

MINUTES OF THE FIFTY-FIRST MEETING OF THE  
WASTE AND FACILITIES MANAGEMENT COMMITTEE  
HELD ON JANUARY 26, 2015

Pursuant to a notice and agenda dated January 14, 2015, the fifty-first (51<sup>st</sup>) meeting of the Waste and Facilities Management Committee of the NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY (“Authority”) was convened at 10:30 a.m. on Monday, January 26, 2015, in the Authority’s Albany Office at 17 Columbia Circle, Albany, New York, and in the Authority’s New York City Office at 1359 Broadway, 19th Floor, New York, New York.

The following members of the Committee were present:

Elizabeth W. Thorndike, Committee Chair  
Richard Kauffman

Also present were John B. Rhodes, President and CEO; David Margalit, Chief Operating Officer; Janet Joseph, Vice President for Technology and Strategic Planning; Jeff Pitkin, Treasurer; Noah Shaw, General Counsel; Hal Brodie, Senior Advisor to the President; Paul Bembia, West Valley Program Director; Alyse Peterson, Senior Project Manager and State Liaison Officer Designee, Nuclear Coordination & Radioactive Waste Policy; and Benjamin Levitan, Secretary to the Committee.

Dr. Thorndike 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 14, 2015. A copy of the notice is attached hereto as Exhibit A.

The first item on the agenda concerned approval of the minutes of the fiftieth (50<sup>th</sup>) meeting, held on September 8, 2014. A copy of the minutes was included in the January 14, 2015 mailing. Upon motion duly made and seconded, and by unanimous voice vote, the minutes of the fiftieth meeting were approved.

Dr. Thorndike then asked Mr. Pitkin to report on the Authority's Fiscal Year 2015–16 Budget for the West Valley Site Management Program and radioactive waste policy and nuclear coordination activities. Mr. Pitkin reported that the budget for the West Valley Program for Fiscal Year 2015–16 is approximately \$14.5 million, an increase of \$443,000 from Fiscal Year 2014–15. Mr. Pitkin reported that the Authority's Energy Analysis budget includes \$150,000 to meet requirements under the State Low-Level Radioactive Waste Management Act of 1986. This amount is funded through an assessment collected on operating nuclear power plant licensees and is unchanged from Fiscal Year 2014–15.

Based on Mr. Pitkin's report, upon motion duly made and seconded, and by unanimous voice vote, the Committee recommended that the Board adopt the resolution approving the Fiscal Year 2015–16 Budget for the West Valley Site Management Program and radioactive waste policy and nuclear coordination activities as presented. A copy of this Resolution is attached hereto as Exhibit B.

Dr. Thorndike then asked Mr. Bembia to provide a status report on West Valley Site Management Program activities. Mr. Bembia reported that the U.S. Department of Energy's ("DOE's") prime contractor at the West Valley site, CH2M HILL B & W West Valley, LLC ("CHBWV"), continued preparations for moving the solidified high-level waste ("HLW") from the Main Plant Process Building to the new storage pad. This work has included developing transport systems for the HLW storage casks and training and certifying workers who will weld the containers to hold the HLW canisters. CHBWV is also continuing decontamination efforts at the Main Plant Process Building and Vitrification Facility before those structures are demolished.

In response to questions from Mr. Kauffman, Mr. Bembia stated that the Authority, DOE, U.S. Nuclear Regulatory Commission ("NRC"), and U.S. Environmental Protection Agency are all involved in safety oversight of demolition work at the West Valley site. Mr. Shaw offered to report back to Mr. Kauffman on any legal liabilities of the Authority that may arise from its cooperative agreement with DOE.

Mr. Bembia then reported that the Authority continues to manage the State-Licensed Disposal Area (“SDA”) safely and in full compliance with all regulations. In December, the New York State Department of Environmental Conservation confirmed that the Authority is in compliance with the conditions of its radiation control permit and with state radiation protection regulations.

Turning to the leachate elevation in Disposal Trench 14, Mr. Bembia reported that the increase in the leachate level remains slow. In November, a video inspection confirmed that all of the drainage lines near Trench 14 are intact and functioning properly. The Authority has contracted with an engineering firm to evaluate the leachate elevation and to provide recommendations for mitigation.

Mr. Bembia then reported that Authority staff has continued to collaborate with DOE on technical studies in preparation for Phase II Decommissioning. Staffs from the Authority and DOE are also working on a competitive procurement for a contractor to prepare a long-term probabilistic performance assessment for Phase II Decommissioning decisions. The Authority and DOE are negotiating a supplement to their cooperative agreement to cover work relating to the probabilistic performance assessment and a supplemental environmental impact statement.

Mr. Bembia stated that the aerial radiation survey of the Western New York Nuclear Service Center and Cattaraugus Creek has now been completed. Staff is currently reviewing the report and will brief the public and the Committee as soon as possible.

Mr. Bembia then stated that, based on previous guidance from the Committee, staff has developed an approach to evaluate DOE’s waste shipping activities at the West Valley Demonstration Program site. Staff’s evaluation will be conducted in conjunction with one of the six internal and external assessments of the transportation program that are currently in place. In 2015, Authority staff will participate in DOE’s annual surveillance of the transportation program, which will allow staff to evaluate areas of the transportation program of its choosing.

Mr. Bembia noted that, in addition to the six assessments and the Authority's evaluation, the DOE transportation program is subject to DOE Orders addressing the transportation of radioactive and hazardous materials. DOE requires that transportation and disposal considerations be addressed prior to any work that will generate waste. The West Valley Demonstration Program also has an Emergency Response Organization that is trained to address transportation incidents.

Dr. Thorndike then asked Ms. Peterson to report on radioactive waste policy and nuclear coordination activities. Dr. Thorndike also congratulated Ms. Peterson on her recent nomination to serve as Chair of the Low-Level Waste Forum, on which Ms. Peterson represents New York State.

Ms. Peterson reported that, in 2014, the Authority fulfilled its statutory requirement to submit a report to the Governor and legislative leaders about state facilities that generate, store, or dispose of low-level radioactive waste. The report covered calendar year 2013, for which 194 facilities provided data.

Ms. Peterson then stated that she serves as Mr. Rhodes' formal designee as state liaison officer to the NRC. Ms. Peterson also noted the Authority's roles as the State's Nuclear Coordinator, lead agency for nuclear safety, and the formal State Contact with the NRC for nuclear power plant license amendments. Authority staff works closely with the New York State Department of Public Service on all issues concerning nuclear power plants.

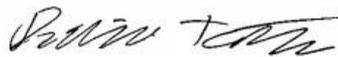
Ms. Peterson then provided updates on three items related to nuclear energy. First, in October 2014, the NRC issued a rule that generically addressed the environmental impacts of continued storage of spent nuclear fuel and does not require consideration of site-specific environmental impacts for future licensing actions. The Office of the New York State Attorney General has filed a petition for judicial review of this action. Second, in November 2014, the NRC reaffirmed that Indian Point will remain in the highest priority group for a complete seismic evaluation, as the Authority had requested. Third, the Authority recently submitted comments to the NRC expressing concern over the handling of the Indian Point emergency

license amendment, by which the NRC reduced the capacity requirements for one of the station's batteries while a new battery was ordered. Authority staff believed that preparations could have been made for reduced battery capacity before the need for an emergency amendment arose.

At the conclusion of Ms. Peterson's report, Dr. Thorndike requested an update on Indian Point relicensing at the next meeting of the Committee. Dr. Thorndike then sought clarification about property owned by the Authority at Indian Point. Mr. Brodie stated that the Authority owns, and receives rent payments for, an outfall structure at the facility.

The last item on the agenda concerned other business. There being none, upon motion duly made and seconded and upon unanimous voice vote, the meeting was adjourned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Patrick Totaro".

Patrick Totaro  
Secretary to the Committee

NOTICE OF MEETING AND AGENDA

January 14, 2015

TO THE MEMBERS OF THE WASTE AND FACILITIES MANAGEMENT COMMITTEE:

PLEASE TAKE NOTICE that the fifty-first (51<sup>st</sup>) meeting of the WASTE AND FACILITIES MANAGEMENT COMMITTEE of the NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY will be held in the Authority's Albany Office at 17 Columbia Circle, Albany, New York, and in the Authority's New York City Office at 1359 Broadway, 19th Floor, New York, New York, and in the Authority's Buffalo Office at 726 Exchange Street, Suite 821, Buffalo, New York, on Monday, January 26, 2015, commencing at 10:30 a.m., for the following purposes:

1. To consider the Minutes of the fiftieth (50<sup>th</sup>) meeting of the Committee held on September 8, 2014;
2. To receive a report from the Treasurer regarding the Authority's Fiscal Year 2015-16 Budget and to consider and act upon a resolution recommending approval of that Budget;
3. To receive a status report on West Valley Site Management Program activities;
4. To receive a status report on radioactive waste policy and nuclear coordination activities; and
5. To transact such other business as may properly come before the Committee.

Members of the public may attend the meeting at any of the above locations. Video conferencing will be used at all locations and the Authority will be posting a video of the meeting to the web within two business days of the meeting. The video will be posted at <http://www.nysesda.ny.gov/About/Board-Governance/Board-and-Committee-Meetings>.



Benjamin M. Levitan  
Secretary to the Waste and Facilities  
Management Committee

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Exhibit B

Resolution No. \_\_\_\_\_

RESOLVED, that the proposed fiscal year 2015-16 Budget submitted to the Members for consideration at this meeting, with such non-material, editorial changes and supplementary schedules as the President and Chief Executive Officer, in his discretion, may deem necessary or appropriate, be and it hereby is approved for submission to the persons designated in Sections 1867(4) and 2801 of the Public Authorities Law.