



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

June 15, 2017

B.J. Smith, Director
Division of Radiological Health
Mississippi State Department of Health
3150 Lawson Street, P.O. Box 1700
Jackson, MS 39215-1700

Dear Mr. Smith:

We have reviewed the final revisions to the Mississippi regulations, Title 15, Part 21, Subpart 78 "Radiological Health," received by our office on May 18, 2017, in which you are addressing the comments from our letter dated July 9, 2013, specifically related to Regulation Amendment Tracking System Identification Numbers (RATS ID) 2001-1, 2004-1, and 2007-3, and other provisions not associated with a RATS ID as identified in the enclosed State Regulation Status (SRS) Data Sheet. We discussed our review of the regulations with Jayson Moak on June 14, 2017.

As a result of our review, we have three comments that have been identified in the enclosure. Please note that we have limited our review to regulations required for compatibility and/or health and safety. We have determined that if these regulations are revised, incorporating our comments and without other significant change, they would meet the compatibility and health and safety categories established in the Office of Nuclear Material Safety and Safeguards (NMSS) Procedure SA-200, "Compatibility Categories and Health and Safety Identification for NRC Regulations and Other Program Elements."

We request that when you revise your regulations to address our comments, a copy of the "as published" regulations be provided to us for review. As requested in NMSS Procedure SA-201, "Review of State Regulatory Requirements," please highlight the location of any changes made by Mississippi, in response to our comments, and provide a copy to Division of Material Safety, State, Tribal, and Rulemaking Programs, NMSS. The SRS Data Sheet summarizes our knowledge of the status of other Mississippi regulations, as indicated. Please let us know if you note any inaccuracies, or have any comments on the information contained in the SRS Data Sheet. This letter, including the SRS Data Sheet, is posted on the NMSS State Communication Portal: <https://scp.nrc.gov/rulemaking.html>.

If you have any questions regarding the comments, the compatibility and health and safety categories, or any of the NRC regulations used in the review, please contact Michelle Beardsley, State Regulation Review Coordinator, at (267) 884-2305 (Michelle.Beardsley@nrc.gov) or Binesh Tharakan at (817) 200-1116 (Binesh.Tharakan@nrc.gov).

Sincerely,

/RA Paul Michalak for/

Kevin Williams, Deputy Director
Division of Material Safety, State, Tribal
and Rulemaking Programs
Office of Nuclear Material Safety
and Safeguards

Enclosures:

1. Compatibility Comments
2. Mississippi SRS Data Sheet

B. Smith

-3-

SUBJECT: XX/XX/2017 LETTER TO B.J. SMITH RE: MISSISSIPPI REVISED FINAL REGULATIONS TO RATS IDS 2001-1, 2004-1, AND 2007-3, AND OTHER PROVISIONS NOT ASSOCIATED WITH A RATS ID (June 15, 2017)

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DIR RF (17-43)
B. Tharakan, RSAO
Mississippi File

| | | | | | |
|--------|-----------|------------|----------------------|-----------|-------------------------|
| OFFICE | RIV | ASPB | OGC | ASPB:BC | MSTR:DD |
| NAME | BTharakan | MBeardsley | TSmith NLO via email | PMichalak | PMichalak for KWilliams |
| DATE | 6/1/17 | 6/2/17 | 6/14/17 | 6/15/17 | 6/15/17 |

ML17156A207

OFFICIAL RECORD COPY

Package ML17139D420

COMPATIBILITY COMMENTS ON MISSISSIPPI REVISED FINAL REGULATIONS

| | STATE SECTION | NRC SECTION | RATS ID | CATEGORY | SUBJECT and COMMENTS |
|---|----------------------|--|----------------|-----------------|---|
| 1 | N/A | 32.210(a), (b), (c), (d), (e), & (f) | N/A | B | <p>Registration of product information</p> <p>Mississippi omits equivalent language to 10 CFR 32.210 (a), (b), (c), (d), (e), and (f).</p> <p>Mississippi needs to add an equivalent provision to 10 CFR 32.210 (a), (b), (c), (d), (e), and (f) in order to meet the Compatibility Category B designation assigned to 10 CFR 32.210 (a), (b), (c), (d), (e), and (f).</p> <p>COMMENT STANDS FROM NRC LETTER DATED JULY 9, 2013 (ML13002A239)– MS is intending to return the SS&D program to NRC therefore it was not incorporated into regulation.</p> |
| 2 | 1.13.2.14 | 71.4 | 2004-1 | B | <p>Definition: Low Specific Activity (LSA) material</p> <p>The codification used by Mississippi for the definition of LSA material is incorrect. Specifically, the codification for LSA-III is inconsistent with the rest of the definition, i.e. 1.13.2.14.c.i should be moved to 1.13.2.14.c after LSA-III and 1.13.2.14.c.ii, iii, iv, should be renumbered 1.13.2.14.c.i, ii, and iii, respectively.</p> <p>Mississippi needs to make the above changes in order to meet the Compatibility Category B designation assigned to 10 CFR 71.4, Definition: Low Specific Activity (LSA) material.</p> |

| | | | | | |
|---|--------|-------|-----|---|--|
| 3 | 1.7.19 | 35.50 | N/A | B | <p>Training for Radiation Safety Officer</p> <p>Mississippi Rule 1.7.19 lists references to 1.7.19(3), (4), and (5), which do not exist or are codified incorrectly. Sections 1.7.19(3), (4), and (5) should correspond directly to 10 CFR 35.50 (c), (d), and (e), respectively.</p> <p>Mississippi needs to correct the codification errors in Rule 1.7.19 and add sections 1.7.19(3), (4), and (5) to correspond to 10 CFR 35.50 (c), (d), and (e), respectively.</p> <p>Mississippi needs to make the above changes in order to meet the Compatibility Category B designation assigned to 10 CFR 35.50.</p> |
|---|--------|-------|-----|---|--|

STATE REGULATION STATUS

State: Mississippi

Tracking Ticket Number: 17-43

Date: 06/15/2017

[#4 amendment(s) reviewed identified by a *at the beginning of the equivalent NRC requirement.]

| RATS ID | NRC Chronology Identification | Date Due for State Adoption | Incoming Letter | Outgoing Package | Notes |
|---------|---|-----------------------------|-----------------------------------|--|--|
| 1991-1 | Safety Requirements for Radiographic Equipment Part 34 55 FR 843 (Superceded by 1997-5) | 01/10/1994 | Final ¹ ML010590507 | No Comments 11/16/2001 ML013230431 | Mississippi has adopted Final Regulations equivalent to RATS ID: 1997-5. |
| 1991-2 | ASNT Certification of Radiographers Part 34 56 FR 11504 (Superceded by 1997-5) | none | Not Required | Not Required | Mississippi has adopted Final Regulations equivalent to RATS ID: 1997-5. |
| 1991-3 | Standards for Protection Against Radiation Part 20 56 FR 23360; 56 FR 61352; 57 FR 38588; 57 FR 57877; 58 FR 67657; 59 FR 41641; 60 FR 20183; | 01/01/1994 | Final ¹ ML010590507 | No Comments 11/16/2001 ML013230431 | |
| 1991-4 | Notification of Incidents Parts 20, 30, 31, 34, 39, 40, and 70 56 FR 64980; | 10/15/1994 | Final ¹ ML010590507 | No Comments 11/16/2001 ML013230431 | |
| 1992-1 | Quality Management Program and Misadministrations Part 35 56 FR 34104 (Superceded by 2002-2) | 01/27/1995 | Final ¹ ML010590507 | No Comments 11/16/2001 ML013230431 | Mississippi has adopted Final Regulations equivalent to RATS ID: 2002-2. |
| 1992-2 | Eliminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions Parts 30 and 35 57 FR 45566 | none | Not Required | Not Required | These regulation changes are not required to be adopted for purposes of Compatibility. |

| RATS ID | NRC Chronology Identification | Date Due for State Adoption | Incoming Letter | Outgoing Package | Notes |
|---------|---|-----------------------------|-----------------------------------|--|---|
| 1993-1 | Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites] Parts 30 and 40 58 FR 39628 | 10/25/1996 | Final ¹ ML010590507 | No Comments 11/16/2001 ML013230431 | |
| 1993-2 | Licensing and Radiation Safety Requirements for Irradiators Part 36 58 FR 7715 | 07/01/1996 | Final ¹ ML010590507 | No Comments 11/16/2001 ML013230431 | |
| 1993-3 | Definition of Land Disposal and Waste Site QA Program Part 61 58 FR 33886 | 07/22/1996 | Not Applicable ² | Not Applicable | Mississippi does not have any licensees subject to these regulations. (See SECY-95-112) |
| 1994-1 | Self-Guarantee as an Additional Financial Mechanism Parts 30, 40, and 70 58 FR 68726; 59 FR 1618 | none | Final ¹ ML010590507 | No Comments 11/16/2001 ML013230431 | These regulation changes are not required to be adopted for purposes of Compatibility. |
| 1994-2 | Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards Part 40 59 FR 28220 | 07/01/1997 | Not Applicable | Not Applicable | Mississippi does not have authority to regulate this material under its Agreement. |
| 1994-3 | Timeliness in Decommissioning Material Facilities Parts 30, 40, and 70 59 FR 36026 | 08/15/1997 | Final ¹ ML010590507 | No Comments 11/16/2001 ML013230431 | |
| 1995-1 | Preparation, Transfer for Commercial Distribution, and Use of Byproduct Material for Medical Use Parts 30, 32, and 35 59 FR 61767; 59 FR 65243; 60 FR 322 | 01/01/1998 | Final ML091540220 | No Comments 07/21/2009 ML091670024 | |

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|---------|---|-----------------------------|-----------------------------------|--|--|
| 1995-2 | Frequency of Medical Examinations for Use of Respiratory Protection Equipment Part 20 60 FR 7900 | 03/13/1998 | Final ¹ ML010590507 | No Comments 11/16/2001 ML013230431 | |
| 1995-3 | Low-Level Waste Shipment Manifest Information and Reporting Parts 20 and 61 60 FR 15649; 60 FR 25983 | 03/01/1998 | Final ¹ ML010590507 | No Comments 11/16/2001 ML013230431 | |
| 1995-4 | Performance Requirements for Radiography Equipment Part 34 60 FR 28323 (Superseded by 1997-5) | 06/30/1998 | Final ¹ ML010590507 | No Comments 11/16/2001 ML013230431 | Mississippi has adopted Final Regulations equivalent to RATS ID: 1997-5. |
| 1995-5 | Radiation Protection Requirements: Amended Definitions and Criteria Parts 19 and 20 60 FR 36038 | 08/14/1998 | Final ¹ ML010590507 | No Comments 11/16/2001 ML013230431 | |
| 1995-6 | Clarification of Decommissioning Funding Requirements Parts 30, 40, and 70 60 FR 38235 | 11/24/1998 | Final ¹ ML010590507 | No Comments 11/16/2001 ML013230431 | |
| 1995-7 | Medical Administration of Radiation and Radioactive Materials Parts 20 and 35 60 FR 48623 (Superseded by 2002-2 and 2005-2) | 10/20/1998 | | | |
| 1996-1 | Compatibility with the International Atomic Energy Agency Part 71 60 FR 50248; 61 FR 28724 (Superseded by 2004-1) | 04/01/1999 | | | |

| RATS ID | NRC Chronology Identification | Date Due for State Adoption | Incoming Letter | Outgoing Package | Notes |
|---------|---|-----------------------------|-----------------------------------|--|---|
| 1996-2 | One Time Extension of Certain Byproduct, Source and Special Nuclear Materials Licenses Parts 30, 40, and 70 61 FR 1109 | 02/15/1999 | Not Required | Not Required | These regulation changes are not required to be adopted for purposes of Compatibility. |
| 1996-3 | Termination or Transfer of Licensed Activities: Record keeping Requirements Parts 20, 30, 40, 61, and 70 61 FR 24669 | 06/17/1999 | Final ¹ ML010590507 | No Comments 11/16/2001 ML013230431 | |
| 1997-1 | Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act Part 20 61 FR 65120 | 01/9/2000 | Final ¹ ML010590507 | No Comments 11/16/2001 ML013230431 | |
| 1997-2 | Recognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction Within an Agreement State Part 150 62 FR 1662 | 02/27/2000 | Final ¹ ML010590507 | No Comments 11/16/2001 ML013230431 | |
| 1997-3 | Criteria for the Release of Individuals Administered Radioactive Material Parts 20 and 35 62 FR 4120 | 05/29/2000 | Final ¹ ML010590507 | No Comments 11/16/2001 ML013230431 | |
| 1997-4 | Fissile Material Shipments and Exemptions Part 71 62 FR 5907 (Superseded by 2004-1) | 02/10/2000 | Not Required | Not Required | These regulation changes are not required to be adopted for purposes of Compatibility. (See STP-97-078) |
| 1997-5 | Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations Parts 30, 34, 71, and 150 62 FR 28947 | 06/27/2000 | Final ¹ ML010590507 | No Comments 11/16/2001 ML013230431 | |

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|---------|--|-----------------------------|-----------------------------------|--|--|
| 1997-6 | Radiological Criteria for License Termination Parts 20, 30, 40, and 70 62 FR 39057 | 08/20/2000 | Final ¹ ML010590507 | No Comments 11/16/2001 ML013230431 | |
| 1997-7 | Exempt Distribution of a Radioactive Drug Containing One Microcurie of Carbon-14 Urea Part 30 62 FR 63634 | 01/02/2001 | Final ¹ ML010590507 | No Comments 11/16/2001 ML013230431 | |
| 1998-1 | Deliberate Misconduct by Unlicensed Persons Parts 30, 40, 61, 70, 71, and 150 63 FR 1890; 63 FR 13773 | 02/12/2001 | Final ¹ ML010590507 | No Comments 11/16/2001 ML013230431 | |
| 1998-2 | Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees Parts 30, 40, and 70 63 FR 29535 | 07/01/2001 | Not Required | Not Required | These regulation changes are not required to be adopted for purposes of Compatibility. |
| 1998-3 | License Term for Medical Use Licenses Part 35 63 FR 31604 (Superceded by 2002-2) | 07/10/2001 | Not Required | Not Required | These regulation changes are not required to be adopted for purposes of Compatibility. (See STP-98-074) Mississippi has adopted Final Regulations equivalent to RATS ID: 2002-2. |
| 1998-4 | Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations Part 34 63 FR 37059 | 07/09/2001 | Final ML091540220 | No Comments 07/21/2009 ML091670024 | |
| 1998-5 | Minor Corrections, Clarifying Changes, and a Minor Policy Change Parts 20, 32, 35, 36, and 39 63 FR 39477; 63 FR 45393 | 10/26/2001 | Final ¹ ML010590507 | No Comments 11/16/2001 ML013230431 | |

| RATS ID | NRC Chronology Identification | Date Due for State Adoption | Incoming Letter | Outgoing Package | Notes |
|---------|--|-----------------------------|--|--|--|
| 1998-6 | Transfer for Disposal and Manifests: Minor Technical Conforming Amendment Part 20 63 FR 50127 | 11/20/2001 | Final ¹ ML010590507 | No Comments 11/16/2001 ML013230431 | |
| 1999-1 | Radiological Criteria for License Termination of Uranium Recovery Facilities Part 40 64 FR 17506 | 06/11/2002 | Not Required | Not Required | Mississippi does not have the authority to regulate this material under its Agreement. |
| 1999-2 | Requirements for Those Who Possess Certain Industrial Devices Containing Byproduct Material to Provide Requested Information Part 31 64 FR 42269 | 10/04/2002 | Not Required | Not Required | These regulation changes are not required to be adopted for purposes of Compatibility. |
| 1999-3 | Respiratory Protection and Controls to Restrict Internal Exposure Part 20 64 FR 54543; 64 FR 55524 | 02/02/2003 | Final ¹ ML010590507 | No Comments 11/16/2001 ML013230431 | |
| 2000-1 | Energy Compensation Sources for Well Logging and Other Regulatory Clarifications Part 39 65 FR 20337 | 05/17/2003 | Final ML040290385 | No Comments 02/03/2004 ML040340553 | |
| 2000-2 | New Dosimetry Technology Parts 34, 36, and 39 65 FR 63750 | 01/08/2004 | Final ML040290385 | No Comments 02/03/2004 ML040340553 | |
| *2001-1 | Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material Parts 30, 31, and 32 65 FR 79162 | 02/16/2004 | Final ML12275A387 Revised Final ML17139D421 | No Comments 07/09/2013 ML13002A239 No Comments DATE ML17139D420 | |

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|---------|---|-----------------------------|--|---|-------|
| 2002-1 | Revision of the Skin Dose Limit Part 20 67 FR 16298 | 04/05/2005 | Final ML051380417 | No Comments 06/15/2005 ML051660091 | |
| 2002-2 | Medical Use of Byproduct Material Parts 20, 32, and 35 67 FR 20249 | 10/24/2005 | Final ML051380417 | No Comments 06/15/2005 ML051660091 | |
| 2003-1 | Financial Assurance for Materials Licensees Parts 30, 40, and 70 68 FR 57327 | 12/03/2006 | Final ML12275A387 | No Comments 07/09/2013 ML13002A239 | |
| *2004-1 | Compatibility With IAEA Transportation Safety Standards and Other Transportation Safety Amendments Part 71 69 FR 3697 | 10/01/2007 | Final ML12275A387 Revised Final ML17139D421 | Comments 07/09/2013 ML13002A239 Comment DATE ML17139D420 | |
| 2005-1 | Security Requirements for Portable Gauges Containing Byproduct Material Part 30 70 FR 2001 | 07/11/2008 | Final ML091540220 | No Comments 07/21/2009 ML091670024 | |
| 2005-2 | Medical Use of Byproduct Material - Recognition of Specialty Boards Part 35 70 FR 16336; 71 FR 1926 | 04/29/2008 | Final ML091540220 | No Comments 07/21/2009 ML091670024 | |
| 2005-3 | Increased Controls for Risk-Significant Radioactive Sources (NRC Order EA-05-090) 70 FR 72128 | 12/01/2005 | License Condition ML053110130 | No Comments 11/07/2005 ML053120172 | |
| 2006-1 | Minor Amendments Parts 20, 30, 32, 35, 40, and 70 71 FR 15005 | 03/27/2009 | Final ML091540220 | No Comments 07/21/2009 ML091670024 | |

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|---------|--|-----------------------------|---|---|-------|
| 2006-2 | National Source Tracking System - Serialization Requirements Part 32 with reference to Part 20 Appendix E 71 FR 65685 | 02/06/2007 | Final ML091540220 | No Comments 07/21/2009 ML091670024 | |
| 2006-3 | National Source Tracking System Part 20 71 FR 65685, 72 FR 59162 | 01/31/2009 | Final ML091540220 License Condition ML083460151 | No Comments 07/21/2009 ML091670024 No Comment 12/30/2008 ML083530040 | |
| 2007-1 | Medical Use of Byproduct Material - Minor Corrections and Clarifications Parts 32 and 35 72 FR 45147, 54207 | 10/29/2010 | Final ML091540220 | No Comments 07/21/2009 ML091670024 | |
| 2007-2 | Exemptions From Licensing, General Licenses, and Distribution of Byproduct Material: Licensing and Reporting Requirements Parts 30, 31, 32, and 150 72 FR 58473 | 12/17/2010 | Final ML091540220 | No Comments 07/21/2009 ML091670024 | |
| *2007-3 | Requirements for Expanded Definition of Byproduct Material Parts 20, 30, 31, 32, 33, 35, 61, and 150 72 FR 55864 | 11/30/2010 | Final ML12275A387 Revised Final ML17139D421 | Comments 07/09/2013 ML13002A239 No Comments DATE ML17139D420 | |
| 2007-4 | Order Imposing Fingerprinting Requirements and Criminal History Records Check Requirements for Unescorted Access to Certain Radioactive Material NRC Order EA-07-305 72 FR 70901 | 06/05/2008 | License Condition ML081090337 | No Comments 05/01/2008 ML081220282 | |

| RATS ID | NRC Chronology Identification | Date Due for State Adoption | Incoming Letter | Outgoing Package | Notes |
|---------|--|-----------------------------|--|---|-------|
| 2008-1 | Occupational Dose Records, Labeling Containers, and Total Effective Dose Equivalent Parts 19 and 20 72 FR 68043 | 02/15/2011 | Final ML091540220 | No Comments 07/21/2009 ML091670024 | |
| 2009-1 | Medical Use of Byproduct Material – Authorized User Clarification Part 35 74 FR 33901 | 09/28/2012 | Final ML12275A387 | No Comments 07/09/2013 ML13002A239 | |
| 2011-1 | Decommissioning Planning Parts 20, 30, 40, and 70 76 FR 35512 | 12/17/2015 | | | |
| 2011-2 | Licenses, Certifications, and Approvals for Materials Licensees Parts 30, 36, 39, 40, 70, and 150 76 FR 56951 | 11/14/2014 | Final ML12275A387 | No Comments 07/09/2013 ML13002A239 | |
| 2012-1 | Change of Compatibility of 10 CFR 31.5 and 31.6 (See RATS ID: 2001-1 for Rule text) 77 FR 3640 | 01/25/2015 | Final ML12275A387 Revised Final ML17081A234 | Comments 07/09/2013 ML13002A239 No Comments 04/06/2017 ML17081A217 | |
| 2012-2 | Advance Notification to Native American Tribes of Transportation of Certain Types of Nuclear Waste Part 71 77 FR 34194 | 08/10/2015 | Revised Final ML17081A234 | No Comments 04/06/2017 ML17081A217 | |
| 2012-3 | Technical Corrections Part 30, 34, 40, and 71 77 FR 39899 | 08/06/2015 | Revised Final ML17081A234 | No Comments 04/06/2017 ML17081A217 | |

| RATS ID | NRC Chronology Identification | Date Due for State Adoption | Incoming Letter | Outgoing Package | Notes |
|---------|--|-----------------------------|----------------------------------|--|-------|
| 2012-4 | Requirements for Distribution of Byproduct Material Parts 30, 31, 32, 40, and 70 77 FR 43666 | 10/23/2015 | | | |
| 2013-1 | Physical Protection of Byproduct Material, 10 CFR Parts 20, 30, 32, 33, 34, 35, 36, 37, 39, and 71 78 FR 16922 | 03/19/2016 | License Condition ML15194A389 | No Comments 08/05/2015 ML15194A385 | |
| 2013-2 | Distribution of Source Material to Exempt Persons and to General Licensees and Revision of General License and Exemptions Parts 30, 40, and 70 78 FR 32310 | 08/27/2016 | | | |
| 2015-1 | Domestic Licensing of Special Nuclear Material – Written Reports and Clarifying Amendments Part 70 79 FR 57721, 80 FR 143 | 01/26/2018 | | | |
| 2015-2 | Safeguards Information - Modified Handling Categorization, Change for Materials Facilities Parts 30, 37, 73, and 150 79 FR 58664, 80 FR 3865 | 01/28/2018 | | | |
| 2015-3 | Revisions to Transportation Safety Requirements and Harmonization with International Atomic Energy Agency Transportation Requirements Part 71 80 FR 33987 | 07/13/2018 | | | |
| 2015-4 | Miscellaneous Corrections Parts 37 and 40 80 FR 45841 | 09/02/2018 | | | |
| 2015-5 | Miscellaneous Corrections Parts 19, 20, 30, 32, 37, 40, 61, 70, 71, and 150 80 FR 74974 | 12/31/2018 | | | |

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|---------|---|-----------------------------|--|--|--|
| *N/A | Various provisions - renumbering of State regulations | N/A | Final ML12275A387 Revised Final ML17139D420 | Comments 07/09/2013 ML13002A239 Comments DATE ML17139D420 | Comments re: 32.210 (a) through (f), and 35.50 |

¹ Mississippi submitted a final version of these regulations during the time frame in which the proposed version of these regulations was being reviewed. Staff then continued the review with the submitted final regulations. The outgoing letter (ML013230431) incorrectly states that only the proposed regulations were reviewed.

² IMPEP Team: verify that Mississippi does not have any licensees subject to these regulations during each review.