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U.S. Nuclear Regulatory Commission  
State Agreement and Liaison Programs Branch  
Division of Materials Safety, Security, State, and Tribal Programs  
Office of Nuclear Material Safety and Safeguards  
Attn: James Firth

Dear James Firth,

Subject: Opportunity to Comment on STC-22-057.

The State of Wisconsin Radioactive Materials Program has reviewed the above document and submits the comment below:

1. Regarding Issue 15.4, we do not support changing the compatibility category of QAP requirements to category B and recommend category C for the following reasons.

While we support the NRC's intention to provide Agreement States sufficient authority to regulate their licensees' "user-only" QAPs, we do not agree that the QAP regulations must be compatibility category B. Compatibility category C requires Agreement States to adopt the essential elements of the rule while providing States the flexibility to provide clarity on regulatory requirements, or adjust the wording to meet each state's internal drafting requirements. Because the QAP elements are described in general terms, without specific prescriptive requirements, we recommend the regulations governing "user-only" package QAPs be designated compatibility category C. For example, 10 CFR 71.113 and 71.125 use the undefined term "activities affecting quality." States may wish to provide clarity on what that term means, by providing an example in the regulation, or by adding a definition. Such clarifications would be possible with a Compatibility C designation but would not be possible with Compatibility B.

We do not agree with the NRC's reasoning that compatibility category B is necessary solely because packages cross jurisdictional boundaries. While packages may cross boundaries, a QAP is approved for each user of a Type B package, not for the package itself. Regardless of where the package is, the responsibility for overseeing a QAP element is with a single licensee in a single jurisdiction. A QAP is designed to ensure the package meets quality standards prior to shipment. During shipment, the safety of material in transit is assured by the package's CoC. Package CoC regulations are compatibility category NRC, which is appropriate. Because the package use is governed by its CoC while in transit and the QAP responsibility administratively remains with a single user, we believe that the QAP activities do not cross jurisdictional boundaries.

We do acknowledge that the package itself often crosses jurisdictional boundaries and agree that there is a need for package QAP regulations to be consistent to a minimum standard so that licensees, regulators, and the public have confidence that a package subject to these regulations would remain safe between uses. Compatibility category C provides sufficient consistency that the package will be maintained to an appropriate standard between uses while providing Agreements States the flexibility to implement the regulation.

We appreciate the opportunity to comment at this stage in the process. Please reach out to myself [Mark.Paulson@dhs.wisconsin.gov](mailto:Mark.Paulson@dhs.wisconsin.gov) or Michael Costello [Michael.Costello@dhs.wisconsin.gov](mailto:Michael.Costello@dhs.wisconsin.gov) for additional information or clarification of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Paulson", with a horizontal line extending to the right.

Mark Paulson  
Radiation Protection Section Manager  
State of Wisconsin Department of Health Services  
Division of Public Health  
Bureau of Environmental and Occupational Health  
Radiation Protection Section