



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

July 25, 2017

David Scaturo, P.E., PG, Director
Dept. of Health & Environmental Control
South Carolina Bureau of Land and Waste Management
2600 Bull Street
Columbia, SC 29201

Dear Mr. Scaturo:

We have reviewed the proposed revisions to the South Carolina Radiological Health Rules Department Regulation, received by our office on June 7, 2017. These regulations were reviewed by comparison to the equivalent U.S. Nuclear Regulatory Commission (NRC) rules and Regulation Amendment Tracking System Identification Numbers (RATS IDs) 2015-1, 2015-2, 2015-3, 2015-4, and 2015-5 as identified in the enclosed State Regulation Status (SRS) Data Sheet. We discussed our review of the regulations with Andrew Roxburgh on July 24, 2017.

As a result of our review, we have seven 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. Under our current procedure, a finding that the South Carolina regulations meet the compatibility and health and safety categories of the equivalent NRC regulation may only be made based on a review of the final South Carolina regulations. However, we have determined that if your proposed regulations were adopted, 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 the proposed regulations are adopted and published as final regulations, 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 final changes, 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 South Carolina 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 Lizette Roldan-Otero, Ph.D. at 817-200-1596 (lizette.roldan@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. South Carolina SRS Data Sheet

COMPATIBILITY COMMENTS ON SOUTH CAROLINA PROPOSED REGULATIONS

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
1	RHA 2.22.1	71.70	2015-3	NRC	Incorporations by reference
		71.85(a)-(c)		NRC	Preliminary determinations
		71.91(b)		NRC	Records
					<p>SC needs to add 71.70, 71.85(a)-(c), and 71.91(b) to the list of excluded regulations since they are Compatibility Category NRC.</p> <p>SC needs to make the change as stated above in order to meet the Compatibility Category NRC designation assigned to 10 CFR 71.70, 71.85(a)-(c), and 71.91(b).</p>
2	RHA 2.22.1	71.101(c)(2)	2015-3	NRC	<p>Quality assurance requirements</p> <p>SC needs to replace 71.101 with 71.101(c)(2) in their list of excluded regulations.</p> <p>SC needs to make the change as stated above in order to meet the Compatibility Category NRC designation assigned to 10 CFR 71.101(c)(2).</p>
3	RHA 2.22.1	71.101(g)	2015-3	C	<p>Quality assurance requirements</p> <p>SC needs to add 71.101(g) to the list of the regulations they will adopt by reference.</p> <p>SC needs to make the change as stated above in order to meet the Compatibility Category C designation assigned to 10 CFR 71.101(g).</p>
4	RHA 2.22.1	71,17	2015-3	B	General license: NRC approved package
		71.21		B	General license: Use of foreign

STATE SECTION	NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
				<p>approved package</p> <p>Records</p> <p>Quality assurance requirements</p> <p>Quality assurance organization</p> <p>Changes to quality assurance program</p> <p>Quality assurance records</p> <p>SC needs to indicate that:</p> <ol style="list-style-type: none"> 1) Their regulations apply to their general licensees, and the general licensee's quality assurance program (QAP) needs to be approved by SC and not the NRC; 2) The submittals required by these parts, i.e. QAPs and first use of package, should be sent to the SC agency, and provide the agency contact information; 3) The terms "Certificate of Compliance (CoC), applicant, and certificate holder apply solely to the NRC. <p>SC needs to make the changes as stated above in order to meet the Compatibility Category B designation assigned to 10 CFR 71.17, and 71.21, and the Compatibility Category C designation assigned to 10 CFR 71.91(c) and (d), 71.101(a)(b) and (c)(1), 71.103(a), 71.106, and 71.135.</p>

5	RHA 3.55.1.1	10 CFR Part 20 Appendix G	2015-5	B	<p>Standards for Protection Against Radiation</p> <p>SC needs to remove the phrase “Information and Records Management Branch, Office of Information Resources Management” and replace it with, “Office of the Chief Information Officer. In addition, SC needs to update the phone number to (301) 415-7232.</p> <p>SC needs to make the change as stated above in order to meet the Compatibility Category B designation assigned to 10 CFR Part 20 Appendix G.</p>
6	RHA 12.7.3.1	37.27(c)(1)	2015-5	B	<p>Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material</p> <p>SC needs to update the Mail Stop to TWB-05 B32M, and remove the zip code extension “2738”.</p> <p>SC needs to make the change as stated above in order to meet the Compatibility Category B designation assigned to 10 CFR 37.27(c)(1).</p>
7	RHA 12.23.1.1	37.77(a)(1)	2015-5	B	<p>Advance notification of shipment of category 1 quantities of radioactive material</p> <p>SC needs to add the sentence “A list of the contact information is also available upon request from the Director, Division of Material Safety, State, Tribal, and Rulemaking Programs, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.” to RHA 12.23.1.1.</p> <p>SC needs to make the change as stated above in order to meet the Compatibility Category B designation assigned to 10 CFR 37.77(a)(1).</p>

STATE REGULATION STATUS

State: South Carolina

Tracking Ticket Number: 17-45

Date: July 25, 2017

[# 5 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	No Comments 06/14/1995	South Carolina has adopted these 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	South Carolina has adopted these 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	No Comments 06/14/1995	
1991-4	Notification of Incidents Parts 20, 30, 31, 34, 39, 40, and 70 56 FR 64980;	10/15/1994	Final	No Comments 06/14/1995	
1992-1	Quality Management Program and Misadministrations Part 35 56 FR 34104 (Superceded by 2002-2)	01/27/1995	Final	No Comments 06/14/1995	South Carolina has adopted these Final Regulations equivalent to RATS ID: 2002-2.

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
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.
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	No Comments 08/25/1999	
1993-2	Licensing and Radiation Safety Requirements for Irradiators Part 36 58 FR 7715	07/01/1996	Final	No Comments 08/25/1999	
1993-3	Definition of Land Disposal and Waste Site QA Program Part 61 58 FR 33886	07/22/1996	Final	No Comments 06/14/1995	
1994-1	Self-Guarantee as an Additional Financial Mechanism Parts 30, 40, and 70 58 FR 68726; 59 FR 1618	none	Not Required	Not Required	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	South Carolina does not have authority to regulate this material under its Agreement

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1994-3	Timeliness in Decommissioning Material Facilities Parts 30, 40, and 70 59 FR 36026	08/15/1997	Final	No Comments 08/25/1999	
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	No Comments 08/25/1999	
1995-2	Frequency of Medical Examinations for Use of Respiratory Protection Equipment Part 20 60 FR 7900	03/13/1998	Final	No Comments 08/25/1999	
1995-3	Low-Level Waste Shipment Manifest Information and Reporting Parts 20 and 61 60 FR 15649; 60 FR 25983	03/01/1998	Final	No Comments 08/25/1999	
1995-4	Performance Requirements for Radiography Equipment Part 34 60 FR 28323 (Superceded by 1997-5)	06/30/1998	Final	No Comments 08/25/1999	South Carolina has adopted these 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	No Comments 08/25/1999	

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1995-6	Clarification of Decommissioning Funding Requirements Parts 30, 40, and 70 60 FR 38235	11/24/1998	Final	No Comments 08/25/1999	
1995-7	Medical Administration of Radiation and Radioactive Materials Parts 20 and 35 60 FR 48623 (Superceded by 2002-2 and 2005-2)	10/20/1998	Final	No Comments 08/25/1999	South Carolina has adopted these Final Regulations equivalent to RATS ID: 2002-2 and 2005-2.
1996-1	Compatibility with the International Atomic Energy Agency Part 71 60 FR 50248; 61 FR 28724 (Superceded by 2004-1)	04/01/1999	Final	No Comments 08/25/1999	South Carolina has adopted these Final Regulations equivalent to RATS ID: 2004-1
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: Recordkeeping Requirements Parts 20, 30, 40, 61, and 70 61 FR 24669	06/17/1999	Final	No Comments 08/25/1999	
1997-1	Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act Part 20 61 FR 65120	01/9/2000	Final ML080170513	No Comments 02/11/2008 ML080390388	

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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 ML072200323	No Comments 08/23/2007 ML072340245	
1997-3	Criteria for the Release of Individuals Administered Radioactive Material Parts 20 and 35 62 FR 4120	05/29/2000	Final ML072200323	No Comments 08/23/2007 ML072340245	
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) South Carolina has adopted these Final Regulations equivalent to RATS ID: 2004-1.
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 ML072200323	No Comments 08/23/2007 ML072340245	
1997-6	Radiological Criteria for License Termination Parts 20, 30, 40, and 70 62 FR 39057	08/20/2000	Final ML080170513	No Comments 02/11/2008 ML080390388	

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1997-7	Exempt Distribution of a Radioactive Drug Containing One Microcurie of Carbon-14 Urea Part 30 62 FR 63634	01/02/2001	Final ML072200323	No Comments 08/23/2007 ML072340245	
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 ML072200323	No Comments 08/23/2007 ML072340245	
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 (Superseded 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) South Carolina has adopted these 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 ML072200322	No Comments 09/25/2007 ML072680002	
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 ML072200322	No Comments 09/25/2007 ML072680002	

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1998-6	Transfer for Disposal and Manifests: Minor Technical Conforming Amendment Part 20 63 FR 50127	11/20/2001	Final	No Comments 08/25/1999	
1999-1	Radiological Criteria for License Termination of Uranium Recovery Facilities Part 40 64 FR 17506	06/11/2002	ot Applicable	Not Applicable	South Carolina does not have 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 ML030550104	No Comments 03/12/2003 ML030720133	
2000-1	Energy Compensation Sources for Well Logging and Other Regulatory Clarifications Part 39 65 FR 20337	05/17/2003	Final ML030550104	No Comments 03/12/2003 ML030720133	
2000-2	New Dosimetry Technology Parts 34, 36, and 39 65 FR 63750	01/08/2004	Final ML030550104	No Comments 03/12/2003 ML030720133	

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2001-1	Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material Parts 30, 31, and 32 65 FR 79162	02/16/2004	Final ML080300391	No Comments 02/26/2008 ML080560369	
2002-1	Revision of the Skin Dose Limit Part 20 67 FR 16298	04/05/2005	Final ML051580125	No Comments 06/30/2005 ML051810477	
2002-2	Medical Use of Byproduct Material Parts 20, 32, and 35 67 FR 20249	10/24/2005	Final ML051580125	No Comments 06/30/2005 ML051810477	
2003-1	Financial Assurance for Materials Licensees Parts 30, 40, and 70 68 FR 57327	12/03/2006	Final ML070310150	No Comments 02/23/2007 ML070520002	
2004-1	Compatibility With IAEA Transportation Safety Standards and Other Transportation Safety Amendments Part 71 69 FR 3697	10/01/2007	Final ML070310150	No Comments 02/23/2007 ML070520002	
2005-1	Security Requirements for Portable Gauges Containing Byproduct Material Part 30 70 FR 2001	07/11/2008	Final ML073340385	No Comments 01/02/2008 ML080020336	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
2005-2	Medical Use of Byproduct Material - Recognition of Specialty Boards Part 35 70 FR 16336; 71 FR 1926	04/29/2008	Final ML073340385	No Comments 01/02/2008 ML080020336	
2005-3	Increased Controls for Risk-Significant Radioactive Sources (NRC Order EA-05-090) 70 FR 72128	12/01/2005	License Condition ML052850130	No Comments 10/13/2005 ML052870003	
2006-1	Minor Amendments Parts 20, 30, 32, 35, 40, and 70 71 FR 15005	03/27/2009	Final ML073340385	No Comments 01/02/2008 ML080020336	
2006-2	National Source Tracking System - Serialization Requirements Part 32 with reference to Part 20 Appendix E 71 FR 65685	02/06/2007	P ML14126A326 License Condition ML102571587 Final ML14338A663	No Comments 07/29/2014 ML14126A091 No Comments 10/20/2010 ML102770366 No Comments 03/06/2015 ML14338A526	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
2006-3	National Source Tracking System Part 20 71 FR 65685, 72 FR 59162	01/31/2009	Final ML102571587 License Condition ML082960009	No Comments 10/20/2010 ML102770366 No Comments 11/10/2008 ML083010017	
2007-1	Medical Use of Byproduct Material - Minor Corrections and Clarifications Parts 32 and 35 72 FR 45147, 54207	10/29/2010	Final ML110120272	No Comments 02/23/2011 ML110450089	
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 ML110120272	No Comments 02/23/2011 ML110450089	
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 ML102571587 Final ML14338A663	Comments 10/20/2010 ML102770366 No Comments 03/06/2015 ML14338A526	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
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 ML080730310 License Condition ML090500020	No Comments 03/27/2008 ML080870445 No Comments 03/10/2009 ML090540009	For the Bureau of Radiological Health Licensees. For the Division of Waste Management Licensees.
2008-1	Occupational Dose Records, Labeling Containers, and Total Effective Dose Equivalent Parts 19 and 20 72 FR 68043	02/15/2011	Final ML102571587	No Comments 10/20/2010 ML102770366	
2009-1	Medical Use of Byproduct Material – Authorized User Clarification Part 35 74 FR 33901	09/28/2012	Final ML110120272	No Comments 02/23/2011 ML110450089	
2011-1	Decommissioning Planning Parts 20, 30, 40, and 70 76 FR 35512	12/17/2015	P ML14126A326 Final ML14338A663	Comments 07/29/2014 ML14126A091 No Comments 03/06/2015 ML14338A526	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
2011-2	Licenses, Certifications, and Approvals for Materials Licensees Parts 30, 36, 39, 40, 70, and 150 76 FR 56951	11/14/2014	P ML14126A326 Final ML14338A663	No Comments 07/29/2014 ML14126A091 No Comments 03/06/2015 ML14338A526	
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	Proposed ML14338A663 Final ML15097A500	Comments 03/06/2015 ML14338A526 Comment 05/04/2015 ML15097A479	
2012-2	Advance Notification to Native American Tribes of Transportation of Certain Types of Nuclear Waste Part 71 77 FR 34194	08/10/2015	Proposed ML14338A663	No Comments 03/06/2015 ML14338A526	
2012-3	Technical Corrections Parts 30, 34, 40, and 71 77 FR 39899	08/06/2015	Proposed ML14126A326 Final ML15097A500	No Comments 07/29/2014 ML14126A091 No Comments 05/04/2015 ML15097A479	

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	P ML14126A326 Final ML14338A663 Revised Final ML15097A500	Comments 07/29/2014 ML14126A091 Comments 03/06/2015 ML14338A526 No Comments 05/04/2015 ML15097A479	
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	P ML14126A326 Final ML14338A663 Revised Final ML15097A500	Comments 07/29/2014 ML14126A091 Comments 03/06/2015 ML14338A526 No Comments 05/04/2015 ML15097A479	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
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	P ML14126A326 Final ML14338A663 Revised Final ML15097A500	Comments 07/29/2014 ML14126A091 Comments 03/06/2015 ML14338A526 No Comments 05/04/2015 ML15097A479	
*2015-1	Domestic Licensing of Special Nuclear Material – Written Reports and Clarifying Amendments Part 70 79 FR 57721, 80 FR 143	01/26/2018	Proposed ML17158B470	No Comments 07/25/17 ML17158B468	
*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	Proposed ML17158B470	No Comments 07/25/17 ML17158B468	
*2015-3	Revisions to Transportation Safety Requirements and Harmonization with International Atomic Energy Agency Transportation Requirements Part 71 80 FR 33987	07/13/2018	Proposed ML17158B470	Comments 07/25/17 ML17158B468	
*2015-4	Miscellaneous Corrections, Parts 37 and 40 80 FR 45841	09/02/2018	Proposed ML17158B470	No Comments 07/25/17 ML17158B468	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
*2015-5	Miscellaneous Corrections, Parts 19, 20, 30, 32, 37, 40, 61, 70, 71, and 150 80 FR 74974	12/31/2018	Proposed ML17158B470	Comments 07/25/17 ML17158B468	
N/A	10 CFR Part 71 provisions not associated with a specific RATS ID	N/A	Proposed ML14338A663 Final ML15097A500	Comments 03/06/2015 ML14338A526 No Comments 05/04/2015 ML15097A479	