

MINUTES OF THE FORTY-SIXTH MEETING OF THE
WASTE AND FACILITIES MANAGEMENT COMMITTEE
HELD ON APRIL 16, 2013

Pursuant to a notice and agenda dated April 3, 2013, the forty-sixth (46th) meeting of the Waste and Facilities Management Committee of the NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY was convened at 10:00 a.m. on Tuesday, April 16, 2013, in the Authority's New York City Office at 485 Seventh Avenue, 10th floor, New York, New York, and by video conference in the Authority's Albany Office at 17 Columbia Circle, Albany, New York.

The following members of the Committee were present in New York City:

Elizabeth W. Thorndike, Ph. D., Chair

Francis J. Murray, Jr., President and CEO (serving as a Committee member for this meeting)

Also present were Janet Joseph, Vice President for Technology and Strategic Planning; Jeff Pitkin, Treasurer (Albany); Hal Brodie, General Counsel; Allyson Zipp, Assistant Counsel and Secretary to the Committee; Paul Bembia, West Valley Program Director; and Alyse Peterson, Senior Project Manager (Albany).

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 April 3, 2013. A copy of this notice is attached hereto as Exhibit A.

The first item on the agenda concerned approval of the minutes of the forty-fifth (45th) meeting, held on January 15, 2013. A copy of the Minutes was included with the April 3, 2013, mailing. Whereafter, upon motion duly made and seconded, and by unanimous voice vote, the minutes of the forty-fifth meeting were approved.

The Committee next received a status report from Director Paul Bembia on West Valley Site Management Program activities. Mr. Bembia briefed the Committee on four items: the

State-Licensed Disposal Area, some work being done on the Retained Premises, the Phase 1 Studies, and the West Valley Demonstration Project.

First, regarding the State-Licensed Disposal Area (“SDA”), Mr. Bembia reported that West Valley staff are seeing an increase in the leachate level in disposal Trench 14. The first change in Trench 14 behavior was noted in early 2011. The increase observed in all of 2012 was less than three quarters of an inch, and the total increase to date is 4.3 inches. Mr. Bembia emphasized that the leachate remains contained in the trench and that this increase does not present a threat to public health and safety or the environment. The current leachate level is 1.6 feet below the level that was present in the trench when the infiltration controls were installed in the early 1990s, and approximately 14 feet below the top of the trench. Extrapolating from observations to date, West Valley staff estimate it would take from 9 to 27 years to get back to that early 1990s level. Even at that level, there was no release of leachate from the trench. The situation is being carefully evaluated, and Mr. Bembia will keep the Committee informed about this development as the evaluation proceeds.

In response to a question from Dr. Thorndike, Mr. Bembia confirmed that West Valley staff are evaluating various possible causes for the observed increase in leachate level. Mr. Bembia stated that because the trench behavior had been so consistent after the installation of infiltration controls, the obvious focus for the evaluation is two significant changes at or near Trench 14 over the last few years. These changes were the DOE’s installation of a subsurface barrier wall and geomembrane cover at the NRC-Licensed Disposal Area (“NDA”) in 2008, and NYSERDA’s installation of a new geomembrane cover over SDA Trenches 12, 13, and 14 in late 2010.

In response to a question from Mr. Brodie regarding the direction of groundwater flow in the area of SDA Trench 14, Mr. Bembia explained that NYSERDA’s SDA subsurface barrier wall (which runs along the southwest side of the SDA near Trench 14) and the DOE’s NDA subsurface barrier wall (which runs along the southeast side of the NDA at approximately a 90 degree angle to the SDA barrier wall) were installed to prevent groundwater from moving into the SDA’s Trench 14 and the NDA, respectively. Mr. Bembia also related that there was

discussion at the time the NDA wall was constructed about joining the two barrier walls, but the option was not pursued because there is some contaminated soil in the area in question and there was a concern about digging a deep trench through the area.

Second, Mr. Bembia described some work being done on the Retained Premises in which NYSERDA is working with Cattaraugus County on its plan to demolish and replace a county bridge located on the Western New York Nuclear Service Center property. The bridge is in an area where there may be low levels of historical contamination, so soil and sediment sampling will be conducted in the area before the County begins their work.

Third, Mr. Bembia discussed the “Phase 1 Studies,” which NYSERDA is conducting jointly with DOE in an effort to resolve the technical concerns NYSERDA staff raised with the 2010 decommissioning Environmental Impact Statement. Mr. Bembia reported that the Independent Scientific Panel has recommended that the agencies give more consideration to how the studies will address uncertainty. NYSERDA has been actively discussing this issue with DOE, and DOE and NYSERDA met in February and March with two sets of experts to discuss this issue. Those discussions were very helpful, and Mr. Bembia reported that he is cautiously optimistic that we may be close to finding an approach that will work for both agencies.

Finally, Mr. Bembia provided an update on the West Valley Demonstration Project activities. At the Project, DOE’s prime contractor at the site (CHBWV) expects to conclude its first significant demolition project on a contaminated building in June. Mr. Bembia also provided an update on the federal West Valley Demonstration Project budget. The President’s proposed budget for federal fiscal year 2014 includes \$64 million for the Project, and the Project received \$61.7 million for federal fiscal year 2013 under the Sequester. This is great news, because the expectation was that the funding level for both of these years could be as low as \$50 million.

Dr. Thorndike then asked Senior Project Manager Alyse Peterson to report on NYSERDA’s nuclear coordination and radioactive waste policy activities. First, Ms. Peterson reported that the Texas low-level radioactive waste disposal facility began accepting waste from

New York generators last May. In 2012, waste was disposed there by all six operating nuclear power plants, plus two medical facilities. Next, in regards to Indian Point Relicensing, Ms. Peterson reported that the Nuclear Regulatory Committee's ("NRC's") Atomic Safety and Licensing Board conducted the first phase of hearings on New York State's relicensing contentions last fall. The next phase of hearings is still being scheduled, but should take place in mid-2013. Finally, Ms. Peterson reported that the NRC recently published for public comment a draft Environmental Assessment and Finding of No Significant Impact for the exemption from fire protection requirements for Indian Point Unit 3 that it previously issued in 2007 without seeking public involvement. NYSERDA has alerted the appropriate State agencies to the public comment opportunity and will coordinate submission of comments, which are due to the NRC by May 3rd.

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,



Allyson Zipp
Secretary to the Committee

NOTICE OF MEETING AND AGENDA

April 3, 2013

TO THE MEMBERS OF THE WASTE AND FACILITIES MANAGEMENT COMMITTEE:

PLEASE TAKE NOTICE that the forty-sixth (46th) 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 New York City Office at 485 Seventh Avenue, 10th floor, New York, New York, and by video conference in the Authority's Albany Office at 17 Columbia Circle, Albany, New York, on Tuesday, April 16, 2013, commencing at 10:00 a.m., for the following purposes:

1. To consider the Minutes of the forty-fifth (45th) meeting of the Committee, held on January 15, 2013;
2. To receive a status report on West Valley Site Management Program activities;
3. To receive a status report on radioactive waste policy and nuclear coordination activities; and
4. To transact such other business as may properly come before the Committee.

Members of the public may attend the meeting at either of the above locations. 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.nyserda.ny.gov/en/About/Board-Governance/Board-and-Committee-Meetings.aspx>.



Allyson Zipp
Secretary to the Waste and Facilities
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