

MINUTES OF THE FIFTY-FIFTH MEETING OF THE  
WASTE AND FACILITIES MANAGEMENT COMMITTEE  
HELD ON APRIL 11, 2016

Pursuant to a notice and agenda dated March 29, 2016, the fifty-fifth (55<sup>th</sup>) meeting of the Waste and Facilities Management Committee of the NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY (“Authority”) was convened at 11:00 a.m. on Monday, April 11, 2016, in the New York State Dormitory Authority’s office at 1 Penn Plaza, New York, New York, and the Authority’s Albany Office at 17 Columbia Circle, Albany, New York.

The following members of the Committee were present:

Elizabeth W. Thorndike, Committee Chair  
Richard Kauffman  
Sherburne B. Abbott

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; Alyse Peterson, Senior Project; and Janice Dean, 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 March 29, 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-fourth (54<sup>th</sup>) meeting, held on January 26, 2016. A copy of the Minutes was included with the March 29, 2016, mailing. Whereafter, upon motion duly made and seconded, and by unanimous voice vote, the minutes of the fifty-third meeting were approved.

Alyse Peterson began by providing one Nuclear Coordination update, regarding an NRC-issued Advance Notice of Rulemaking designed to solicit stakeholder input for revisions to the decommissioning process. NYSERDA led a comprehensive State agency review, and submitted the State's comments to the NRC on March 18<sup>th</sup> after receiving Governor's Office approval.

Mr. Kauffman inquired if Ms. Peterson knew who was supporting the proposed changes to the decommissioning process, whether the industry, States, or other parties. Ms. Peterson stated that all sectors recognize that changes are needed to the decommissioning process, though parties are approaching it differently. Mr. Shaw noted that the process is anticipated to be a long one, with this being only the first step, after which the rulemaking language will be issued for comment. He noted also that a coalition of State Attorneys General submitted joint comments.

Mr. Bembia then provided an update on West Valley activities, first providing an update on the offsite soil sampling program NYSERDA and the Department of Energy (DOE) conducted as a follow-up to the 2014 aerial radiation survey. To date, none of the sample results indicate a public health and safety concern in any of the areas sampled. The final report will be submitted to the regulators and the Seneca Nation for review in early May.

Mr. Bembia said his team expects to complete the report by the end of June, meet with the property owners in July, and present the final results at the WVDP Quarterly Public Meeting in August, and that he will present the results to the Waste and Facilities Management Committee following the August WVDP Quarterly Public Meeting.

Mr. Bembia next provided an update in regard to the State-Licensed Disposal Area. First, in regard to the trench leachate evaluation. Over the last year, monitoring data has shown a change from a decreasing water elevation to a stable water elevation in one of these trenches. The second trench is showing a very slow increase in the water elevation. The water elevation in both of these trenches is near the bottom of the trench, so there is no threat of release, but data will continue to be evaluated.

Mr. Kauffman inquired if the same theory applies to both trenches as to the source of the water level rise, or whether the information on the two additional trenches could change the theory about why water was rising in Trench 14. Mr. Bembia indicated that staff are evaluating the possibility that the same water issue could be impacting each of the trenches, and that field work will provide the information needed to evaluate the below-ground path.

Ms. Abbott inquired if the impacts of climate change were being considered on the SDA. Mr. Bembia answered in the affirmative, and noted that precipitation levels have not been identified as a major trend. Ms. Dean noted that the upcoming environmental impact study would also be considering climate change impacts and adaptation measures.

Mr. Kauffman inquired if the water levels in the trenches ever go down. Mr. Bembia noted that the clay layer keeps the flow rate and percolation rate quite low, but that water levels can go down.

Mr. Bembia next provided updates on the West Valley Demonstration Project Activities, reporting that the operation to transfer the High-Level Waste (HLW) canisters from the Main Plant Process Building to the new HLW Interim Storage Pad will resume at the end of this month, after being on hold through the winter. DOE's contractor plans to complete the HLW transfer activity by the end of this calendar year, which would be about nine months ahead of schedule. Once that is done, DOE's contractor expects to be ready to begin demolishing the Vitrification Facility at this time next year, which would be about a year ahead of their current baseline schedule. The demolition of the Main Plant Process Building would then follow.

Regarding the federal budget, Mr. Bembia reported that the President's FFY 2017 Budget request was released on February 9. The President's request for the WVDP is \$63,628,000. This is an increase of \$1.824 million over the FFY 2016 enacted budget. The additional funds will be used primarily for an electrical system upgrade for the WVDP.

Mr. Bembia reported that Senators Schumer and Gillibrand, the West Valley Citizen Task Force and the Seneca Nation of Indians have all recently expressed support for increasing the

annual federal appropriation for the WVDP to \$75 million. In the 2010 West Decommissioning Environmental Impact Statement, DOE assumed the annual funding appropriation would be \$75 million, which would allow Phase 1 decommissioning to be completed by 2020. With actual federal appropriation coming in at closer to \$60 million per year since 2010, DOE presently estimates that Phase 1 decommissioning will be completed in about 2030.

Mr. Bembia then reported on a new environmental impact statement issued by DOE in February, the Final Environmental Impact Statement (FEIS) for the Disposal of Greater-Than-Class C (GTCC) Low-Level Radioactive Waste and GTCC-Like Waste.

Mr. Bembia stated that this EIS is important for West Valley because it may provide a path for the disposal of the West Valley “transuranic waste.” West Valley transuranic waste currently can’t be disposed of in any existing facility because DOE considers West Valley waste to be commercial, as opposed to defense-related, waste. Discussion ensued regarding the considerations and issues related to ultimate disposal of this material.

In terms of next steps, Mr. Bembia reported that DOE must now submit a report to Congress regarding the GTCC disposal alternatives, and then await Congressional action before issuing a Record of Decision. There is no set timeframe for the Congressional action or for the issuance of the ROD.

Mr. Kauffman inquired if Mr. Bembia agreed with DOE’s characterization of West Valley’s waste as commercial waste, and Mr. Bembia and Mr. Shaw noted historical communications between the Authority and DOE wherein the Authority has maintained that the waste is “commingled,” and that some defense waste from Hanford and other locations is present at West Valley. Mr. Shaw noted that the next opportunity to present this position will be June 15<sup>th</sup>, the deadline for consent-based siting comments.

Mr. Kauffman inquired about the process at DOE that resulted in this determination, and whether it was an adjudicatory process. Mr. Shaw stated that it was not through an adjudicatory

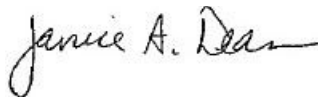
process, and that the question is a factual one, determined by the facts of where the waste came from and where the reprocessed material was sent.

Mr. Kauffman inquired about the timeframe for the Congressional report, and Ms. Dean indicated that there is no timeframe given for submission of this report.

Mr. Bembia ended with an update on worker safety, reporting that as of March 10, the WVDP worked 1,888,486 hours (or over 1,221 days) without a lost-time injury or illness, one of the best safety records in the DOE environmental cleanup complex, and that for the SDA and Retained Premises, NYSERDA staff continues to manage the SDA and the Retained Premises in full compliance with all applicable regulations, and with no work-related illnesses or injuries.

There being no additional other business, upon motion duly made and seconded and upon unanimous voice vote, the meeting was adjourned at 10:32 a.m.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Janice A. Dean". The signature is fluid and cursive, with a long horizontal stroke at the end.

Janice A. Dean  
Secretary to the Committee



ANDREW M. CUOMO  
Governor

NYSERDA

Exhibit A

RICHARD L. KAUFFMAN  
Chair

JOHN B. RHODES  
President and CEO

## NOTICE OF MEETING AND AGENDA

March 29, 2016

TO THE MEMBERS OF THE WASTE AND FACILITIES MANAGEMENT COMMITTEE:

PLEASE TAKE NOTICE that the fifty-fifth (55<sup>th</sup>) meeting of the WASTE AND FACILITIES MANAGEMENT COMMITTEE of the NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY (the "Authority") will be held at the office of the New York State Dormitory Authority ("DASNY"), One Penn Plaza, 52<sup>nd</sup> Floor, New York, New York, and in the Authority's Albany Office at 17 Columbia Circle, Albany, New York, on Monday, April 11, 2016, commencing at 10:00 a.m., for the following purposes:

1. To consider the Minutes of the fifty-fourth (54<sup>th</sup>) meeting of the Committee held on January 26, 2016.
2. To receive a status report on nuclear waste coordination activities.
3. To receive a status report on West Valley Site Management Program activities.
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. In order to expedite the entry procedures established by the building management, any members of the public planning to attend the meeting at DASNY's office should notify DASNY's receptionist at 212-273-5000, 24 hours in advance of the meeting, and must be prepared to show valid photo identification upon arrival at One Penn Plaza.

Video conferencing will be used at both 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>.

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

---

### New York State Energy Research and Development Authority

**Albany**  
17 Columbia Circle, Albany, NY 12203-6399  
(P) 1-866-NYSERDA | (F) 518-862-1091  
[nyserdera.ny.gov](http://nyserdera.ny.gov) | [info@nyserdera.ny.gov](mailto:info@nyserdera.ny.gov)

**Buffalo**  
726 Exchange Street  
Suite 821  
Buffalo, NY  
14210-1484  
(P) 716-842-1522  
(F) 716-842-0156

**New York City**  
1359 Broadway  
19th Floor  
New York, NY  
10018-7842  
(P) 212-971-5342  
(F) 518-862-1091

**West Valley Site  
Management Program**  
9030-B Route 219  
West Valley, NY  
14171-9500  
(P) 716-942-9960  
(F) 716-942-9961