

MINUTES OF THE FIFTY-NINTH MEETING OF THE  
WASTE AND FACILITIES MANAGEMENT COMMITTEE  
HELD ON JANUARY 23, 2018

Pursuant to a notice and agenda dated January 11, 2018, the fifty-ninth (59<sup>th</sup>) meeting of the Waste and Facilities Management Committee of the NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY (“Authority”) was convened at 10:00 a.m. on Tuesday, January 23, 2018, in the New York State Dormitory Authority’s (“DASNY”) office at One Penn Plaza, New York, New York, and the Authority’s Albany Office at 17 Columbia Circle, Albany, New York.

The following members of the Committee were present:

Charles Bell, Committee Chair  
Richard Kauffman, Chair of the Authority  
Sherburne B. Abbott, Committee Member  
Kate Fish, Committee Member

Also present were Alicia Barton, President and Chief Executive Officer; Kevin Kelly, Acting Chief Operating Officer; Janet Joseph, Senior Vice President; Jeff Pitkin, Treasurer; Noah Shaw, General Counsel; Paul Bembia, West Valley Program Director; and Janice Dean, Secretary to the Committee.

Mr. Bell called the meeting to order, noted the presence of a quorum, and stated that a notice of the meeting was mailed to Committee members and the press on January 11, 2018. A copy of the notice is attached hereto as Exhibit A.

The first item on the agenda concerned approval of the Minutes of the fifty-eighth (58<sup>th</sup>) meeting, held on September 19, 2017. A copy of the Minutes was included with the January 11, 2018, mailing. Whereafter, upon motion duly made and seconded, and by unanimous voice vote, the minutes of the fifty-eighth meeting were approved.

The next item on the agenda concerns the 2018-19 Budget for West Valley Site Management Program and radioactive waste policy and nuclear coordination activities. Treasurer Jeff Pitkin

requested the Members adopt a resolution approving portions of the Authority's Budget for the fiscal year ending March 31, 2019 (FY 2018-19). Mr. Pitkin stated that the Budget for the West Valley program is approximately \$19.0 million, an increase of \$1.1 million from the current year budget. This includes an increase for the State's share of projected federal spending at the site under the Cooperative Agreement and Consent Decree, and costs for maintenance and monitoring activities at the State Licensed Disposal Area. He noted that the increase in the FY 2018-19 budget request is primarily related to an increase in the federal appropriation for the WVDP as proposed by both the House and the Senate for FFY 2018, and that this increase in the federal appropriation increases the Authority's 10 percent cost share for the WVDP by about \$1 million. He explained that the remainder of the increase in the FY 2018-19 budget request is due to costs associated with analyses being conducted by DOE and NYSERDA that are needed to support the Phase 2 decommissioning decisions in 2020.

Mr. Pitkin further explained that the Energy Analysis program budget includes funding to meet requirements under the State Low-Level Radioactive Waste (LLRW) Management Act of 1986 for collecting information and providing regular reports to the Governor and Legislature on LLRW generation in the State. These activities are funded with a State appropriation of \$150,000 sub-allocated from an appropriation provided to the NYS Department of Health, which is funded through an assessment collected on operating nuclear power plant licensees, and this amount is unchanged from the amount included in the current year budget.

Ms. Abbott inquired if the Authority anticipates any changes based on the federal budget. Mr. Pitkin indicated that since the Authority's budget is based on the federal budget, any changes at the federal level would merely result in a proportionate share of Authority expense. He also noted that the Authority observes a different fiscal year than the federal government, which affords the Authority some additional flexibility. Mr. Kauffman asked for confirmation that the Authority has no risk of spending more than its cost share; Mr. Pitkin confirmed that that is correct. Mr. Kauffman also inquired about whether the appropriations process could lead to increased cost. Mr. Shaw responded that the Department of Energy (DOE) observes "no year" appropriations which allow for rainy-day funds that, for example, could be used in the event of a government shutdown, as recently observed at West Valley. He noted that with an extended shutdown, the calculation could be different, and that costs could increase in an extended shutdown. Mr. Bell inquired if

DOE employees at West Valley are considered essential employees in the event of a shutdown; Mr. Shaw indicated, and Mr. Bembia confirmed, that most would not, but that a handful of staff would keep critical facilities operating and secure.

Mr. Bell called for a vote on the resolution. Ms. Abbott so moved, and Ms. Fish seconded the motion. The resolution was unanimously approved.

Mr. Bell then asked Paul Bembia to provide a status report on the West Valley Site Management Program activities.

Mr. Bembia noted that there was no interruption of work during the government shutdown, and that Phase 1 decommissioning for the West Valley Demonstration Project is continuing. He stated that in September, West Valley became the first facility in the DOE cleanup complex to initiate demolition of a vitrification facility. He stated that the demolition work proceeded as planned, with about 120 shipments of demolition debris shipped for disposal at the Energy Solutions facility in Utah and at the Nevada National Security Site in Nevada, and that the contractor is working to complete the demolition by May of this year.

Mr. Bembia also stated that work is also continuing to prepare the Main Plant Process Building for demolition, and reminded the Board that he refers to the large, highly-shielded facility where the Spent Nuclear Fuel was processed when the site operated in the 1960s and 1970s. He stated that the current work on the Main Plant includes the removal and packaging of contaminated piping and other material and equipment from various rooms and hot cells, decontaminating floors, walls and other surfaces, and applying fixatives to lock the remaining contamination in place. Mr. Bembia stated that the contractor is also removing all asbestos-containing material inside the building, and that DOE expects to begin demolition of the Main Plant Process Building in the fall of 2018.

### **Phase 2 Decommissioning Decisions**

Mr. Bembia stated that DOE and NYSERDA are preparing the studies and other information needed to make the Phase 2 decommissioning decisions regarding facilities including the High-Level Waste Tanks, the State-Licensed Disposal Area, NRC-Licensed Disposal Area, the construction and demolition debris landfill, the groundwater plume, and contaminated soils and sediment.

He noted that work on the Probabilistic Performance Assessment is also continuing, and that the contractor is building the model components to address the radiological and hazardous chemical inventories in each facility, and developing the modules that will represent the various physical processes that will be modeled including erosion, groundwater transport, and surface water transport, the first version of which will be available in August.

Mr. Bembia stated that work is also underway on the Supplemental Environmental Impact Statement, which will evaluate the environmental impacts from implementing a range of Phase 2 decommissioning alternatives, and that the contractor is presently working to establishing the technical baseline for the evaluation, and is working to support DOE and NYSERDA with the EIS public scoping process.

Mr. Bembia stated that the Authority and DOE will be holding the scoping meetings in March that will provide an opportunity for the public to provide input on the proposed SEIS alternatives, the analytical approach, critical issues and potential impacts. He noted that there will be three scoping meetings – one in West Valley, one in Buffalo, and one on the Cattaraugus Territory of the Seneca Nation of Indians.

#### **STATE-LICENSED DISPOSAL AREA**

In followup to a report at the Committee's September meeting regarding a new synthetic cover installed over the SDA disposal trenches, Mr. Bembia noted that the project was completed in November and that the Authority also made improvements on the drainage systems to move precipitation off and away from the covered disposal trenches.

Mr. Bembia stated that he recently received a consultant's report on the investigation of leachate increases in two of the SDA disposal trenches, during which soil cores were collected at 38 locations and 24 new monitoring wells were installed to investigate several possible sources of groundwater inflow to the disposal trenches. He stated that after evaluating the geologic data and collecting a year of groundwater elevation data from the new wells, the consultant believes they can confidently eliminate several potential sources of water inflow, and recommended a focused study of one additional area to further define the source of water inflow and refine their mitigation recommendation and continuing the collection of monthly water level data for another year to evaluate the impact of the new membrane cover and the drainage improvements on groundwater and leachate elevations. Mr. Bembia noted that he will be providing the consultant's report to NYSDEC and EPA early this year to obtain their concurrence on the path

forward, and that the leachate elevations in the two trenches have been stable for the last 18 months, remaining about 14 feet below the ground surface, so there is no risk of a release from the disposal trenches.

Mr. Bembia stated that the sampling of the leachate in the disposal trenches to obtain an updated analysis of the radiological and hazardous chemical constituents was also completed last year, and that the Authority continues to implement its routine SDA environmental monitoring and inspection and maintenance programs, which involved the collection of hundreds of environmental samples and measurements and the regular inspections of the SDA trench caps, side slopes, stream valleys and stream channels.

Mr. Bembia reported that NYSDEC completed two formal inspections of the SDA and NYSERDA's SDA management program in 2017, including an evaluation of the Authority's plans, procedures, inspection and maintenance logs, monitoring data, monitoring reports, training records and our planning and worker safety documents for our field work, and collected soil and water samples for independent verification. He reported that NYSDEC again determined that NYSERDA is in compliance with the NYS Radiation Control Regulations and the requirements of the SDA Radiation Control Permit. He concluded by noting that NYSERDA's staff at West Valley continue to manage the SDA safely, and in compliance with all regulations.

Ms. Fish inquired if Mr. Bembia anticipated any decrease in staffing at EPA to affect its review. Mr. Bembia indicated that the relatively small group of radiation/RCRA staff who are active on West Valley issues are not expected to change. Mr. Shaw wanted to underscore the significance of the regulatory and EIS process that will commence with the upcoming release of the Notice of Intent to begin the scoping process and solicitation of public comments, a major undertaking that will identify views of stakeholders regarding the options to be included in the discussion. He indicated that more information will be available in April. Ms. Abbott inquired how the cost share aligns with the policy guidance process aligns with the conduct of the EIS. Mr. Bembia responded that the Consent Decree prepared to settle litigation in 2010 identified cost share per facility between the Authority and DOE. He stated that the joint EIS will integrate environmental impacts, but that the decisions for each agency are clearly delineated. He noted that some facilities bear a 50/50 cost share, where DOE will make the decision in close consultation with the Authority. Mr. Shaw indicated that the Consent Decree lays out the structure, but that discussions among parties will be needed to reconcile differing considerations

on both sides, referencing back to the NYSERDA View section of the 2010 EIS which laid out NYSERDA's preferences. Mr. Kauffman inquired if at the appropriate time, the Committee could understand the fiscal implications of the different options. Mr. Shaw agreed to provide such information, noting that the cost share is expected to increase in or after 2020. Ms. Abbott observed that the agencies' motivations will differ with different costs, as well.

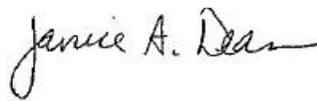
Mr. Bell inquired about the SEIS process and inquired the name of the contractor jointly hired. Mr. Bembia stated that SC&A out of Virginia was selected via a competitive process with DOE, and that the Authority is jointly administering the contract. Mr. Bell inquired if the Authority is happy with the contractor's services so far, and Mr. Bembia said yes. Mr. Bell asked what the dates of the scoping meetings are, and Mr. Bembia indicated that they will be held on March 20-22. Mr. Bell inquired how the public will be notified, and Mr. Bembia indicated that a press release will be issued, as well as newspaper advertisements, mass mailings, and mailings to stakeholders who participated in the 2010 EIS process, including mailings to elected officials, and notice in the Federal Register and Environmental Notice Bulletin. He noted that the Authority has been keeping the Citizen Task Force and Quarterly Public Meetings up to speed as well, and that the Citizen Task Force may put together a sub-group to focus on scoping comments. Mr. Bell inquired whether, and Mr. Bembia confirmed, that the Authority is maintaining a website for more information as well.

Mr. Bell inquired whether waste from the Main Plant Process demolition is being disposed of as with prior waste; Mr. Bembia confirmed. Mr. Bell inquired whether, and Mr. Bembia confirmed, that the waste from that facility will be low-level waste. Mr. Kauffman inquired whether Mr. Bembia is aware of any transportation issues. Mr. Bembia identified 2 of 120 shipments that contained damaged containers upon arrival, all shipment of the outer portion of the building with structural steel, and indicated that the contractor has changed packaging requirements to prevent this from happening again. Mr. Bembia confirmed that no release of radioactivity took place. Mr. Bell inquired about the Citizen Task Force, and Mr. Bembia indicated that the Authority initiated the group in 1996 with cooperation from DOE, and that it is a 17-member group with representatives from the local school board, Chamber of Commerce, VFW, environmental advocates, and elected officials. He stated that meetings are held monthly and that relations between the group and the Authority and DOE are good, noting that some original members from 1996 are still present. He stated that every year, the CTF rates itself and

its relationship with the agencies in a CTF Report Card, and that the recent report indicated that relationships were working very well, with some possibilities of increasing better communication among CTF constituent groups. Ms. Fish inquired about any new issues expected to come to the table, and Mr. Bembia said the biggest issue will be the Phase 2 alternatives and that we expect robust public input during this process.

Mr. Bell inquired if there were any other questions, comments, or other business, and hearing none, called for a motion to adjourn the meeting; Ms. Fish so moved, and Mr. Kauffman seconded. The meeting was adjourned.

Respectfully submitted,

A handwritten signature in cursive script that reads "Janice A. Dean". The signature is written in black ink and is positioned below the typed name.

Janice A. Dean  
Secretary to the Committee