NYSERDA'S 78TH WASTE AND FACILITIES MANAGEMENT COMMITTEE MEETING
October 22, 2025
Clean Copy of Transcript

Charles Bell:
Good morning. I called this meeting of the Wasted Facilities Management Committee to order. I note the presence of a quorum notice of this meeting was provided to the Committee Members on October 16, 2025, and to the press on October 17, 2025. I would also like to note that this meeting's being video conference, the Authority will be posting a video of this meeting on the web to confirm that we have a quorum, I would like each Member of the Committee to please, introduce themselves. I'm Chuck Bell, Chair of the Committee.

Sherburne Abbott:
Shere Abbott Member of the Committee, Member of the Board.

Charles Bell:
In Albany. We missed. I think we made sure. Would you like to introduce yourself? Jen?

Jen Hensley:
I'm an honorary Member of the Committee and a Member of the Board. And Jennifer Hensley.

Charles Bell:
Thank you very much. Are we expecting some additional Board members? I mean additional Committee Members? So, can I go forward?

Janice Dean:
You may.

Charles Bell:
Okay. The first item on the agenda is approval of the minutes of the January 29th, 2024 meeting. A copy of the minutes was included with the mailing. Any comments on the minutes? No. May please have a motion approving the minutes.

Sherburne Abbott:
So moved.

Charles Bell:
All in favor, please say Aye.

Members of the Committee:
Aye. Aye.

Charles Bell:
Any opposed? Thank you. The next item on the agenda is review and approval of the Waste and Facilities Management Committee Charter. Pursuant to the Public Authorities Accountability

Act of 2005, each of the Authority's Committees adopted Charters setting forth each Committee's responsibilities. One of those responsibilities is to periodically review its Charter, determine what if any amendments need to be made. These recommendations are then presented for Board for consideration and approval. A copy of the current Committee Charter was included in your meeting package. Counsel's Office continually monitors relevant guidance from the Authority's Budget Office. The Comptroller's Office legislation and Authority practices determine whether to recommend any modifications, other Authority's that are reviewed, including the New York Power Authority, Long Island Power Authority, Dormitory Authority, and the Environmental Facilities Corporation. Based on this review management is not recommending any changes to the Waste and Facilities Management Committee Charter at this time. Are there any questions or suggested changes to the Charter? Hearing none. May I please have a motion recommending approval of the Waste and Facilities Management Committee Charter?

Sherburne Abbott:
Second.

Charles Bell:
Okay. All in favor, please say aye.

Members of the Committee:
Aye. Aye.

Charles Bell:
Any opposed? Motions carried. Thank you. Next on the agenda is the status report on nuclear coordination activities. Alyse Peterson will present. Actually, do I have a different order here? Am I supposed to? I'm good. I'm good. Okay. Sorry. Next on the agenda is the status report on nuclear coordination activities. Alyse Peterson will present this report. Alyse,

Alyse Peterson:
Hello everyone. Today I'll be briefing you on our involvement in some nuclear coordination activities that are focused on the US Nuclear Regulatory Commission. As you know, NYSERDA continuously tracks NRC Rulemakings

Charles Bell:
Possible to turn the monitor. Okay, thanks.

Alyse Peterson:
Can everyone see me and hear me?

Janice Dean:
Working on your audio? Alyse, if you can hear us we'll just be one minute.

Alyse Peterson:
Okay.

Charles Bell:
Alyse?

Alyse Peterson:
Yes. Testing, testing.

Charles Bell:
Thank you. We can hear you.

Alyse Peterson:
Okay, perfect. I'll start over then. So, hello everyone. Today I'll be briefing you on our involvement in some nuclear coordination activities focused on the US Nuclear Regulatory Commission. As you know, NYSERDA continuously tracks NRC Rulemakings and other initiatives as a sampling of our work. Since I last briefed you, I'd like to quickly describe three significant NRC regulatory proposals related to new reactors for which NYSERDA has led State review and comment. These would be a proposed new part 53 regulatory framework, a generic environmental impact assessment and physical security regulations. Looking first at part 53, so the Federal Nuclear Energy Innovation and Modernization Act, known as NEMA directed NRC to add a new part 53 regulation to provide a risk informed performance based and technology inclusive regulatory option for developers of new commercial nuclear plants. The proposed part 53 is a voluntary alternative to the existing very prescriptive part 52 and part 50 and part 52 regulatory frameworks.

Rather than a replacement, it is intended to offer future applicants flexibility for a variety of anticipated advanced reactor technologies and innovative designs. Our February, 2025 comments addressed a range of concerns with part 53, including whether NRC could maintain regulatory predictability and consistency across the different plants and different applicants by using a risk assessment model versus a prescriptive model. Now looking at the GIS for new reactors, the NRCS generic environmental impact statement for licensing of new nuclear reactors would amend regulations for NRCS environmental reviews under the National Environmental Policy Act or NEPA. We submitted comments in December of 2024 that included concerns about the NRC using a technology neutral approach where NRC seeks to make generic environmental impact determinations that cover a myriad of emerging advanced nuclear reactor technologies with a range of cooling options spanning light water, liquid sodium, metal, molten salt, and high temperature gas, and also varying requirements for water consumption and discharge. The primary issue we raised centered on how the accuracy of accident or waste analysis to be performed in these analyses can be assured without specifying the actual reactor design.

Charles Bell:
Alyse, I'm sorry, but we had an announcement here in the building.

Alyse Peterson:
Oh yes.

Charles Bell:
That went over your voice for about the last two paragraphs or so. I'm just wondering if you could back up a little bit about, I think we lost you around the point where you're talking about the technology neutral approach.

Alyse Peterson:
Certainly. So for that generic environmental impact statement for NRC, they're looking at using a technology neutral approach wherein NRC would seek to make a general generic environmental impact determinations to cover a myriad of emerging advanced nuclear reactor technologies with a range of cooling options spanning light water, liquid sodium, metal, molten salt, and high temperature gas, and also with varying requirements for water consumption and discharge. So the primary issue that we raised in our comments centered on how the accuracy of accident or waste analysis to be performed as part of an EIS can be assured without specifying the actual reactor design. Then moving on quickly to the physical security rulemaking for new reactors. NRC proposed alternative physical security for advanced reactors in a rulemaking that would amend NRCS regulations to offer an alternative risk informed performance-based physical security requirement for advanced reactors that are licensed under part 50 or 52.

Those are the prescriptive frameworks. An identified concern for the State, as was discussed in our October, 2024 comments, is that site security plans submitted to the NRC by an applicant are considered safeguards information and the State has not afforded the opportunity to review that information during the application process. This will likely impair the State's ability for meaningful site-specific engagement on an applicant's proposed use of alternative security approaches. So in your meeting notes, we've provided direct links to our comments on all three of these proposals so that you can see them in more detail if you like, all three of these NRC initiatives are still in progress at the federal level, and it's worth noting that they may be impacted by some recent executive orders. So moving on to that, in May, President Trump issued executive order ordering the reform of the NRC, which holds the potential to impact NYSERDA's Nuclear Coordination Program.

The order requires reform of the NRCS structure, culture and regulations with the stated goal of facilitating increased deployment of new nuclear technologies. The order includes provisions calling for staffing reductions and programmatic restructuring at NRC, establishing high volume licensing provisions for micro reacts, streamlining the public hearing process and establishing firm deadlines for evaluation and approval of permits and licenses for new nuclear plants. Importantly, the order directs NRC to undertake a wholesale review and revision of all of its regulations and guidance. The order requires NRC to issue proposed rulemakings and guidance for by February the end of February, 2026, and to issue final rules and guidance by the end of 2026 in December. That is an extremely aggressive schedule for a very large volume of work, and NRC will have to achieve that with a significantly reduced workforce. So in exercise of our nuclear coordination responsibilities, it is SERTA'S longstanding practice to lead State review of all NRC proposed rulemakings and submit comments when appropriate to advance the State's interest for public health and safety.

While the extensive scope and volume of changes coupled with the tight timeline required for the NRCS regulatory modernization, we'll pose a challenge for our State nuclear coordination

program. So I have been working to prepare the affected State agency partners who we work with on all such initiatives for the work that's going to be coming at us in that short timeframe. And also since new and advanced nuclear reactors are expected to be a strong focus of the regulatory revisions, NYSERDA has applied its coordination function to increasing State agency staff's baseline knowledge of those advanced technologies and their applications. I recently developed and hosted an advanced nuclear educational session facilitated by the staff from DOE'S Gateway for accelerated innovation in Nuclear known as gain. This was a half day workshop that provided an overview of the current state of play for advanced nuclear, the technologies, the use cases, national developments, regulatory considerations, et cetera, followed by deep dives into topics like safety, emergency preparedness, waste management, and environmental reviews. Participation among the State agencies was quite robust and included State staff from NYSERDA DPS, DOH, DEC, Department of State and DHSES. The session was very well received and it sets us up well for the anticipated regulatory review workload. That concludes my report. Are there any questions that I can answer?

Charles Bell:
Thank you, Alyse. Are there any, oh, I want to first also note we were joined by Committee Member Lindsay Greene, who is now here in New York City meeting site. Thank you for joining us. Are there any questions for Alyse?

Sherburne Abbott:
Who are the State partners?

Alyse Peterson:
Well, our core State partners are the agencies that I listed as attending the educational session. So in addition to NYSERDA, that would be the Department of Public Service, the Department of Health, DEC, the Department of State, and the Department of Homeland Security and Emergency Services, two offices within that agency, so the Office of Emergency Management and the Office of Counter-Terrorism. Each of these agencies has a regulatory role and a strong interest in nuclear power plants historically and has historically participated in coordinated State review of all NRC initiatives and rulemakings under NYSERDA coordination.

Charles Bell:
Questions? Well, I'd just like to call. Well, thank you so much for this, Alyse. I'd just like to call myself to say I think the concerns you've flagged are really important and concerning, and that there's a number of stakeholder groups representing rate payers and environmental groups and residents of where these facilities would be cited that would want the ability to participate and bring their concerns forward as these programs are developed. And it sounds like a number of the items that you talked about are those that might not allow for a full assessment of the risks and potential costs. And so those are things that we as New Yorkers broadly speaking, are concerned about. So we really appreciate the participation that you're doing and also to make sure that our other State agency counterparts are informed about these new technologies and the pros and cons. So thank you so much for organizing that activity.

Alyse Peterson:
Okay, thank you. You're welcome.

John Williams:
And just to jump in on that a little bit, Chuck, so Alyse is really describing really how the State formulates its own positioning when there are specific regulatory activities happening, the engagement that you're putting on the table with a very broad spectrum of stake. We actually will be engaging in that pretty decidedly through our nuclear master work. So that is just getting initiated, but integrated into the way that we'll be addressing. I think it's five or six name dishes, whether it's dealing with cost, waste issues, et cetera, the full spectrum of those types of issues. We will be engaging with that spectrum.

Charles Bell:
No, that's great

John Williams:
To make sure that is. Well,

Charles Bell:
Yeah, that's great. But I'm just also concerned about the ground rules that the NRC has or the structure they have is also an issue. But thank you, I appreciate that as well. Okay, next on our agenda is an update on the West Valley program. Brad Frank, not the report. Brad,

Paul Bembia:
Good morning. This is Paul Bembia and Brad was called for a military service overseas. So I am sitting in for Brad this morning, so it's good to be presenting to the Committee again.

Charles Bell:
Welcome, Paul. Thank you very much.

Paul Bembia:
Thank you. So today I'll be providing the Committee with a brief update on the demolition of the Main Plant Process building and the scope of the Phase 1B Decommissioning contract. Can I have the next slide please?

Thank you. So the demolition of the main plant process building began in September of 2022, and it was completed safely in June of this year, completing the demolition of the Main Plant Process building also completed Phase 1A of the decommissioning work. Just as a reminder, the scope of phase one a decommissioning, was to bring the buildings down to ground surface. The photo that you see here is a 2019 photo before the majority of the demolition activities. You see the main plant process building is kind of right in the center with a number of adjacent facilities that were also demolished. So to provide some perspective on the next photo that I'll show you, which is the post demolition photo, just let's go back.

Okay, thank you. If you just notice the cluster of white buildings kind of on the upper left side of the photo, and then on the lower right side of the photo there is a water tank. And you see it has a white top, the cylindrical structure. And so now if we could go to the next slide please. Okay. So this is a view from August of this year. So this is in essence the current view of the core part of the site. The set of white buildings I noted on the previous slide is a little more towards the center

of this photo. And you can see the water tank down in the foreground of this photo in the lower right. So the Main Plant Process building and the adjacent facilities are now gone, and the footprint of the building is covered with an impermeable synthetic cover. And the synthetic cover is a temporary installation that will prevent water from infiltrating into this area until the work begins to remove the below ground portions of the building during the Phase 1B decommissioning work. Next slide please.

So shifting over to the Phase 1B decommissioning work, a contract for Phase 1B was awarded in March of this year, and the work on the new contract began in July. The Phase 1B work scope includes the removal of the below ground portions of the main plant process building as shown in area A. The removal of the source area of the north plateau groundwater plume as shown in area B and the excavation and removal of the site's water treatment lagoon system is shown in area C. The contract also includes the disposal of the stored transonic waste if a disposal path is identified for that waste, the Phase 1B contract has a 10 year base period with the possibility of extending the contract for an additional five years, and the contract has a ceiling value of 3 billion. This slide also shows the federal State cost share from the main work areas in Phase 1B.

These cost shares are specified in the consent decree that was executed by New York State and the federal government in 2010. So you can see that the below ground portion of the main plan process building will remain at the 90 10 cost split the removal of the sub source area of the groundwater plume. We'll have a 50 50 cost split and the removal of the lagoon system will have a 90 10 cost split. So as the WVDP begins to execute the Phase 1B work scope to include facilities and areas with cost splits, other than 90 10 ERUs costs associated with the WVDP will increase. Next slide please.

So here's a general timeline for the Phase 1B work activities for this year into next year. The work will focus on radiological chemical and geological characterization of the area where the below ground portion of the main plant and the source area of the groundwater plume will be removed in 26 27. The work will focus on the design and installation of barrier walls that are needed to minimize the inflow groundwater and support the sidewalls of that large excavation area. The removal of the soil and concrete in that excavation will occur in the 2027 to 2032 timeframe, and the lagoon system will be the last facility removed since the system will be used to manage and treat the water that's associated with the excavation. So the lagoon work is slated for about the 2032 to 2035 timeframe. Next slide. I'm happy to take any questions.

Charles Bell:
Thank you, Paul. Are there any questions for Paul? So Paul, thank you for describing the cost share agreements and I assume that we are keeping the division of the budget apprised of our progress at the site and the timelines for when the costs will increase for NYSERDA.

Paul Bembia:
Yes, we're keeping them closely informed.

Charles Bell:
Thanks very much. Great to see so much progress taking place at the site and that the new contract is in place.

Paul Bembia:
Great, thank you.

Lindsay Greene:
I did actually,

Charles Bell:
Yes. Lindsay has a question.

Lindsay Greene:
I did actually have one question. Is coordination on the ground with the federal entity is still going well?

Paul Bembia:
Yes it is. Yep. That's with the department of Energy and coordination is going very well

Lindsay Greene:
With my recollection from my visit just

Charles Bell:
And also when I saw the membrane, I thought maybe you had paved that section of, but so is that membrane is going to be in place for four to five years or is there any

Paul Bembia:
Probably about two to three years right now. The primary work is in planning for that large excavation. And again, the first aspect of that is to design that. It's called the secant wall. It's a very robust wall to both keep the groundwater out and support the sidewalls. That excavation could be anywhere from about 20 feet to about 45 feet deep. So that will just keep the water out. Water management will be a big issue in the excavation and it's needed to make sure that we can keep that area dry while that work is conducted.

Charles Bell:
And then do we expect the materials that come out of the ground there from the site and from the lagoons? Do we have a licensed disposal pathway for addressing where those materials will go?

Paul Bembia:
Yeah, right now. So the characterization work that's going on will help to assure that, but we do believe that the majority of the soil material and the below ground portions of the Main Plant Process building will be able to be disposed, disposed as low level waste. So there are a couple of facilities. If, for example, some of the waste has higher concentrations of radionuclide or even some chemicals, those waste can be disposed of at A DOE facility in Nevada, the majority of the waste will probably go by rail to the energy solutions facility in Utah.

Charles Bell:
Any more questions for Paul? Hey Paul, thank you very much to you and Brad for this report.

Paul Bembia:
Thank you.

Charles Bell:
The final agenda item is other business. Is there any other business? Hearing none. May please have a motion to adjourn.

Sherburne Abbott:
So moved.

Charles Bell:
Second.

Lindsay Greene:
Second.

Charles Bell:
Thank you. All in favor?

Members of the Committee:
Aye. Aye. Aye.

Charles Bell:
Any opposed? The meeting is adjourned.