

May 5, 2005

John H. Swailes  
U.S. Department of Energy  
West Valley Demonstration Project  
10282 Rock Springs Road  
West Valley, NY 14171-9799

Dear Mr. Swailes:

**SUBJECT: Records Maintenance**

The New York State Energy Research and Development Authority (NYSERDA) is writing regarding the Department of Energy's (DOE) plans for retention / disposition of site records currently in DOE's possession. Upon initiation of the West Valley Demonstration Project (WVDP) and DOE's assumption of exclusive use and possession of the site, DOE and its contractor, West Valley Nuclear Services Company, took possession of a significant volume of Nuclear Fuel Service (NFS) records and have subsequently generated an even larger volume of WVDP records.

In Change No. 32 to License No. CSF-1, the U.S. Nuclear Regulatory Commission (NRC) acknowledged that NFS had transferred to DOE, records that were "... maintained pursuant to the license . . . ." Neither Change No. 32 nor Change No. 31, which relieved NYSERDA of "... further responsibility under subparagraph 5 (b) or (c) of this license to develop, maintain, or submit records or reports pertaining to events occurring or conditions prevailing at the facility during the time the facility is in DOE's possession," appear to envision any return of NFS records to NYSERDA prior to DOE's completion of the WVDP.

DOE has an ongoing responsibility for the site and maintenance of these records as part of this responsibility. Cleanup and long-term stewardship decisions have yet to be made regarding many facilities and areas of the site that are the subject of an ongoing Environmental Impact Statement, Decommissioning Plan, and Resource Conservation and Recovery Act permit and Consent Order determinations. Great care should be used in discarding records pertaining to facilities or areas of the site that are the subject of these regulatory actions or the original Part 50 license. NYSERDA encourages DOE to contact NRC and other associated regulatory agencies prior to dispositioning any such records. We are also interested in understanding whether the WVDP records are currently being managed in a manner that is consistent with DOE's stewardship requirements.

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We wish to reaffirm that until such time as the WVDP is completed, these records remain a DOE responsibility and must be managed appropriately.

Sincerely,

WEST VALLEY SITE MANAGEMENT PROGRAM



Paul L. Piciulo, Ph.D.  
Director

CLG/amd

cc: T. J. Jackson, DOE-WVDP  
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