 10 CFR 40.43; 10 CFR 70.33
He-P 4030.13	10 CFR 30.38; 10 CFR 40.44; 10 CFR 70.34
He-P 4030.14	10 CFR 30.39; 10 CFR 40.45; 10 CFR 70.35
He-P 4030.15	10 CFR 30.34; 10 CFR 40.46; 10 CFR 70.36
He-P 4030.16	10 CFR 30.41; 10 CFR 40.51; 10 CFR 70.42
He-P 4030.17	10 CFR 30.61; 10 CFR 40.71; 10 CFR 70.81
He-P 4030.18	10 CFR 150.20
He-P 4030.19	10 CFR 40.54
He-P 4030.20	10 CFR 40.55

7. **Contact person for copies and questions including requests to accommodate persons with disabilities:**

Name: Nicole Valanzola	Title: Rules Coordinator
Address: Department of Health and Human Services Administrative Rules Unit Brown Building, 2nd Floor 129 Pleasant St. Concord, NH 03301	Phone Number: (603) 271-9640
	FAX Number: (603) 271-5590
	Email: Nicole.Valanzola@dhhs.nh.gov

8. **Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified:**

Thursday, October 22, 2026

☒ **Fax**
☒ **Email**
☐ **Other**

9. **Public hearing scheduled for:**
Date: Thursday, October 15, 2026
Time: 1:00 PM
Place: Dept. of Health and Human Services
Brown Building, Auditorium
129 Pleasant St.
Concord, NH 03301

Electronic Access, if applicable: N/A

10. **Fiscal Impact Statement (Prepared by Legislative Budget Assistant):**

FIS #: 26:166, dated: Tuesday, September 1, 2026

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

Not applicable with respect to He-P 4030.06, He-P 4030.08-.09, He-P 4030.13-.15, or He-P 4030.17, as the rules on which the original interim rules were based expired in January 2026. With respect to the remainder, there is no difference in cost between the proposed rules and the existing rules.

2. Cite the Federal mandate. Identify the impact on state funds:

No federal mandate, no impact on state funds.

3. Cost and benefits of the proposed rule(s):

As noted in #1 above, portions of He-P 4030 expired in January of 2026 and were replaced with interim rules in April 2026. Since a fiscal impact statement was not requested or written for the interim rules prior to their adoption, the portions of the proposed rules that replace them must now be treated as new rules for the purposes of this analysis. The costs noted under 3(c) below reflect the costs of those rules. The Department of Health and Human Services notes that there is no difference in cost between the proposed rules and the interim rules, nor is there any difference in cost between the proposed rules and the existing rules that did not expire.

A. To State general or State special funds:

None.

B. To State citizens and political subdivisions:

None.

C. To independently owned businesses:

There may be costs to independently owned businesses licensed to use, manufacture, possess, transfer, receive, own, or acquire radioactive or byproduct material as a result of the proposed rules. These costs are associated with

documentation requirements and financial assurance for possible environmental cleanup.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The proposed rule does not modify an existing program or responsibility, and does not mandate any fees, duties, or expenditures on the political subdivisions of the state, and therefore does not violate Part I, Article 28-a of the N.H. Constitution.