

December 4, 2003

The Honorable Rob Bishop
United States House of Representatives
Washington, D.C. 20515

Dear Congressman Bishop:

On behalf of the Nuclear Regulatory Commission (NRC), I am responding to your letter of November 11, 2003, in which you requested that the NRC reopen the public comment period on a license amendment request from Envirocare of Utah, Inc. On March 27, 2003, Envirocare requested that its license be amended to allow it to receive byproduct material, as defined in Section 11e.(2) of the Atomic Energy Act of 1954, with radium concentrations up to 100,000 picocuries per gram (pCi/g). Currently, Envirocare's license limits the radium concentration of 11e.(2) byproduct material that it can receive to 4,000 pCi/g. The intent of the requested amendment was to allow receipt of waste from the U.S. Department of Energy's Fernald facility in Ohio. However, as you are aware, on November 19, 2003, Envirocare withdrew its amendment request to NRC. Licensing activity associated with this request has therefore ceased and, consequently, there does not appear to be a need to seek additional public comments.

I trust this responds to your request. If you have any questions or comments on this matter, please do not hesitate to contact me.

Sincerely,

/RA/

Nils J. Diaz