

April 5, 2005

Mr. Stanley R. Marshall, Supervisor
Radiological Health Section
Bureau of Health Protection Services
Nevada State Health Division
1179 Fairview Drive, Suite 102
Carson City, NV 89701-5405

Dear Mr. Marshall:

We have considered your request as transmitted by your letter dated March 2, 2005. In order to proceed further, we must request some additional information. The U.S. Nuclear Regulatory Commission (NRC) will review licensing actions made by an Agreement State if they meet one of the following requirements:

1. If a State requests a review of a licensing action on a fee chargeable basis, the NRC will prepare a technical review of the licensing action and provide an explanation of the outcome of the review. In order to proceed in this manner, the State must request this review in writing to the Regional NRC Office. The request letter must include the acknowledgment that the review will be fee recoverable from the NRC and supply all materials needed to perform the review.
2. If however, the State performs a full technical review on the licensing action, and provides a detailed description for the basis of the State's decision on the licensing action, the State may request NRC concurrence on the State's decision. If the State is requesting NRC concurrence because the licensing action does not exactly fall under or meet the requirements of a State or NRC regulation, the State must include a discussion of the issue and how the State interpreted the pertinent rule to grant the licensing action. If these requirements are met, the NRC will consider the review action on a non-fee recoverable basis.

If you have any questions regarding this correspondence, you may contact myself or Linda McLean, the Regional State Liaison Officer, in the NRC Region IV Office at MLM1@NRC.GOV or (817) 860-8116.

Sincerely,

/RA/

Paul H. Lohaus, Director
Office of State and Tribal Programs

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Response to Incoming Document: ML050960086**DOCUMENT NAME: G:\JGZ\NEVADA License Question.wpd*****See previous concurrence.**

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