Readopt He-P 4033, effective 5-22-26 (Document #14601, INTERIM), to be read as follows:

PART He-P 4033 SPECIFIC LICENSES OF BROAD SCOPE FOR OTHER THAN HUMAN USE

He-P 4033.01 Purpose. This part shall prescribe requirements for the issuance of specific licenses of broad scope for byproduct material and certain regulations governing holders of such licenses.

He-P 4033.02 Scope. The provisions and requirements of this part shall be in addition to, and not in substitution for, other requirements of this chapter. In particular, the provisions of He-P 4030 and He-P 4038 apply to applications and licenses subject to this part.

He-P 4033.03 Types of Specific Licenses of Broad Scope.

(a) Type A specific license of broad scope shall be a specific license authorizing receipt, acquisition, ownership, possession, use, and transfer of any chemical or physical form of a quantity of byproduct material usually in the multi-curie range specified in the license, but not exceeding quantities specified in the license, for any authorized purpose.

(b) A Type B specific license of broad scope shall be:

(1) A specific license which allows any chemical or physical form of byproduct material specified in He-P 4033.07, Table 4033.1, for any authorized purpose;

(2) A specific license whereby the possession limit, if only one radionuclide is possessed thereunder, shall be the quantity specified for that radionuclide in He-P 4033.07, Table 4033.1, Column 1; or

(3) A specific license whereby if 2 or more radionuclides are possessed thereunder, the possession limit for each shall be determined as follows:

a. For each radionuclide, determine the ratio of the quantity possessed to the applicable quantity specified in He-P 4033.07, Table 4033.1, Column 1, for that radionuclide; and

b. The sum of the ratios for all radionuclides possessed under the license shall not exceed unity.

(c) A Type C specific license of broad scope shall be:

(1) A specific license authorizing receipt, acquisition, ownership, possession, use, and transfer of any chemical or physical form of byproduct material specified in He P 4033.07, Table 4033.1, for any authorized purpose;

(2) A specific license whereby the possession limit, if only one radionuclide, is possessed thereunder, shall be the quantity specified for that radionuclide in He-P 4033.07, Table 4033.1, Column 2; or

(3) A specific license whereby if two or more radionuclides are possessed thereunder, the possession limit shall be determined for each as follows:

a. For each radionuclide, determine the ratio of the quantity possessed to the applicable quantity specified in He-P 4033.07, Table 4033.1, Column 2, for that radionuclide; and

b. The sum of the ratios for all radionuclides possessed under the license shall not exceed unity.

He-P 4033.04 Application for Specific Licenses of Broad Scope. An application for specific license of broad scope shall be made according to the requirements set forth in He-P 4033.05.

He-P 4033.05 Requirements for the Issuance of Specific Licenses of Broad Scope.

(a) An application for a Type A specific license of broad scope shall be approved if:

(1) The applicant satisfies the requirements specified in He-P 4030.09;

(2) The applicant has engaged in a reasonable number of activities involving the use of byproduct material; and

(3) The applicant has established administrative controls and provisions relating to organization and management, procedures, record keeping, material control and accounting, and management review that are necessary to ensure safe operations, including:

a. The establishment of a radiation safety committee composed of a radiological safety officer, a representative of management, and persons trained and experienced in the safe use of radioactive material;

b. The appointment of a radiological safety officer who is qualified by training and experience in radiation protection, and who is available for advice and assistance on radiological safety matters; and

c. The establishment of appropriate administrative procedures to ensure:

1. Control of procurement and use of byproduct material;

2. Completion of safety evaluations of proposed uses of radioactive material which take into consideration such matters as the adequacy of facilities and equipment, training and experience of the user, and the operating or handling procedures; and

3. Review, approval, and recording by the radiation safety committee of safety evaluations of proposed uses prepared in accordance with (a)(3)c.2. above prior to use of the byproduct material.

(b) An application for a Type B specific license of broad scope shall be approved if:

(1) The applicant satisfies the general requirements specified in He-P 4030.09; and

(2) The applicant has established administrative controls and provisions relating to organization and management, procedures, record keeping, material control and accounting, and management review that are necessary to ensure safe operations, including:

a. The appointment of a radiological safety officer who is qualified by training and experience in radiation protection, who is available for advice and assistance on radiological safety matters; and

b. The establishment of appropriate administrative procedures to ensure:

1. Control of procurement and use of byproduct material;

2. Completion of safety evaluations of proposed uses of byproduct material which take into consideration such matters as the adequacy of facilities and equipment, training and experience of the user and the operating or handling procedures; and

3. Review, approval, and recording by the radiological safety officer of safety evaluations of proposed uses prepared in accordance with (b)(2)b.2. above, prior to use of the byproduct material.

(c) An application for a Type C specific license of broad scope may be approved if:

(1) The applicant satisfies the requirements specified in He-P 4030.09;

(2) The applicant submits a statement that byproduct material shall be used only by, or under the direct supervision of, individuals who have received:

a. A college degree at the bachelor level, or equivalent training and experience, in the physical or biological sciences or in engineering; and

b. At least 40 hours of training and experience in the safe handling of radioactive materials, and in the characteristics of ionizing radiation, units of radiation doses and quantities, radiation detection instrumentation, and biological hazards of exposure to radiation appropriate to the type and forms of radioactive material to be used; and

(3) The applicant has established administrative controls and provisions relating to procurement of byproduct material, procedures, record keeping, material control, and accounting and management review necessary to ensure safety operations.

He-P 4033.06 Conditions of Specific Licenses of Broad Scope.

(a) Unless specifically authorized pursuant to other sections of He-P 4033, persons licensed under this part shall not:

(1) Conduct tracer studies outside of the licensee's controlled area of byproduct material;

(2) Receive, acquire, own, possess, use, transfer, or import devices containing 100,000 curies or more of byproduct material in sealed sources to be used for irradiation of materials;

(3) Conduct activities for which a specific license issued by the DHHS/RHS is required; or

(4) Add or cause the addition of byproduct material to any food, beverage, cosmetic, drug, or other product designed for ingestion or inhalation by, or application to, a human being.

(b) Each Type A specific license of broad scope issued by the DHHS/RHS shall be subject to the condition that byproduct material possessed under the license shall be used only by, or under the direct supervision of, individuals approved by the licensee's radiation safety committee.

(c) Each Type B specific license of broad scope issued by the DHHS/RHS shall be subject to the condition that byproduct material possessed under the license shall be used only by, or under the direct supervision of, individuals approved by the licensee's radiological safety officer.

(d) Each Type C specific license of broad scope issued by the DHHS/RHS shall be subject to the condition that byproduct material possessed under the license shall be used only by, or under the direct supervision of, individuals who satisfy the requirements of He-P 4033.05(c).

He-P 4033.07 License Quantities for License of Broad Scope. License quantities for licenses of broad scope shall be as described in Table 4033.1.

Table 4033.1 Quantities of Byproduct Material for Licenses of Broad Scope

Byproduct Material	Column 1 (curies)	Column 2 (curies)
Antimony-122	1.0	0.01
Antimony-124	1.0	0.01
Antimony-125	1.0	0.01
Arsenic-73	10.0	0.1
Arsenic-74	1.0	0.01
Arsenic-76	1.0	0.01
Arsenic-77	10.0	0.1
Barium-131	10.0	0.1
Barium-140	1.0	0.01
Beryllium-7	10.0	0.1
Bismuth-210	0.1	0.001
Bromine-82	10.0	0.1
Cadmium-109	1.0	0.01
Cadmium-115m	1.0	0.01
Cadmium-115	10.0	0.1
Calcium-45	1.0	0.01
Calcium-47	10.0	0.1
Carbon-14	100.0	1.0
Cerium-141	10.0	0.1
Cerium-143	10.0	0.1
Cerium-144	0.1	0.001
Cesium-131	100.0	1.0
Cesium-134m	100.0	1.0
Cesium 134	0.1	0.001
Cesium-135	1.0	0.01
Cesium-136	10.0	0.1
Cesium-137	0.1	0.001
Chlorine-36	1.0	0.01
Chlorine-38	100.0	1.0
Chromium-51	100.0	1.0
Cobalt-57	10.0	0.1
Cobalt-58m	100.0	1.0
Cobalt-58	1.0	0.01
Cobalt-60	0.1	0.001
Copper-64	10.0	0.1
Dysprosium-165	100.0	1.0
Dysprosium-166	10.0	0.1
Erbium-169	10.0	0.1
Erbium-171	10.0	0.1
Europium-152 (9.2 h)	10.0	0.1
Europium-152 (13 y)	0.1	0.001
Europium-154	0.1	0.001
Europium-155	1.0	0.01

Byproduct Material	Column 1 (curies)	Column 2 (curies)
Fluorine-18	100.0	1.0
Gadolinium-153	1.0	0.01
Gadolinium-159	10.0	0.1
Gallium-72	10.0	0.1
Germanium-71	100.0	1.0
Gold-198	10.0	0.1
Gold-199	10.0	0.1
Hafnium-181	1.0	0.01
Holmium-166	10.0	0.1
Hydrogen-3	100.0	1.0
Indium-113m	100.0	1.0
Indium-114m	1.0	0.01
Indium-115m	100.0	1.0
Indium-115	1.0	0.01
Iodine-125	0.1	0.001
Iodine-126	0.1	0.001
Iodine-129	0.1	0.01
Iodine-131	0.1	0.001
Iodine-132	10.0	0.1
Iodine-133	1.0	0.01
Iodine-134	10.0	0.1
Iodine-135	1.0	0.01
Iridium-192	1.0	0.01
Iridium-194	10.0	0.1
Iron-55	10.0	0.1
Iron-59	1.0	0.01
Krypton-85	100.0	1.0
Krypton-87	10.0	0.1
Lanthanum-140	1.0	0.01
Lutetium-177	10.0	0.1
Manganese-52	1.0	0.01
Manganese-54	1.0	0.01
Manganese-56	10.0	0.1
Mercury-197m	10.0	0.1
Mercury-197	10.0	0.1
Mercury-203	1.0	0.01
Molybdenum-99	10.0	0.1
Neodymium-147	10.0	0.1
Neodymium-149	10.0	0.1
Nickel-59	10.0	0.1
Nickel-63	1.0	0.01
Nickel-65	10.0	0.1
Niobium-93m	1.0	0.01
Niobium-95	1.0	0.01
Niobium-97	100.0	1.0
Osmium-185	1.0	0.01
Osmium-191m	100.0	1.0
Osmium-191	10.0	0.1
Osmium-193	10.0	0.1

Byproduct Material	Column 1 (curies)	Column 2 (curies)
Palladium-103	10.0	0.1
Palladium-109	10.0	0.1
Phosphorus-32	1.0	0.01
Phosphorus-33	10.0	0.1
Platinum-191	10.0	0.1
Platinum-193m	100.0	1.0
Platinum-193	10.0	0.1
Platinum-197m	100.0	1.0
Platinum-197	10.0	0.1
Polonium-210	0.01	0.0001
Potassium-42	1.0	0.01
Praseodymium-142	10.0	0.1
Praseodymium-143	10.0	0.1
Promethium-147	1.0	0.01
Promethium-149	10.0	0.1
Radium-226	0.01	0.0001
Rhenium-186	10.0	0.1
Rhenium-188	10.0	0.1
Rhodium-103m	1,000.0	10.0
Rhodium-105	10.0	0.1
Rubidium-86	1.0	0.01
Rubidium-87	1.0	0.01
Ruthenium-97	100.0	1.0
Ruthenium-103	1.0	0.01
Ruthenium-105	10.0	0.1
Ruthenium-106	0.1	0.001
Samarium-151	1.0	0.01
Samarium-153	10.0	0.1
Scandium-46	1.0	0.01
Scandium-47	10.0	0.1
Scandium-48	1.0	0.01
Selenium-75	1.0	0.01
Silicon-31	10.0	0.1
Silver-105	1.0	0.01
Silver-110m	0.1	0.001
Silver-111	10.0	0.1
Sodium-22	0.1	0.001
Sodium-24	1.0	0.01
Strontium-85m	1,000.0	10.0
Strontium-85	1.0	0.01
Strontium-89	1.0	0.01
Strontium-90	0.01	0.0001
Strontium-91	10.0	0.1
Strontium-92	10.0	0.1
Sulphur-35	10.0	0.1
Tantalum-182	1.0	0.01
Technetium-96	10.0	0.1
Technetium-97m	10.0	0.1
Technetium-97	10.0	0.1

Byproduct Material	Column 1 (curies)	Column 2 (curies)
Technetium-99m	100.0	1.0
Technetium-99	1.0	0.01
Tellurium-125m	1.0	0.01
Tellurium-127m	1.0	0.01
Tellurium-127	10.0	0.1
Tellurium-129m	1.0	0.01
Tellurium-129	100.0	1.0
Tellurium-131m	10.0	0.1
Tellurium-132	1.0	0.01
Terbium-160	1.0	0.01
Thallium-200	10.0	0.1
Thallium-201	10.0	0.1
Thallium-202	10.0	0.1
Thallium-204	1.0	0.01
Thulium-170	1.0	0.01
Thulium-171	1.0	0.01
Tin-113	1.0	0.01
Tin-125	1.0	0.01
Tungsten-181	1.0	0.01
Tungsten-185	1.0	0.01
Tungsten-187	10.0	0.1
Vanadium-48	1.0	0.01
Xenon-131m	1,000.0	10.0
Xenon-133	100.0	1.0
Xenon-135	100.0	1.0
Ytterbium-175	10.0	0.1
Yttrium-90	1.0	0.01
Yttrium-91	1.0	0.01
Yttrium-92	10.0	0.1
Yttrium-93	1.0	0.01
Zinc-65	1.0	0.01
Zinc-69m	10.0	0.1
Zinc-69	100.0	1.0
Zirconium-93	1.0	0.01
Zirconium-95	1.0	0.01
Zirconium-97	1.0	0.01
Any Byproduct material other than alpha emitting material not listed above.	0.1	0.001

APPENDIX

Rule	**State Statute or Federal Regulation Implemented**
He-P 4033	Section 274 of the AEA of 1954, as amended; RSA 125-F:5, V; RSA 541-A:21, IV; and Title 10 CFR Part 33
He-P 4033.01	10 CFR 33.1
He-P 4033.02	10 CFR 33.1

He-P 4033.03	10 CFR 33.11
He-P 4033.04	10 CFR 33.12
He-P 4033.05	10 CFR 33.13; 10 CFR 33.14; 10 CFR 33.15
He-P 4033.06	10 CFR 33.17
He-P 4033.07	10 CFR 33.100, Schedule A