UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION III
2443 WARRENVILLE ROAD, SUITE 210
LISLE, ILLINOIS 60532-4352

December 9, 2010

Mr. Floro Miraldi, Sc.D., M.D.
CEO and RSO
Neo-Pet, LLC
34555 Chagrin Blvd
Suite 200
Cleveland, OH 44022

SUBJECT: NRC RECIPROCITY FOR CALENDAR YEAR 2011

Dear Mr. Miraldi,

This letter is a reminder that each Agreement State licensee (licensee) seeking to conduct activities under reciprocity in areas of Exclusive Federal jurisdiction, non-Agreement States, or in offshore waters (reciprocity activities) under the general license established in Title 10 of the Code of Federal Regulations (CFR), Section 150.20, for the first time in a calendar year must submit a request containing certain information to the U.S. Nuclear Regulatory Commission (NRC). This general license authorizes persons holding a specific license from an Agreement State to conduct the same activity in areas of Exclusive Federal jurisdiction, non-Agreement States, or in offshore waters, if the specific license issued by the Agreement State does not limit the authorized activity to specific locations or facilities.

If you request reciprocity under this general license, you must submit: (1) NRC Form 241, "Report of Proposed Activities in Non-Agreement States, Areas of Exclusive Federal jurisdiction, or Offshore Waters;" (2) a copy of your Agreement State specific license; and (3) the fee specified in 10 CFR 170.31, Item No. 16, as required by 10 CFR 150.20(b)(1). Currently, the fee is $1,900, though this may change. The NRC must receive this filing at least 3 days before the licensee engages in reciprocity activities. For your information and use in filing for reciprocity, NRC Form 241 can be found on the NRC's Web site at http://www.nrc.gov/reading-rm/doc-collections/forms/ .

You do not have to obtain positive authorization from the NRC before performing activities requested on an NRC Form 241 that has been submitted to the NRC; however, if the NRC determines that the form contains omissions or errors, the NRC staff will contact you in an attempt to obtain the correct information. If the discrepancies cannot be resolved and you do not qualify for the general license, the NRC will inform you of this determination and indicate that you have not complied with the requirements of 10 CFR 150.20. In this case, you are not authorized to perform reciprocity activities until the NRC resolves the discrepancies.

An area of Exclusive Federal jurisdiction is an area over which the Federal government exercises legal control without interference from the jurisdiction and administration of State law. If you are proposing to perform licensed activities on Federal property in an Agreement State, you must first determine the jurisdictional status of the area where you plan to work. If you are unsure about jurisdictional status of the work location on Federal land, you should contact the Federal agency that controls the facility where the work is to be performed. A written statement

concerning the jurisdictional status is not required to file for reciprocity; however, you should obtain such a statement for reference and inspection purposes.

Under the general license, a general licensee conducting reciprocity activities, including storage (usage), is limited to a total of 180 days in any calendar year. Reciprocity activities conducted in offshore waters are not subject to the 180-day limit. The NRC tracks reciprocity usage on the basis of approved usage days. The NRC will not approve any activity under the general license that would exceed the 180-day limit. It is important that you track the days of use and submit changes to dates of work, when applicable.

Licensees who perform activities using separate Agreement State licenses must submit separate reciprocity requests. For example, if a licensee has separate radiography and service licenses, and performs reciprocity work under both, the licensee must submit a separate NRC Form 241 with evidence of the appropriate fee for the initial filing for each license. The activities under reciprocity for each license will be limited to 180 days.

The NRC expects that you will review the information provided on NRC Form 241, as well as the regulations cited in 10 CFR 150.20(b), to ensure that your radiation safety program is in compliance with NRC regulations before conducting reciprocity activities.

If you perform reciprocity activities in NRC jurisdiction, you must conduct these activities in accordance with the conditions specified in your Agreement State license, representations made in NRC Form 241, and other rules, regulations, and orders of the NRC, now or hereafter in effect. Failure to comply with these regulations or to conduct your radiation safety program in compliance with NRC regulations before operating under reciprocity may result in NRC enforcement action. Such actions could include the issuance of a notice of violation, the proposed imposition of a civil penalty, or an order to take certain actions as described in the NRC Enforcement Policy, which is available on the NRC's Web site at http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html.

Your reciprocity activities in NRC jurisdiction are subject to inspection by NRC personnel. As an Agreement State licensee operating under reciprocity, you must be aware of NRC requirements concerning your activities. Your lack of awareness of NRC requirements and applicable provisions will not prevent NRC from taking appropriate enforcement action.

If you have any questions about the regulations or the application process, please feel free to contact me at (630) 829-9742.

Sincerely,

Geoffrey M. Warren,
Health Physicist
Materials Inspection Branch
Division of Nuclear Materials Safety

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/RA/

Geoffrey M. Warren,
Health Physicist
Materials Inspection Branch
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