

MINUTES OF THE SIXTY-SECOND MEETING OF THE
WASTE AND FACILITIES MANAGEMENT COMMITTEE
HELD ON JUNE 26, 2019

Pursuant to a notice and agenda dated June 17, 2019, the sixty-second (62nd) meeting of the Waste and Facilities Management Committee of the NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY (“Authority”) was convened at 12:00 p.m. on Tuesday, June 26, 2019, in the Authority’s Albany Office at 17 Columbia Circle, Albany, New York, and in New York City at 1359 Broadway, 19th Floor, New York, New York.

The following members of the Committee were present:

Charles Bell, Committee Chair
Sherburne B. Abbott, Committee Member
Kate Fish, Committee Member

Absent was Richard Kauffman. Also present were Alicia Barton, President and Chief Executive Officer; Janet Joseph, Senior Vice President; Jeff Pitkin, Treasurer; Noah Shaw, General Counsel; Paul Bembia, West Valley Program Director; Alyse Peterson, Nuclear Regulatory Commission State Liaison Designee, 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 June 17, 2019. A copy of the notice is attached hereto as Exhibit A.

The first item on the agenda concerned approval of the Minutes of the sixty-first (61st) meeting, held on January 22, 2019. A copy of the Minutes was included with the June 17, 2019 mailing. Whereafter, upon motion duly made and seconded, and by unanimous voice vote, the minutes of the 61st meeting were approved.

The second agenda item was a discussion of the Waste and Facilities Management Committee Charter. Noah Shaw presented this item, noting that the Public Authorities

Accountability Act of 2005 requires each of the Authority's Committees to adopted Charters setting forth each Committee's responsibilities and to periodically review its Charter to determine what, if any, amendments need to be made. He stated that management is not recommending any changes to the Waste and Facilities Management Committee Charter at this time. Mr. Bell called for a motion on the adoption of the charter; Ms. Abbott so moved, seconded by Ms. Fish. The motion carried.

The third agenda item was a discussion of the West Valley Program, presented by Paul Bembia. Mr. Bembia acknowledged Mr. Kauffman and Mr. Bell's visit to the West Valley Site last month. And thanked them for their visit. Mr. Bell noted that he saw visible progress since his last visit. Mr. Bembia provided an update on the West Valley Demonstration Project demolition activities, showing slides indicating the demolition of the Vitrification Facility and noting that DOE's contractor has demolished 34 of the 47 facilities that are in their contract scope.

Mr. Bembia said the demolition of the remainder of Main Plant Process Building complex was scheduled to begin this year but was the subject of reevaluation after a release of radioactivity in 2017 during open air demolition at the Hanford site in Washington State; the Department of Energy (DOE) has since completed its evaluation of open air demolition and determined that open air demolition is acceptable, although some additional contamination controls may be needed. He noted that by the September meeting, he should have a much clearer picture on the cost, schedule and approach for the demolition of the Main Plant Process Building, and will update the Committee at that time.

Mr. Bembia then provided a transportation update, stating that at the end of March, a truck carrying 14 low-level radioactive waste containers from the West Valley site drove off the road in Nevada on the way to the DOE disposal facility in that state. He reported that local emergency responders notified the trucking company, and that DOE was notified and activated its Transportation Emergency Response Center to provide any information and any support that might be needed by the on-scene emergency responders.

Mr. Bembia said that on-scene emergency responders, including a HAZMAT team, evaluated the truck and the waste containers and found no damage to the vehicle, and that the

waste containers did not leave the truck and were secure and undamaged, with no container breach, no release of radioactive material, and no threat to the public or the environment.

Mr. Bembia further stated that the driver was taken by ambulance to a Las Vegas hospital for evaluation, and that another driver from the transportation company delivered the waste to the disposal facility the following day; he said the cause of the incident was attributed to a medical event suffered by the driver.

Mr. Bembia also provided an update on the State Licensed Disposal Area Trench 14 leachate investigation, reporting that that NYSERDA's groundwater consultants and West Valley staff feel confident that this is the likely source of water into the trench, which is the north end of the trench. Mr. Bembia stated that he expects to have the source confirmed by late fall, with the beginning of the remedy action feasibility study and design in early 2020; he noted that even with the recent rainy weather, the leachate elevation in Trench 14 remains 14 feet below the ground surface, and there is presently no threat of release from this trench or any other trench at the SDA.

Mr. Bembia also provided the Committee with a list of milestone dates for the ongoing Supplemental Environmental Impact Statement (SEIS) analyzing options for the cleanup of primarily buried waste at the site, indicating that the Draft SEIS would likely be available for public comment in November of 2021, with public comment extending into the following year when the final EIS is expected to be released.

Finally, Mr. Bembia stated that with regard to the solar project with the Town of Ashford, the lease between the Town and NYSERDA was executed in May, meaning that the town can now formally enter into its agreement with a solar developer to move the facility forward. Mr. Bell inquired what the target date of operation was, and Mr. Bembia said he is not aware of that date, but that he understands the project aims to have shovels in the ground later this year.

Ms. Abbott inquired if there was any news regarding the Authority's relationship with the Department of Energy at the site, or any upcoming higher level of financing needed. Mr. Shaw responded that with regard to appropriations, Congress allocated more money than the Department of Energy requested, increasing the speed of the project. He noted that the State share mirrors the federal share, rising when federal expenditures rise, but also noted that when

work on the site shifts into future phases, the cost share will change, pursuant to previously agreed-upon terms in the Cooperative Agreement.

Mr. Bell inquired, if the federal government issues a stop work order, if Authority personnel are briefed on that. Mr. Bembia stated that the Authority is involved in the demolition plan, and have attended meetings with the Environmental Protection Agency and the Nuclear Regulatory Commission on that subject.

Ms. Fish inquired why Mr. Bembia highlighted the transportation incident in Nevada, and Mr. Bembia replied that Mr. Kauffman had specifically asked him to keep the Committee up to date on transportation-related issues. He noted that there have been only two transportation incidents in West Valley's history, and that these are very rare.

Mr. Bell inquired if the Department of Energy has procedures in place to address driver fatigue; Mr. Bembia responded that it does.

The Committee also received a report from Alyse Peterson on low-level waste and nuclear coordination activities. Ms. Peterson reported that she recently ended her tenure as Executive Director of the Low Level Waste Forum, though she remains in a leadership role in the Forum. Mr. Bell thanked her for her service in that important role.

Ms. Peterson reported that she attended the Nuclear Regulatory Commission's annual Government to Government meeting focused on Indian Point, which discussed the plant's performance during the preceding year and the plant's pending closure and decommissioning. Other attendees at the State level included a number of state agencies, as well as local governments.

Ms. Peterson also provided an update on the Nuclear Regulatory Commission's overhaul of its decommissioning regulations; she reported that the rulemaking process is still ongoing and the Authority continues to coordinate the state's involvement, having convened a focused team of nuclear staff from the core nuclear safety agencies to meet regularly and share information and ideas. The next milestone will be the Nuclear Regulatory Commission's release of draft regulations for public review and comment later this year.

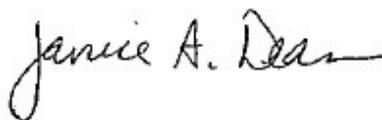
Ms. Peterson also reported that Entergy has begun submitting a series of filings to the Nuclear Regulatory Commission related to decommissioning of Indian Point, most of which seek changes to or exemptions from the facility's license requirements for various things such as reducing emergency preparedness requirements and personnel (physical and cybersecurity) during decommissioning as risk conditions change; authorizing use of decommissioning trust fund monies for non-radiological decommissioning purposes; and to reducing public oversight of the decommissioning process to streamline federal decision-making. Mr. Peterson indicated she will be coordinating the state agencies' efforts to review and respond to these filings.

Mr. Bell inquired if Indian Point was recently sold; Ms. Peterson indicated that there is a proposal on the table, and that approvals are needed at the state and federal level. Mr. Shaw indicated that the transfer would not happen until after the closure of the facility; Ms. Barton stated that this model is common at other facilities. Mr. Bell stated that it is good to hear that the State is monitoring this process.

Mr. Bell inquired if there was any other business; hearing none, he called for a motion to adjourn. Ms. Fish so moved, and Ms. Abbott seconded. The meeting was adjourned.

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 Ms. Abbott seconded. The meeting was adjourned.

Respectfully submitted,

A handwritten signature in cursive script that reads "Janice A. Dean".

Janice A. Dean

Secretary to the Committee