

November 4, 2003

The Honorable Robert E. Andrews
United States House of Representatives
Washington, D.C. 20515

Dear Congressman Andrews:

I am writing on behalf of the U.S. Nuclear Regulatory Commission (NRC), in response to your letter of September 5, 2003, requesting NRC involvement in an evaluation of the Gloucester Environmental Management Services (GEMS) landfill. We are aware of the history of this Superfund site and the significant involvement of the U. S. Environmental Protection Agency and New Jersey's Department of Environmental Protection in resolving the overall environmental issues arising from this site.

You stated that NRC has an obligation to verify that the radionuclides in the landfill are not Atomic Energy Act materials. The GEMS landfill is not a licensee of the NRC and, therefore, we have no knowledge of disposal practices at the facility. In addition, the material could be naturally occurring, as noted in your letter. Without additional information, data, and analyses, we are unable to verify the origin of the material or whether the radionuclides present in the groundwater present a public health and safety hazard. The NRC staff will consult with the State of New Jersey to ascertain if there is a need for NRC involvement.

You also specifically requested that the NRC determine which, if any, of the Primary Responsible Parties are or were NRC licensees. We have reviewed the list of Primary Responsible Parties provided with your letter and identified 38 of the parties that have held NRC licenses to possess or use radioactive materials. Thirty-two of those parties were licensed at facilities in New Jersey or the neighboring States of New York, Connecticut, Pennsylvania, Maryland, or Delaware. It is our understanding that the radioactive materials of concern in the groundwater at the GEMS landfill consist of uranium and radium. Our review indicated that only eight of the parties licensed at facilities in New Jersey or the neighboring States were authorized to possess or use source material or special nuclear material, which could include uranium or thorium. Some of these parties held multiple licenses at multiple locations. It should be noted that all of the licenses are no longer active. A complete list of those licenses is enclosed. Based on a limited review of available records, we did not identify any information that would indicate that any of these licensees disposed of uranium or thorium in the GEMS landfill.

If you have any additional questions, please do not hesitate to contact me or Dennis Rathbun, Director, Office of Congressional Affairs, at (301) 415-1776.

Sincerely,

/RA/

Nils J. Diaz

Enclosure:

List of Responsible Parties Who Held NRC
Licenses for Source Material or Special Nuclear
Material in New Jersey and Neighboring States

**PRIMARY RESPONSIBLE PARTIES RELATED TO THE GEMS LANDFILL
WHO HELD NRC LICENSEES
FOR SOURCE MATERIAL OR SPECIAL NUCLEAR MATERIAL
AT SITES IN NEW JERSEY OR THE NEIGHBORING STATES OF
NEW YORK, CONNECTICUT, PENNSYLVANIA, MARYLAND OR DELAWARE**

LICENSEE NAME	CITY AND STATE	DOCKET/LICENSE NUMBER
Air Products and Chemicals, Inc.	Trexlerstown, PA	SMB-00914
American Cyanamid Company	New York, NY	SMB-00217
E.I. Dupont de Nemours & Co., Inc.	Wilmington, DE	SNM-00254
General Electric	Scranton, PA	C-02712
	Scranton, PA	C-03833
	Philadelphia, PA	C-03866
	Hudson Falls, NY	C-04043
	New York, NY	C-04623
	Scranton, PA	C-04999
	Schenectady, NY	C-05342
	Schenectady, NY	SMB-00339
	King of Prussia, PA	SMB-01005
	Schenectady, NY	SNM-00209
	Baltimore, MD	SNM-00722
	Schenectady, NY	SNM-00814
	Schenectady, NY	SNM-01146
	King of Prussia, PA	SNM-01199
	New York, NY	SNM-01221
	New York, NY	SNM-01242
Schenectady, NY	SNM-01254	
Philadelphia, PA	SNM-1299	
Schenectady, NY	SNM-01423	
Linden, NJ	STB-00468	

General Electric	New York, NY	SUB-00078
	Scranton, PA	SUB-00773
	Philadelphia, PA	SUC-00626
	New York, NY	SUI-00739
	New York, NY	SUI-00817
Fuller Brush Company	Hartford, CT	C-03854
	Hartford, CT	STB-00485
Public Service Electric and Gas	Newark, NJ/Salem Generating Station	SNM-01480
	Newark, NJ/Salem Generating Station	SNM-01831
Western Electric Company	New York, NY	C-00136 / SMB-00621
	Princeton, NJ	SNM-01564
Westinghouse Electric Corporation	Pittsburgh, PA	37-00497-09
	Elmira, NY	C-02671
	Pittsburgh, PA	C-03412
	Pittsburgh, PA	C-03586
	Blairsville, PA	C-03640
	Baltimore, MD	C-03735
	Horseheads, NY	C-03870
	Bloomfield, NJ	C-03940
	Pittsburgh, PA	C-04122
	Pittsburgh, PA	C-04377
	Pittsburgh, PA	C-04389
	Blairsville, PA	C-04415
	Cheswick, PA	C-04903
	Pittsburgh, PA	C-04918
	Blairsville, PA	C-04971
	Pittsburgh, PA	C-05119
	New York, NY	D-00246

Westinghouse Electric Corporation	Newark, NJ	GL-00312
	Pittsburgh, PA	R-00118
	Bloomfield, NJ	R-00126
	Pittsburgh, PA	SMB-00152
	Bloomfield, NJ	SMB-00353
	Cheswick, PA	SMB-00355
	Elmira, NY	SMB-00521
	Pittsburgh, PA	SMB-00550
	Pittsburgh, PA	SMB-00915
	Blairsville, PA	SNM-00037
	Pittsburgh, PA	SNM-00038
	Pittsburgh, PA	SNM-00061
	Pittsburgh, PA	SNM-00087
	Horseheads, NY	SNM-00182
	Pittsburgh, PA	SNM-00228
	Pittsburgh, PA	SNM-00234
	Pittsburgh, PA	SNM-00338
	Pittsburgh, PA	SNM-00576
	Pittsburgh, PA	SNM-00697
	Pittsburgh, PA	SNM-00738
	Pittsburgh, PA	SNM-00783
	Pittsburgh, PA	SNM-00785
	Baltimore, MD	SNM-00912
	Pittsburgh, PA	SNM-00951
	Baltimore, MD	SNM-00966
	New York, NY	SNM-01109
	New York, NY	SNM-01123
	New York, NY	SNM-01139
	New York, NY	SNM-01141
	Pittsburgh, PA	SNM-01170

Westinghouse Electric Corporation	Pittsburgh, PA	SNM-01262
	Cheswick, PA	SNM-01295
	Pittsburgh, PA	SNM-01303
	Pittsburgh, PA	SNM-01325
	Pittsburgh, PA	SNM-01326
	Pittsburgh, PA	SNM-01506
	Pittsburgh, PA	STB-00235
	Bloomfield, NJ	STB-00467
	Pittsburgh, Pa	STB-00550
	Baltimore, MD	STB-00625
	Baltimore, MD	SUB-00991
	Pittsburgh, PA	SUC-00509

Source material is (1) uranium or thorium, or any combination thereof, in any physical or chemical form or (2) ores which contain by weight one-twentieth of one percent (0.05%) or more of (i) uranium, (ii) thorium or (iii) any combination thereof. Source material does not include special nuclear material.

Special nuclear material is (1) plutonium, uranium-233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Commission, pursuant to the provisions of section 51 of the Act, determines to be special nuclear material; or (2) any material artificially enriched by any of the foregoing. Note: 10 CFR 70.51 requires material balance, inventory, and record-keeping for all special nuclear material.