

June 29, 2012

Mr. Gonzalo Perez, Chief
Radiological Health Branch
California Department of Public Health
Mail Station 7610
P.O. Box 997414
Sacramento, CA 95899-7414

Dear Mr. Perez:

This is a response to your letter, dated March 9, 2012, requesting the U.S. Nuclear Regulatory Commission (NRC) provide technical assistance for conducting the sealed source and device (SSD) safety evaluation of the Model Masep Infini radiosurgery and radiotherapy device. Your request also asked for the NRC staff to conduct the safety evaluation without cost to the State of California.

We have reviewed your request. You referenced NRC Management Directive (MD) 5.7 "Technical Assistance to Agreement State" as the basis for your request for technical assistance and a no-cost safety evaluation. We noted that you based the request on a temporary constraint on human resources in your organization. However, the provisions of MD 5.7 specify that the State should also include further information to support a request for technical assistance.

Specifically, the provisions of MD 5.7 require evidence that the State pursued alternative means of addressing the issue on its own, including attempting to obtain assistance from other agencies within the State, other Agreement States, or independent organizations, such as the Organization of Agreement States (OAS), the Conference of Radiation Control Program Directors (CRCPD), or procuring contractors or consultants (see MD Handbook 5.7, Request for Special Technical Expertise Assistance (C)). Furthermore, this section of MD 5.7 also states that such assistance will be based on the availability of NRC staff resources and any assistance will be cost-reimbursable.

Regarding the issue of cost-reimbursement, please note that we estimate that the support may require 0.2 FTE (a full FTE is 2,080 hours). Currently, the NRC hourly rate for a professional staff hour is \$273 (see 10 CFR 170.20).

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Should the State of California decide to continue to seek NRC technical assistance, we will need additional information regarding your search for alternative methods of conducting the SSD safety evaluation (as described in MD Handbook 5.7) and we will also need your acceptance of cost reimbursement to the NRC.

If you need further information regarding these issues, please contact Mr. Duncan White, Chief, Agreement State Programs Branch, of my staff at duncan.white@nrc.gov or on the phone at (301) 415-2598.

Sincerely,

/RA/

Brian J. McDermott, Director
Division of Materials Safety
and State Agreements
Office of Federal and State Materials
and Environmental Management Programs

G. Perez

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