

**RULEMAKING NOTICE FORM**

Notice Number 2020-70

Rule Number He-P 4001.08

<p>1. Agency Name &amp; Address:</p> <p><b>Dept. of Health &amp; Human Services Division of Public Health Services Radiological Health Section 29 Hazen Drive Concord, NH 03301</b></p>	<p>2. RSA Authority: <u>RSA 125-F:5, V</u></p> <p>3. Federal Authority: <u>Section 274 of the Atomic Energy Act of 1954 as amended</u></p> <p>4. Type of Action:</p> <p>Adoption _____</p> <p>Amendment _____</p> <p>Repeal _____</p> <p>Readoption _____</p> <p>Readoption w/amendment <u> X </u></p>
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5. Short Title: **Communications**

6. (a) Summary of what the rule says and of any proposed amendments:

**He-P 4001 “Scope, Exemptions, and General Provisions” provides the general scope, exemptions, and general provisions to persons who receive, possess, use, transfer, own, or acquire any source of radiation in the State of New Hampshire. He-P 4001.08 describes the manner in which communications shall be addressed regarding these rules.**

**The Department of Health and Human Services, Radiological Health Section (DHHS/RHS), proposes to readopt with amendment He-P 4001.08 by including electronic submissions as a form of communication and editorially amending DHHS/RHS’s address.**

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

**This rule affects any person involved in the transfer for disposal and the disposal of waste, including the waste generator, waste collector, waste processor, and disposal facility operator, all groups that are licensed within the state to possess radioactive materials, and all licensees who are required to submit a decommissioning funding plan, and users and generators of radioactive materials within the state.**

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

<b>Rule</b>	<b>State or Federal Statute or Federal Regulation Implemented</b>
He-P 4001.08	RSA 125-F:1, RSA 125-F:2, and RSA 125-F:5, II, IV, and V, Section 274 of the Atomic Energy Act of 1954, as amended, and 10 CFR 30.6, 40.5, and 70.5

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

Name:	<b>Allyson Zinno</b>	Title:	<b>Administrative Rules Coordinator</b>
Address:	<b>Dept. of Health and Human Services Administrative Rules Unit 129 Pleasant Street, 2<sup>nd</sup> Floor Concord, NH 03301</b>	Phone #:	<b>(603) 271-9604</b>
		Fax#:	<b>(603) 271-5590</b>
		E-mail:	<b>allyson.zinno@dhhs.nh.gov</b>

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

**The proposed rules may be viewed and downloaded at:**

<http://www.dhhs.nh.gov/oos/aru/comment.htm>

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Friday, September 11, 2020**

Fax  E-mail  Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Thursday, September 3, 2020 at 12:30pm.**

Place: [DHHS Brown Bldg., Auditorium, 129 Pleasant St., Concord, NH](#)

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

FIS # 20:062, dated July 21, 2020

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

There is no difference in cost between the proposed rule and the existing rule.

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

No federal mandate, no impact on state funds. The State of New Hampshire is an agreement state with the U.S. Nuclear Regulatory Commission, pursuant to Section 274b of the Atomic Energy Act of 1954, as amended.

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

**A. To State general or State special funds:**

None.

**B. To State citizens and political subdivisions:**

None.

**C. To independently owned businesses:**

None.

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

**The proposed rule modifies an existing program or responsibility, but 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.**

CHAPTER He-P 4000 NEW HAMPSHIRE RULES FOR THE CONTROL OF RADIATION

Statutory Authority RSA 125-F:5,V; RSA 125-F:7; RSA 125-F:8; and RSA 125-F:8-b

PART He-P 4001 SCOPE, EXEMPTIONS, AND GENERAL PROVISIONS

**Readopt with amendment He-P 4001.08, effective 3-28-15 (Document #10805), to read as follows:**

He-P 4001.08 Communications. All communications and reports concerning these rules, and applications, or electronic submissions filed there under, shall be addressed to:

Radiological Health Section  
Division of Public Health Services  
NH Department- of Health and Human Services  
29 Hazen Drive  
Concord, New Hampshire 03301-~~6504~~.

**Appendix**

<b>Rule</b>	<b>State or Federal Statute or Federal Regulation Implemented</b>
He-P 4001.08	RSA 125-F:1, RSA 125-F:2, and RSA 125-F:5, II, IV, and V, Section 274 of the Atomic Energy Act of 1954, as amended, and 10 CFR 30.6, 40.5, and 70.5