

MINUTES OF THE FIFTY-SIXTH MEETING OF THE
WASTE AND FACILITIES MANAGEMENT COMMITTEE
HELD ON SEPTEMBER 20, 2016

Pursuant to a notice and agenda dated September 7, 2016, the fifty-sixth (56th) 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 Tuesday, September 20, 2016, in the Authority’s Albany office at 17 Columbia Circle, Albany, New York, and by video conference in the Authority’s New York City office at 1359 Broadway, New York, New York.

The following members of the Committee were present:

Richard Kauffman
Sherburne B. Abbott
Charles Bell

Also present were John B. Rhodes, President and Chief Executive Officer; David Margalit, Chief Operating Officer; Janet Joseph, Vice President for Technology and Strategic Planning; Jeff Pitkin, Treasurer; Noah Shaw, General Counsel; Paul Bembia, West Valley Program Director; and Janice Dean, Secretary to the Committee.

Mr. Kauffman called the meeting to order, stated that Dr. Thorndike had been detained by a flight delay, noted the presence of a quorum, and stated that a notice of the meeting was mailed to Committee members and the press on September 7, 2016. A copy of the notice is attached hereto as Exhibit A.

The first item on the agenda concerned approval of the Minutes of the fifty-fifth (55th) meeting, held on April 11, 2016. A copy of the Minutes was included with the September 7, 2016, mailing. Whereafter, upon motion duly made and seconded, and by unanimous voice vote, the minutes of the fifty-fifth meeting were approved.

The second item on the agenda concerned an update to the 2016-17 Budget for the West Valley Site Management Program and radioactive waste policy and nuclear coordination activities. Treasurer Jeff Pitkin reported that the Revised Budget for the West Valley program is approximately \$15.7 million. He reported that this amount is unchanged from the original approved FY 16-17 budget; however, minor changes among the expenditure categories are included, principally due to changes in indirect costs.

Mr. Kauffman, as acting Chair, inquired if these changes, which happen every year, need to come before the Board. Mr. Pitkin explained that this is NYSERDA policy, and noted that other programs see more substantial changes in the budget. Mr. Shaw noted that the Authority's by-laws require Board approval for changes in the budget.

Mr. Pitkin reported that included in the Energy Analysis program budget is funding to meet requirements under the State Low-Level Radioactive Waste (LLRW) Management Act of 1986 for collecting information and providing regular reports to the Governor and Legislature on LLRW generation in the State. Mr. Pitkin states that these activities are funded with a State appropriation of \$150,000 sub-allocated from an appropriation provided to the NYS Department of Health, which is funded through an assessment collected on operating nuclear power plant licensees, and he noted that this amount is unchanged from the amount included in the current year budget.

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 2016-17 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.

The third item on the agenda was a second report from Treasurer Jeff Pitkin, regarding the Authority's Fiscal Year 2017-2018 Budget for the West Valley Site Management Program and radioactive waste policy and nuclear coordination activities. Mr. Pitkin reported that the State Budget Request includes an increase in funding requested for the West Valley program from \$13.45 million to \$15.575 million, an increase in the FY 2017-18 budget request primarily related

to costs associated with the procurement and installation of a replacement cover for trenches at the State-Licensed Disposal Area (SDA), radiation protection support for the installation of the cover on the trenches, costs associated with the design and permitting and reconfiguration of the dams, lakes, and spillways at the site, and for aerial radiation survey soil sampling. Mr. Pitkin reported that for the Low-Level Radioactive Waste program, the funding request of \$150,000 is expected to be provided from an appropriation which is funded from an assessment on operating nuclear power plant licensees, as in the prior year.

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 2017–18 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.

Next, the Chair called on Paul Bembia, West Valley Program Director, to give a report on the West Valley Nuclear Service Center. Mr. Bembia's report focused primarily on the soil sampling and dose assessment work he and his team have been conducting over the last year on properties near the Western New York Nuclear Service Center. Mr. Bembia reported that hundreds of soil samples were collected from many locations within the five off-site areas where above-background radiation levels were identified during aerial surveys, including some on Seneca Nation territory, and that none of the sample results indicate a public health and safety concern in any of the areas sampled. He stated that all of the properties meet the public health and safety standards.

In regard to the public health and safety standards, Mr. Bembia explained that the standards are expressed in terms of radiation dose to a member of the public who uses these properties. He said that two of the locations located on the territory of the Seneca Nation of Indians will require more analysis, owing to the unique ways in which the Seneca Nation use their land. During these soil collection activities, Mr. Bembia stated that he and his team talked with the property owners about how their property is used today, and that information was used to estimate the radiation dose. To estimate the radiation dose, he explained that a computer model is used to combine the

radionuclide concentration data from NYSERDA's soil samples with information about how the property is used by the property owners.

Mr. Bembia reported that at the request of the regulatory agencies, his team also considered how the property could be used in the future, and he had an estimate prepared of the radiation dose for a "conservative future use" of the property (in this case, that conservative future use is by a farmer who lives and farms right on the spot showing higher readings). Mr. Bembia reported that even under this conservative approach, all of the properties sampled meet the public health and safety standards. For the three areas near the Western New York Nuclear Service Center property, he explained that the radiation doses for the current use of the property and the conservative future use of the property ranged from less than 1 millirem per year to 8 millirem per year.

Mr. Bembia explained that a millirem is a measure of radiation. To put that number in perspective, he said that the average radiation dose to a resident in the U.S. is 360 millirem per year. In terms of a comparison with the health and safety standards, he explained that the U.S. Nuclear Regulatory Commission (NRC) has a standard that they use when they evaluate the release of properties that they regulate, and that at a level of 25 millirem per year or below, the property can be used for any purpose, with no restrictions. So for levels of 1 millirem per year to, in the most conservative scenario, 8 millirem per year, Mr. Bembia explained that there is no health and safety concern, and the properties are well below NRC's standard for unrestricted use.

Mr. Kauffman sought clarification on the numbers Mr. Bembia was using, asking whether the numbers cited represented a small fraction of the average dose to a U.S. resident per year. Mr. Bembia said that was correct. Mr. Kauffman inquired, then, why, for such small levels of radiation, the aerial survey equipment was picking these up; he further inquired why they were recommended for advanced soil sampling, and questioned whether new equipment was particularly sensitive, leading to false positives, or whether this was just a particularly good survey. Mr. Bembia agreed that the equipment used is particularly sensitive and that it was a particularly good survey, noting that the equipment used can even detect medical isotopes in hospital patients.

Mr. Bembia said he presented these results at the West Valley Demonstration Project (WVDP) Quarterly Public Meeting on August 24th, and that the information on the two Seneca

Nation locations will be presented at the WVDP Quarterly Public Meeting on November 16th after dose assessments are completed.

Ms. Abbott sought clarification of the number and details of the locations involved on Seneca Nation territory, and Mr. Bembia explained that there were two areas sampled on Seneca Nation territory property, at two different locations; one was in the floodplain where one might expect to see higher readings, and one was not. He explained that both locations were very close to background but were sampled anyway, and that levels at the second location, an undisturbed, almost old-growth forest, were consistent with fallout from nuclear weapons testing.

West Valley Demonstration Project

In regard to the WVDP, Mr. Bembia reported that the transfer of the High-Level Radioactive Waste canisters is continuing, and is going well. He reported that well over half of the High-Level Waste canisters have now been removed from the Main Plant Process Building; this has the WVDP on track to begin demolishing the Vitrification facility next year, followed by the Main Plant Process Building in 2018.

State-Licensed Disposal Area

In regard to the SDA, Mr. Bembia reported that the trench leachate evaluation work is continuing, and that in July, the NYS Department of Environmental Conservation (NYSDEC) conducted its annual inspection of the SDA and NYSERDA's programs to manage the SDA. He reported that as a result of the inspection, NYSDEC determined that NYSERDA is in full compliance with the radiation control regulations and with the conditions of its radiation control permit. Mr. Kauffman inquired if trench leachate levels always go up, or if they ever go down. Mr. Bembia explained that they do sometimes go down, and that recent readings have been stable.

Recent Visit to Washington, DC

Finally, Mr. Bembia reported that last week, he and Noah Shaw attended the National Cleanup Workshop in Washington, DC, which brought together senior Department of Energy (DOE) executives, and personnel from DOE sites. He said that this Workshop was sponsored by

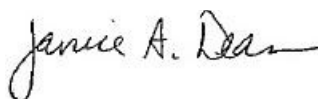
the Energy Communities Alliance, the Energy Federal Contractors Group, and the DOE, and that the achievements and progress at the WVDP were noted several times throughout the Workshop.

While in DC, Mr. Bembia said that he and Noah Shaw also visited with Congressional delegation staff to discuss West Valley issues, including the origin of the West Valley radioactive wastes and the need for increased federal funding for the WVDP. Mr. Shaw explained that the DOE's current classification of West Valley's waste as "commercial" means that the State would pay the disposal fee under the Nuclear Waste Policy Act of 1982. He reported a favorable reception on the Hill to NYSERDA's recent comments in the Consent-Based Siting proceeding that seeks an accurate classification of West Valley's waste as defense in origin, and noted that he will hope to update the Board on movement on this issue at the January Board meeting.

Mr. Bell inquired about the timing of a federal repository. Mr. Shaw responded that the Department of Energy is still using a 2048 date, but that there are a lot of ongoing conversations about this process, including a possible defense-only facility.

There being no additional other business, upon motion duly made and seconded and upon unanimous voice vote, the meeting was adjourned at 10:53 a.m.

Respectfully submitted,

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

Janice A. Dean
Secretary to the Committee



NYSERDA

Exhibit A

ANDREW M. CUOMO
Governor

RICHARD L. KAUFFMAN
Chair

JOHN B. RHODES
President and CEO

NOTICE OF MEETING AND AGENDA

September 7, 2016

TO THE MEMBERS OF THE WASTE AND FACILITIES MANAGEMENT COMMITTEE:

PLEASE TAKE NOTICE that the fifty-sixth (56th) meeting of the WASTE AND FACILITIES MANAGEMENT COMMITTEE of the NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY (the “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, on Tuesday, September 20, 2016, commencing at 10:30 a.m., for the following purposes:

1. To consider the Minutes of the fifty-fifth (55th) meeting of the Committee held on April 11, 2016.
2. To receive a report from the Treasurer regarding revisions to the Authority’s Fiscal Year 2016-17 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 State Budget Request for Fiscal Year 2017–18, and to consider and act upon a resolution recommending approval of that Budget 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 either of the above locations. Video conferencing will be used at both locations and the Authority will be posting a video of the meeting to the web within a reasonable time after the meeting. The video will be posted at <http://www.nyserdera.ny.gov/About/Board-Governance/Board-and-Committee-Meetings>.

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

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Exhibit B

Resolution No. _____

RESOLVED, that the Fiscal Year 2016-17 Budget and Financial Plan (Revised September 2016) 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, recommended to be adopted and approved by the Board.

Exhibit C

Resolution No. _____

RESOLVED, that the proposed State Budget Request for Fiscal Year 2017-18 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, recommended to be adopted and approved by the Board for submission to, and at the request of, the New York State Division of the Budget.