

February 28, 2018

Mr. Patrick Bailey  
Lotus, LLC  
13617 N Hwy 171  
Cresson, TX 76035

Dear Mr. Bailey:

This letter is in response to the inquiry you submitted via the U.S. Nuclear Regulatory Commission's (NRC's) webpage e-mail on January 18, 2018, and the follow-up e-mail submitted on February 14, 2018, to confirm the licensing jurisdiction for imports of Naturally Occurring Radioactive Material (NORM) and Technologically Enhanced Naturally Occurring Radioactive Materials (TENORM). You indicated your company is licensed and permitted to dispose of NORM/TENORM for the gas and oil industry.

Under NRC's regulations, Title 10 of the *Code of Federal Regulations (CFR)* Part 110.2, "Definitions,"

*Radioactive waste*, for the purposes of this part, means any material that contains or is contaminated with source, byproduct or special nuclear material that by its possession would require a specific radioactive material license in accordance with this Chapter.

To the extent that possession of this material does not require a specific NRC or Agreement state radioactive materials possession license, it would not meet the above definition of radioactive waste.

If you have questions regarding the CFR materials possession regulations, I will be happy to refer you to a contact in the NRC's Office of Nuclear Materials Management and Safeguards. Please feel free to contact me at (301) 287-9056 or Mr. Stephen Baker of my staff at (301) 287-9059.

Sincerely,

/RA/

David L. Skeen, Deputy Director  
Office of International Programs

P. Bailey

-2-

SUBJECT: REPOSE LETTER TO MR PATRICK BAILEY RE: JURISDICTIONAL  
DETERMINATION OF NORM AND TENORM  
DATED FEBRUARY 28, 2018

**DISTRIBUTION:**

OIP r/f

**ADAMS Accession No.: ML18047A177**

**\*concurrence via-e-mail**

<b>OFFICE</b>	OIP/ECNP	OIP/ECNP	BC:OIP/ECNP	NMSS	DD:OIP
<b>NAME</b>	SBaker	JOwens	PHabighorst	MArribas-Colon*	DSkeen
<b>DATE</b>	02/27/18	02/27/18	02/28/18	02/27/18	02/28/18

**OFFICIAL RECORD COPY**