

Notice Number 2024-72

Rule Number He-P 4023

1. Agency Name & Address:

**Department of Health & Human Services  
Division of Public Health Services  
Radiological Health Section  
29 Hazen Drive  
Concord, NH 03301**

2. RSA Authority: RSA 125-F:5, V

3. Federal Authority: 42 USC 2021(b)

4. Type of Action:

Adoption \_\_\_\_\_

Repeal \_\_\_\_\_

Readoption X

Readoption w/amendment X

5. Short Title: **Requirements for Radioactive Waste Disposal**

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:

**The Department of Health and Human Services (Department) is proposing to readopt or readopt with amendment He-P 4023. He-P 4023 describes the standards for proper disposal of low-level radioactive waste resulting from activities conducted pursuant to licenses issued by the Department. The proposed amendments are to comply with the corresponding revisions to Nuclear Regulatory Commission 10 CFR 20.2001 through 20.2008. The proposed editorial changes will also help bring clarity and readability to the rule. Most sections in He-P 4023 are scheduled to expire 5-23-24 but are subject to extension pursuant to RSA 541-A:14-a.**

**He-P 4023 does not implement a state statute for the first time.**

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

**Any licensee of radiological health responsible for radioactive waste disposal.**

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

Rule	Specific State or Federal Statute or Regulation the Rule Implements
He-P 4023.01	10 CFR 20.2001
He-P 4023.02	10 CFR 20.2002
He-P 4023.03	10 CFR 20.2003
He-P 4023.04	10 CFR 20.2004
He-P 4023.05	10 CFR 20.2005
He-P 4023.06	10 CFR 20.2006
He-P 4023.07	10 CFR 20.2007
He-P 4023.08	10 CFR 20.2008

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

Name: **Nicole Valanzola**

Title: **Administrative Rules Coordinator**

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

The proposed rules may be viewed and downloaded at:

<https://www.dhhs.nh.gov/doing-business-dhhs/legal-services/administrative-rules/nh-administrative-rules-public-comment>

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Friday, May 17, 2024**

Fax

E-mail

Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Friday, May 10, 2024 at 2:30 pm**

Physical Location: **DHHS Brown Bldg., Auditorium, 129 Pleasant St., Concord, NH**

Electronic Access (if applicable): **Not applicable.**

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

FIS # 24:059 , dated 4/5/2024

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

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:**

The proposed changes are intended to bring the rules into compliance with revisions to 10 CFR 20.2001 through 20.2008, relative to the federal Nuclear Regulatory Commission. There is no impact on state funds.

**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:

**Although the proposed rule modifies existing responsibilities, it 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.**