

PART He-P 4037 TRANSPORTATION OF RADIOACTIVE MATERIAL

He-P 4037.01 Purpose. The purpose of this rule is to set forth the requirements for packaging, preparation for shipment, and transportation of radioactive material. The requirements of this section are in addition to, and not in substitution for, the requirements of He-P 4003, 4019, 4020, 4021, 4022, 4023, 4024, and 4030 of this chapter.

Source. #7980, eff 10-22-03; ss by #9621, eff 12-24-09

He-P 4037.02 Scope. This part shall apply to any person who transports radioactive material or delivers radioactive material to a carrier for transport, including common and contract carriers not subject to the requirements of the U.S. Department of Transportation or U.S. Postal Service, as specified in Title 10, Code of Federal Regulations (CFR), Part 71, "Relating to Packaging and Transportation of Radioactive Material."

Source. #7980, eff 10-22-03; ss by #9621, eff 12-24-09

He-P 4037.03 Definitions. To reconcile differences between this part and the incorporated sections of 10 CFR Part 71 relating to packaging, preparation for shipment, and transportation of radioactive material, the following words and phrases shall be substituted for the language in 10 CFR Part 71 as follows:

(a) All references to "NRC" or "Commission" shall mean the New Hampshire department of health and human services;

(b) The definition of "licensed material" shall be as defined in He-P 4003 of this chapter; and

(c) The definition of "sealed source" shall be as defined in He-P 4003 of this chapter.

Source. #7980, eff 10-22-03; ss by #9621, eff 12-24-09

He-P 4037.04 Incorporation of 10 CFR Part 71.

(a) Except for the sections noted in (b or c) below and He-P 4037.03 above, all persons who transport radioactive material or deliver radioactive material to a carrier for transport, including common and contract carriers not subject to the requirements of the U.S. Department of Transportation or U.S. Postal Service, shall comply with Title 10, Code of Federal Regulations (CFR), Part 71, "Relating to Packaging and Transportation of Radioactive Material."

(b) Any physician licensed by New Hampshire to dispense drugs in the practice of medicine is exempt from Title 10 CFR Part 71.5 with respect to transport by the physician of licensed material for use in the practice of medicine. However, any physician operating under this exemption shall be licensed under He-P 4035, 10 CFR Part 35, or the equivalent Agreement State regulations.

(c) The following sections of the Title 10 CFR Part 71 shall not apply to persons who transport radioactive material or deliver radioactive material to a carrier for transport, including common and contract carriers not subject to the requirements of the U.S. Department of Transportation or U.S. Postal Service:

- (1) Title 10 CFR Part 71.2, relating to interpretations;
- (2) Title 10 CFR Part 71.6, relating to information collection;
- (3) Title 10 CFR Part 71.11, relating to protection of safeguards information;

- (4) Title 10 CFR Part 71.14(b), relating to low level material exemption;
- (5) Title 10 CFR Part 71.19, relating to previously approved packages;
- (6) Title 10 CFR Part 71 Subpart D, relating to application for package approval;
- (7) Title 10 CFR Parts 71.41, 71.43, 71.45, 71.51, 71.55, 71.59, 71.61, 71.63, 71.64, and 71.65, relating to package approval standards;
- (8) Title 10 CFR Part 71 Subpart F, relating to package, special form, and LSA-III tests;
- (9) Title 10 CFR Part 71.99, relating to violations;
- (10) Title 10 CFR Part 71.100, relating to criminal penalties;
- (11) Title 10 CFR Part 71.101(c)(2), (d) and (e), relating to quality assurance requirements;
and
- (12) Title 10 CFR Parts 71.107, 71.109, 71.111, 71.113, 71.115, 71.117, 71.119, 71.121, 71.123, and 71.125, relating to quality assurance.

Source. #7980, eff 10-22-03; ss by #9621, eff 12-24-09