

MINUTES OF THE FIFTY-THIRD MEETING OF THE
WASTE AND FACILITIES MANAGEMENT COMMITTEE
HELD ON SEPTEMBER 1, 2015

Pursuant to a notice and agenda dated August 21, 2015, the fifty-third (53rd) 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, September 1, 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, and at the Syracuse Center of Excellence in Environmental and Energy Systems (conference room 508), Syracuse University, 727 East Washington Street, Syracuse, New York 13210.

The following members of the Committee were present:

Elizabeth W. Thorndike, Committee Chair
Sherburne B. Abbott
Charles Bell

Also present were John B. Rhodes, President and CEO; David Margalit, Chief Operating Officer; Janet Joseph, Vice President for Innovation and Strategy; Jeff Pitkin, Treasurer; Noah Shaw, General Counsel; Paul Bembia, West Valley Program Director; and Patrick Totaro, 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 August 21, 2015. A copy of the notice is attached hereto as Exhibit A. Dr. Thorndike also noted that while a quorum was present, the Committee would delay voting items of its agenda until the full Committee was present.

Dr. Thorndike started by asking Noah Shaw to introduce Janice Dean, the new secretary of the Waste and Facilities Management Committee. Mr. Shaw introduced Ms. Dean, providing a short summary of her background and future role as Deputy Counsel at NYSERDA.

Dr. Thorndike started with Item Four of the agenda, and asked Mr. Bembia to provide a status report on West Valley Site Management Program activities. Mr. Bembia discussed the aerial radiation survey of the Western New York Nuclear Service Center (“Center”) and Cattaraugus Creek undertaken jointly with the U.S. Department of Energy (“DOE”). At a Quarterly Public Meeting held a few days before this meeting Mr. Bembia informed the attendees that as part of completing the aerial survey project, NYSERDA is going to be collecting soil samples from several offsite locations to confirm the survey results and to provide additional information. Mr. Bembia also reported that staff would be communicating with the landowners later this week, and that they planned to begin collecting the soil samples later in the month. Mr. Bembia noted that staff intended to provide the final results of the survey report and soil samples at the next Quarterly Meeting.

In response to questions from the Chair, Mr. Bembia indicated that the aerial survey covered the entire Center (along with a buffer area around the Center that is a half mile to a mile wide), Cattaraugus Creek from the Center to Lake Erie, and three to four miles both north and south of the Creek along the shore of Lake Erie, and that eight properties would be sampled.

Mr. Bembia then reported on leachate elevation in Disposal Trench 14, stating that the geotechnical firm hired to conduct a hydrologic and engineering evaluation of the water elevation increase has completed their site evaluation, and believes the water level increase is most likely caused by the infiltration of shallow groundwater at the north end of the trench. Because of the complexity of the near-surface geology in this area, they recommend that NYSERDA collect additional information to get a better picture of the shallow geology in the area and to help identify the likely flow path. The consultant’s report was being finalized and will soon be sent to the New York State Department of Environmental Conservation for review. Staff are planning to complete the recommended field work this year.

Dr. Thorndike noted that Mr. Charles Bell had arrived at the meeting, and she asked Mr. Bell to introduce himself. Mr. Bell introduced himself. Mr. Bembia then discussed the transfer of the High Level Waste (“HLW”) canisters from the Main Plant Process Building to the new HLW Storage Pad, reminding the Committee that CH2M HILL B&W West Valley, LLC (“CHBWV”) was working to repair a 130-ton shield door in the Main Plant Process Building Cell where the

solidified HLW is stored. The shield door motor was replaced in July. CHBWV identified some additional issues with the door, further delaying the repair, but CHBWV expects to move the first HLW Canisters to the new HLW Storage Pad in December.

Next, Mr. Bembia informed the Committee of a severe rainfall event that took place on July 14, 2015 during which the West Valley site received almost 4 inches of rain. Site facilities and infrastructure generally held up well and there were no impacts to any of the waste processing, storage, or disposal areas but there was some damage to the spillway for the site's water reservoirs and to the erosion control structures in the creeks near the State-Licensed Disposal Area ("SDA") and the NRC-Licensed Disposal Area. The spillway functioned properly and repairs were to be completed by the end of the year.

Mr. Bembia then updated the Committee on DOE's effort to remove from service a water treatment lagoon with an unstable embankment. Work on the project began in July. DOE believes it will complete the first phase by the end of this year and expects to complete all work by 2017 if funding is available. Mr. Bembia reported that detailed topographic data will be collected for the entire Center in October, and this information will allow staff to assess the stability of the lagoon and determine whether more detailed monitoring or other interim actions are necessary. Mr. Bembia noted that NYSERDA staff inspected the lagoon embankment after the July 14 storm events, and there was no evidence of any impact from the storms.

Mr. Bembia then reported on a Quarterly Public Meeting which was held the week before this meeting. There were presentations on the status of the Center and ongoing activities. The meeting was well attended by members of the public, some regulatory agencies, and representatives from several environmental groups.

Finally, Mr. Bembia reported on safety at the site. As of July 31st, the WVDP worked over 1,520,000 hours (or 998 days) without a lost-time injury or illness. This is the best safety record in the DOE complex. For the SDA and Retained Premises, NYSERDA's safety and compliance record continues to be stellar, with zero injuries, zero work-related illnesses, and zero compliance issues.

Dr. Thorndike asked who is responsible for costs of damage to the dam. Mr. Bembia responded that based on the contract, the contractor is responsible for routine repairs using the existing contract budget, but noted that it is unclear if damage from a severe rain event would be considered to be within the scope of routine repairs, and discussions between DOE and the contractor are ongoing.

Mr. Bell asked how the HLW canisters will be monitored given the severe weather and what the possibility is of severe weather affecting the safety of those canisters. Mr. Bembia responded that the canisters are under constant surveillance as part of the WVDP. Mr. Bembia also noted that the location of the storage pad for the canisters was chosen in part because it was not near any erosion areas. No damage was sustained during the July rain event.

Ms. Abbott asked if contractors considered the impact and frequency of unlikely weather events. Mr. Bembia responded that this issue is being considered by DOE and NYSERDA as part of their decommissioning planning. Mr. Shaw responded that what will be included in the next environmental impact statement is still outstanding. Mr. Bembia also noted that work scopes of the probabilistic performance assessment and supplemental impact statement contractors will include this issue.

Dr. Thorndike then turned to the first item on the agenda, the approval of the minutes of the fifty-second (52nd) meeting, held on June 1, 2015. A copy of the minutes was included in the August 21, 2015 mailing. Upon motion duly made and seconded, and by unanimous voice vote, the minutes of the fifty-second meeting were approved.

Next, Dr. Thorndike asked Mr. Pitkin to report on revisions to the Authority's Fiscal Year 2015-2016 Budget for the West Valley Site Management Program and radioactive waste policy and nuclear coordination activities. Mr. Pitkin reported that for the West Valley program, State appropriation revenue was decreased by approximately \$111,000 in recognition of State appropriation funds received but unexpended at the end of the prior fiscal year 2014-15. The revised Budget did not change the total program expenditures, which remain at \$14.5 million. For the Low-Level Radioactive Waste Management Program, Mr. Pitkin reported no changes in the aggregate, with the Budget remaining \$150,000, which is funded through an assessment collected

on operating nuclear power plant licensees. For both programs, Mr. Pitkin noted there are minor changes among expenditure categories, principally due to changes in indirect costs.

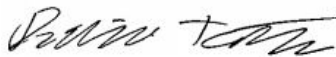
Based on Mr. Pitkin's report, upon motion duly made and seconded, and by unanimous voice vote, the Committee recommended that the Board adopt the resolution approving the revisions to the 2015–16 Budget for the West Valley Site Management Program and radioactive waste policy and nuclear coordination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

Dr. Thorndike then asked Mr. Pitkin to provide a second report regarding the Authority's Fiscal Year 2016–17 State Appropriation Request for the West Valley Site Management Program and radioactive waste policy and nuclear coordination activities. Mr. Pitkin stated that the State Appropriation Request for Fiscal Year 2016–17 includes a slight increase in funding requested for the West Valley Program, from \$12.5 million to \$13.45 million, based on the costs of the probabilistic performance assessment. No change is recommended in the request of \$150,000 for the Low-Level Radioactive Waste Management Program. Mr. Bell asked how funding for the probabilistic performance assessment was split between NYSERDA and DOE. Mr. Bembia responded that funding was split fifty-fifty.

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 proposed State Appropriation Request for the Fiscal Year 2016–17 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 C.

There being no additional other business, upon motion duly made and seconded and upon unanimous voice vote, the meeting was adjourned.

Respectfully submitted,



Patrick Totaro
Secretary to the Committee



ANDREW M. CUOMO
Governor

NYSERDA

RICHARD L. KAUFFMAN
Chair

JOHN B. RHODES
President and CEO

NOTICE OF MEETING AND AGENDA

August 21, 2015

TO THE MEMBERS OF THE WASTE AND FACILITIES MANAGEMENT COMMITTEE:

PLEASE TAKE NOTICE that the fifty-third (53rd) 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 at the Syracuse Center of Excellence in Environmental and Energy Systems (conference room 508), Syracuse University, 727 East Washington Street, Syracuse, New York 13210, on Tuesday, September 1, 2015, commencing at 12:00 p.m., for the following purposes:

1. To consider the Minutes of the fifty-second (52nd) meeting of the Committee held on June 1, 2015.
2. To receive a report from the Treasurer regarding revisions to the Authority's Fiscal Year 2015–16 budget and to consider and act upon a resolution recommending approval of those revisions.
3. To receive a report from the Treasurer regarding the Authority's Fiscal Year 2016–17 Preliminary Spending Plan and the Authority's State Appropriation Request for Fiscal Year 2016–17, and to consider and act upon a resolution recommending approval of that Appropriation Request.
4. To receive a status report on West Valley Site Management Program activities.
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.nyserdera.ny.gov/About/Board-Governance/Board-and-Committee-Meetings>.

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

Patrick Totaro
Secretary to the Waste and Facilities
Management Committee

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Exhibit B

Resolution No. _____

RESOLVED, that the Fiscal Year 2015-16 Budget and Financial Plan (Revised September 2015) submitted to the Members for consideration at this meeting, with such non-material, editorial changes and supplementary schedules as the President and CEO, in his discretion, may deem necessary or appropriate, be, and it hereby is, approved.

Exhibit C

Resolution No. _____

RESOLVED, that the proposed State Appropriation Request for Fiscal Year 2016-17 submitted to the Members for consideration at this meeting, with such non-material, editorial changes and supplementary schedules as the President and CEO, in his discretion, may deem necessary or appropriate, be, and it hereby is, approved for submission to, and at the request of, the New York State Division of the Budget.