

NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY
Minutes of the 77th Waste and Facilities Management Committee Meeting
Held on January 29, 2025

Pursuant to a notice and agenda dated January 17, 2025, the seventy-seventh (77th) meeting of the Waste and Facilities Management Committee (“Committee”) of the NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY (“Authority”) was convened at 11:00 a.m. on Wednesday, January 29, 2025, at the NY Green Bank (“NYGB”) Office located at 1333 Broadway, Suite 300, New York, New York and at the Authority’s Albany Office located at 17 Columbia Circle, Albany, New York. The two locations were connected by videoconference.

The following Members of the Committee were present:

Charles Bell, *Vice Chair of the Authority and Committee Chair* attended from NYGB

Richard Kauffman, *Chair of the Authority* attended from NYGB

Sherburne Abbott attended from NYGB

Lindsay Greene attended via videoconference

Also present were Doreen Harris, President and CEO; John Williams, Executive Vice President for Policy and Regulatory Affairs; Pam Poisson, Chief Financial Officer; Anthony J. Fiore, Chief Program Officer; Peter J. Costello, General Counsel and Secretary to the Authority; Janice Dean, Senior Deputy General Counsel and Secretary to the Committee; and various other staff of the Authority.

Committee Chair Bell called the meeting to order and noted the presence of a quorum. Member Lindsay Greene participated by videoconference as per the extraordinary circumstances exception under the New York Open Meetings Law and the Authority’s By-laws. Notice of this meeting was provided to the Committee Members on January 17, 2025 and to the press on January 21, 2025.

Committee Chair Bell indicated that the first item on the agenda concerned the approval of the minutes of the seventy-sixth (76th) Committee meeting held on October 23, 2024.

Whereafter, upon motion duly made and seconded, and by unanimous voice vote of the Committee Members, the minutes of the seventy-sixth (76th) Committee meeting held on October 23, 2024, were approved.

Committee Chair Bell indicated that the next item on the agenda was a report on the Authority's Fiscal Year 2025-2026 Budget for the West Valley Site Management Program and radioactive waste policy and nuclear coordination activities and asked the Authority's Chief Financial Officer, Pam Poisson, to discuss this item.

CFO Poisson began by requesting that the Committee adopt a resolution recommending the approval of its portion of the Authority's Budget for the Fiscal Year ending March 31, 2026 ("FY 2025-26"). Next, CFO Poisson reported that the budget for the West Valley Program is proposed at \$25.8 million, identical to last fiscal year's budget representing the State's share of costs at the site under the Cooperative Agreement and Consent Decree. CFO Poisson noted an expected expenditure of \$20.6 million associated with the cooperative federal and NYS work to continue planned progress on the West Valley Demonstration Project, with costs for maintenance and monitoring activities at the State Licensed Disposal Area at \$3.8 million, and other NYSERDA managed activities at \$1.4 million.

Lastly, CFO Poisson indicated that the federal funding for the fiscal year remains at approximately \$96.7 million. CFO Poisson noted that the budget included funding to meet the State's requirement under the State Low-Level Radioactive Waste ("LLRW") Management Act of 1986, funded with a \$150,000 sub-allocated from a Department of Health appropriation which is funded by a fee assessed on nuclear power plant operations.

In response to an inquiry from the Chair related to NYSERDA's role in work performed by the Department of Energy ("DOE") contractor, CFO Poisson confirmed that the Authority is not a party to the contract between DOE and its contractor. In response to a question from the Chair on the cost share between the parties, Executive Vice President for Policy and Regulatory (EVP) Affairs John Williams further explained that the Authority's funding with respect to DOE

is currently in Phase One and all activities in Phase One-A are a 90/10 split between DOE and NYSERDA, and as the project moves into Phase One-B, some activity will continue to be a 90/10 split, but others will move to a 50/50 split.

In response to an inquiry from the Chair as to whether NYSERDA funds the work at the same time as DOE, EVP Williams and CFO Poisson indicated that the costs are incurred generally simultaneously.

In response to an inquiry from the Chair as to whether the DOE contractor could have a derivative claim against NYSERDA if federal funding were unavailable, Senior Deputy General Counsel Janice Dean indicated while the question would require research to fully respond, that work would stop on the DOE portion of the site if federal funding were not available as NYSERDA does not have authority to direct work on the DOE portion of the site. General Counsel Peter Costello stated that it would be difficult for a contractor to bring a derivative claim against the Authority because it is not a party to any contract between DOE and its contractors; there is a separate agreement for funding between DOE and the Authority.

In response to an inquiry from Committee Chair Bell, EVP Williams stated that the Authority is keeping the NYS Division of Budget advised on the expectation that the cost will go up due to the change in cost share in Phase One-B.

Whereafter, upon motion duly made and seconded, and by unanimous voice vote of the Committee Members, the following resolution was adopted.

Resolution

RESOLVED, that the proposed fiscal year 2025-2026 Budget and Financial Plan 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 their discretion, may deem necessary or appropriate, be and it hereby is recommended for approval by the Board for submission to the persons designated in Sections 1867(4) and 2801 of the Public Authorities Law.

Committee Chair Bell indicated that the next item on the agenda was to receive a status report on the Authority's various facilities. CFO Poisson provided the Committee with an update regarding the Authority's efforts to consolidate office space.

In response to an inquiry from the Chair regarding interest in 17 Columbia Circle ("17CC"). CFO Poisson indicated that there have been a couple of inquiries.

In response to an inquiry from Member Greene as to whether resolution on the fate of 17CC is needed in order to enter into a new lease in the Albany area, CFO Poisson indicated that NYSERDA would not enter into a lease or purchase offer to secure a new headquarters building without a buyer for 17CC.

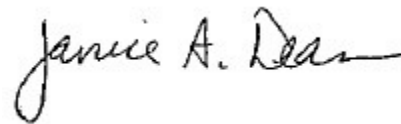
In response to an inquiry from Member Abbott, CFO Poisson stated that 17CC went on the market in November of 2024.

In response to an inquiry from Committee Chair Bell as to whether NYSERDA would be notified if another state entity vacated their office space, CFO Poisson indicated that NYSERDA is in contact with the Office of General Services (OGS) and Empire State Development (ESD) regarding other New York State agencies vacating their space.

Committee Chair Bell indicated that the last item on the agenda was other business. There being no other business, Committee Chair Bell called for a motion to adjourn.

Whereafter, upon motion duly made and seconded, and by unanimous voice vote of the Committee Members, the meeting was adjourned.

Respectfully submitted,

A handwritten signature in black ink that reads "Janice A. Dean". The signature is written in a cursive, flowing style.

Janice A. Dean
Secretary to the Committee



KATHY HOCHUL
Governor
RICHARD L. KAUFFMAN
Chair
DOREEN M. HARRIS
President and CEO

NOTICE OF MEETING AND AGENDA

January 17, 2025

TO THE GUESTS OF THE WASTE AND FACILITIES MANAGEMENT COMMITTEE:

PLEASE TAKE NOTICE that the seventy-seventh (77th) meeting of the WASTE AND FACILITIES MANAGEMENT COMMITTEE of the NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY (the “Authority”) will be held at 17 Columbia Circle, Albany, New York, and at the NY Green Bank Office located at 1333 Broadway, New York, New York, on Wednesday, January 29, 2025, commencing at 11:00 a.m. for the following purposes:

1. To consider the Minutes of the seventy-sixth (76th) meeting of the Committee held on October 23, 2024.
2. To receive a report from the Chief Financial Officer and to consider and act upon a resolution recommending approval of regarding the Authority’s Fiscal Year 2025-2026 Budget.
3. To receive a status report on the Authority’s various facilities.
4. 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, or via the video conference which can be accessed at <https://www.nyserda.ny.gov/About/Board-Governance/Board-and-Committee-Meetings>.

The Authority will be posting a video and a transcript of the meeting to the web as soon as practicable after the meeting. The video and transcript will be posted at <http://www.nyserda.ny.gov/About/Board-Governance/Board-and-Committee-Meetings>.

Janice A. Dean
Secretary to the Waste and Facilities
Management Committee

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