

**NYSERDA 68<sup>th</sup> Waste and Facilities Management Committee Meeting**  
**January 25, 2022**  
Clean Copy Transcript

**Charles Bell:**

Submit committee to order notice of this meeting was provided to the committee members and the press on January 18th, 2022, and to the press on January 22nd, 2022, I would also like to note that this meeting is being conducted by video conference and the authority will be posting a video in a transcript of this meeting on the web to confirm that we have a quorum. I would like to ask Janice Dean, secretary of the committee to please conduct a roll call of each of the committee members in attendance.

**Janice Dean:**

Thank you. Authority chair, Richard Kaufman.

**Chair Kauffman:**

Present.

**Janice Dean:**

And Chuck Bell.

**Charles Bell:**

Present.

**Janice Dean:**

Shere Abbott.

**Shere Abbott:**

Present.

**Janice Dean:**

And Arturo Garcia-Costas not present yet, but you do have a quorum.

**Charles Bell:**

Okay. And so should we go forward or should we pause until he arrives?

**Janice Dean:**

I would say we should probably continue on now that the meeting has begun and we'll notify you when he's arrived.

**Charles Bell:**

Okay. Terrific. Thank you so much. The first item on the agenda is the approval of the minutes of the June 21st, 2021 meeting. A copy of the minutes was included with the January 18th, 2022 mailing. Are there any comments on minutes? Hearing none. May ha please have a motion approving the minutes.

**Shere Abbott:**

So moved.

**Charles Bell:**

May I have a second?

**Chair Kauffman:**

I'll second it.

**Charles Bell:**

Thank you, Richard. When Janice calls your name, please indicate whether you're in favor by stating aye, or opposed by stating no.

**Janice Dean:**

Thank you, Richard Kaufman.

**Chair Kauffman:**

Aye.

**Janice Dean:**

Shere Abbott.

**Shere Abbott:**

Aye.

**Janice Dean:**

Chuck Bell.

**Charles Bell:**

Aye.

**Janice Dean:**

And do we have Arturo Garcia Costas yet? Okay. Three eyes. Those minutes are approved. Thank you.

**Charles Bell:**

The next agenda item is in a report from chief financial officer Pam Poisson regarding the authorities fiscal year 2022-2023 budget for the west valley site management program and, and radioactive waste policy and nuclear coordination activities. At the close of Pam's presentation, the committee will be asked to vote on a resolution recommending that the board adopt the resolution approving the authorities fiscal year 2022-2023. Budgets Pam.

**Pam Poisson:**

Thank you, chair bell and good morning members of the committee budget materials can be accessed in your meeting binder through the bookmarks on the left margin or found in pages 23 through 58. The members are requested today to recommend the adoption of a resolution

recommending approval of its portions of the authorities budget for the fiscal year ending March 31st, 2023. So that's fiscal year 2022-2023. Many of the details of the budget will be present in the program planning committee meeting, which will immediately follow this committee meeting. So for now I will only address those portions that are specifically subject to this committee's review the budget for the west valley program for the coming fiscal year is proposed at 26.1 million is an increase of 3.5 million from the current year budget. That increase is representative of the state's share of federal funding and spending at the site under the cooperative agreement and consent decree.

And it's due mainly to prior year carryover funding resulting from delays in work activities due to COVID 19, additionally and partly offsetting this the cost for maintenance and monitoring activities at the state license disposal area, and other NYSERDA manage portions of the center are decreasing by about \$300,000 as a reference point. The federal fund for federal fiscal year 2022 has remained the same at 92.5 million also included in the energy analysis program. Budget is funding to meet the requirements under the state's low level radioactive waste management act of 1986 for collecting information and providing regular reports to the governor and legislature on the low level radioactive waste generation in the state. Those activities, as you may recall, are funded with state appropriations of a \$150,000, which are SubD from an appropriation provided to the New York state of health, which in turn is funded through an assessment collected on operating nuclear power plant licenses. Those are the key points of the budget to highlight. Let me pause there for questions from the committee, if there are any.

**Charles Bell:**

Thank you, Pam, are there any questions or further discussion of this item? No Shere? Okay. And I guess I have one question, which is, do we expect that state funding for activities at the site is going, are going to have to scale up in future years?

**Pam Poisson:**

I believe based on the information that we have at the moment chair bell, that is the expectation given the proposed work scoping plan.

**Charles Bell:**

That's great. And so I are the NYSERDA management and staff in touch with the division of budget to discuss our expectations for those future years?

**Pam Poisson:**

Yes, that is in process and we've been involved in discussions with them over the past few weeks and we'll continue to stay very much aligned with them on that point.

**Charles Bell:**

Okay. Terrific. Thank you so much. If there's no further questions at this time a resolution regarding approval of the authorities fiscal year 2022-2023 budget was included in your materials and is located at the last page of the budget package. May I please have a motion recommending that the board adopt the resolution approving the authorities fiscal year 2022-2023 budgets?

**Shere Abbott:**

So moved.

**Charles Bell:**

May I please have a second?

**Chair Kauffman:**

Second.

**Charles Bell:**

When Janice Dean calls your name, please indicate, are you in favor by stating aye, or opposed by saying no.

**Janice Dean:**

Thank you, Richard Kaufman.

**Chair Kauffman:**

Aye.

**Janice Dean:**

Chuck Bell.

**Charles Bell:**

Aye.

**Janice Dean:**

Shere Abbott.

**Shere Abbott:**

Aye.

**Janice Dean:**

And do we have Arturo Garcia-Costas? three, aye votes. And that motion does carry. Thank you.

**Charles Bell:**

Thank you. Next on the agenda is the status report on west valley site management program activities. Paul Bambi program director will present the report with Brad Frank and Andrea Mellon Paul and team.

**Paul Bambia:**

Thank you, Chuck. Can we please get the presentation for the west valley program overview?

**John Campagna:**

You guys could gimme one second. I'll see if it's in binder. I did not see originally.

**Paul Bembia:**

Okay.

**Janice Dean:**

Well, are you able to begin while John is looking for the slides?

**Paul Bembia:**

Yes, for sure. I don't need them so much for my presentation but for Brad's and Andrea as we will. So I will go ahead. So my briefing today will be brief just wanted to provide updates on co impacts at west valley, the west valley demonstration project funding level for federal fiscal 22, particularly in regard to the continuing resolution and the amendment of the nuclear regulatory commission license. So first for COVID impacts for NYSERDA's west valley staff we're generally reporting to the office two days per week and staff telework for the remainder of the week staff also report to the state licensed disposal area and the west valley demonstration project facility to conduct and oversee inspections, walk downs, and field work. So all inspections, maintenance, and environmental monitoring activities are being conducted as scheduled for the west valley demonstration project.

The recent spike in COVID cases has slowed some of the work activities, but the decommissioning and decontamination work activities are continuing. About 20% of the contractors staff are currently teleworking for the department of energy. The federal staff most staff are continuing to telework. Nationwide DOE had planned to begin a phased return to the office during the month of January. But with the in COVID cases that return to the office has been put on hold for 30 days on the positive side, the Western New York and New York state COVID numbers are decreasing significantly. And hopefully that trend will continue any questions on the COVID issue.

**Chair Kauffman:**

What kind of work can be done you know, 20% that really surprises me that that much of the work can, can be done remotely.

**Paul Bembia:**

So that's primarily office staff engineering folks some administrative people records management who be, you know preparing paperwork for work activities. So all of the, the onsite work crews obviously, you know, need to be there physically and are so it is the 20% represents staff who are able to work from home.

**Chair Kauffman:**

So is that, is that, is that work that, is that, would that be that 20% of sort of office work? Is that what it would, would be in normal times or is there, is there an effort to try to front load some office work that for, for the benefit of, you know for the benefit of the future?

**Paul Bembia:**

It, it could be a little bit of both, but I, I think for the most part that 20% would generally be folks who, who could work from home you know, at any time. Okay. So if you could just go to the next slide, everybody see the slides. Great. Thank you. So the next item is the demonstration

project budget again, with respect to the continuing resolution in the past, the committee has had some questions about impacts from continuing resolution funding for the federal government on the west valley demonstration. As you know, most of the federal government is under the CR for federal fiscal 22 under the guidance for the CR the federal funding level for government operations for fiscal federal fiscal year 2022 is being held at the 2020 I'm sorry, the 2021 appropriation level. So because the WVDP budget for fiscal 22 is the same amount as was appropriated in 21. The CR does not have any negative impact on w VDP funding for federal fiscal 22. And again, that funding level is at 92.5 million. Any questions on that item?

**Shere Abbott:**

So is that, is that funding level consistent with the, the state level of which shows an in a necessary increase? Right.

**Paul Bembia:**

Right. And the increase is primarily to, to carry over funding from federal fiscal 21 into 22 because of the significant co COVID impacts during 21.

**Shere Abbott:**

So it's not like they're not, they're not paying their percentage equal share.

**Paul Bembia:**

No, that is correct. Okay.

**Chair Kauffman:**

So, so, so as a, a fall one, so if the, if the money is not spent because of COVID, it's still available though, to be drawn on later.

**Paul Bembia:**

Yeah. DOE can obligate their funds at the end of the federal fiscal year if they've got contracts in place. So in essence, the money is obligated but it's not actually spent any other questions. Okay. Next item is the amendment of the nuclear regulatory commission license. Lemme sip of water. I previously informed the committee that NYSERDA had submitted an application to amend the nuclear regulatory commission license for the portion of the west valley site called the retain premises. And again, that is the non SDA non VDP portion of the property. The amendment request was submitted to NRC in February, 2020, and on November 20 on November 5th, 2021, the amendment was issued by the NRC. So we now have clarity on the regulatory authority for NYSERDA's work on the retain premises. And that amendment also included incorporating in a updated radiation safety plan under the license, so that that licensing action is complete questions. Okay. Next, I'm going to turn it over to Brad, Frank. Oh, can I get the next slide please? Right. See Richard getting a smoother deck.

**John Campagna:**

It is downloading now.

**Paul Bembia:**

Okay. I'm sorry. So I, I will just we don't need the slide. It's okay. I'm gonna turn it over to Brad Frank, who is the program manager for the west valley demonstration project and endstate planning and Andrea Mellon, the program manager for the state licensed disposal area and routine premises. I did have an aerial photo just to kind of give some geo site geographic context for those areas, but Brad will be up first. He'll be discussing the WVDP with focus on main plant process building demolition. And then Andrea will follow with discussion of the state license disposal area. And Andrea will be discussing an issue that we are presently addressing at the SDA. So I will now turn it over to Brad, and then we will move directly to Andrea, Andrea, Brad.

**Brad Frank:**

Thanks, Paul. Good morning. As Paul said, I'm Brad Frank, and I'll be providing a, a brief update today on the main process, main plant process building here in west valley. And us specifically, my comments are gonna focus on three different topic areas. The first being the remaining decontamination efforts within the building the second being the current schedule for demolition and the third and final recent community outreach conducted by the DOE and their contractor. Before I dig too deep into this, I'd like to see if we can get our slides up.

**Chair Kauffman:**

Hey, Brad, it's good to see you again. Thanks again for our tour a couple years ago.

**Brad Frank:**

Hey, no problem. The tours are always a good time.

**John Campagna:**

Five seconds, Brad, it's almost done.

**Brad Frank:**

That's no problem.

Yeah, hold right there. So before we dive too deep into the presentation, I wanna show two photos to better highlight where we've been at the site and where we are today. The photo on the left is from the 2010 timeframe and the photo to the right shows, the main plant process building as it currently stands minus the snow today during the period between the two photos, numerous ancillary structures were removed everything highlighted and red has been removed and all that remain at this point is the main plant process building in the center of the photo. So we have made significant progress over the last 10 years, next slide, please.

There are three main areas within the main plant where decontamination efforts are continuing. This work must be completed prior to beginning demolition. The three areas are all highly contained, contaminated, and require different decontamination techniques to achieve the desired condition for demolition. These include high pressure liquid nitrogen to remove contaminated concrete surfaces, cutting and removing ventilation, duct work. And third cutting contaminated four floor slabs with a large concrete saw the leftmost soto photo shows a cell wall within the product purification cell. The area of exposed concrete shows where the high pressure nitrogen

was used to strip the wall of paint concrete and its concrete. This also removed most of the embedded contamination. You can also see an operator in the photo, he's surveying the area to ensure that the required level decontamination has been achieved. The two photos with the blue paint show, a cell where the ventilation duct worked is being cut and removed. The paint, the blue paint that you see is used as fixative to keep the contamination stuck to the surfaces and not mobile while crew members work within the area. I'll pause here for any questions.

All right, next slide. Right exterior to the main plant, there are two major projects currently underway. The first is the demolition of an adjacent support building that is no longer needed for site operations and its removal will allow greater access to the main plant. During demolition. We are also finishing our water management system around the main plant. And this system will be used to manage the water generator from dust suppression and precipitation throughout the demolition activity. The current schedule projects, the additional decontamination efforts to be complete by spring in 2022, once those activities are complete DOE in its contractor will conduct the demo readiness review and upon successful completion of the review, demolition activities will commence. The demolition of the main plant will be slow and deliberate, and is currently projected to take three years to complete. As Paul has mentioned in the past, it is key to remember that there has been 20 years of work within the building to bring the plant to a condition of demolition readiness, miles of contaminated piping and conduit removed along with dozens of contaminated tanks, vessels, and tons of contaminated equipment.

Over 98% of the plant's original contamination has been removed, packaged and shift offsite shipped offsite for disposal. During demolition, there will be extensive air and water monitor, air and water monitoring conducted throughout the process. Also at the last meeting, Paul discussed some community concerns in regard to open air demo, DOE has continued to hold quarterly public meetings for the focus on informing the public of what to expect during open air demolition of the main plant, the main topics of discussion these meetings have included water management, air monitoring, and waste management at the request of the town of Ashford. DOE also held two community meetings here at the local fire hall to address the concerns of residents for these meetings DOE and their contractor brought in subject matter experts to allow members of the public, to speak directly with the individuals who are responsible for the planning, for the planning of the safe demo.

The main plant DOE is also committed to hold more meetings for residents. If there are additional questions or concerns, the photo on this slide depicts a crew member suiting up prior to an entry into a highly contaminated cell to use the high pressure nitrogen system. He's wearing two sets of Anticon contamination, coveralls, a vinyl suit he's using supplied air for his air supply in the area and also wearing three sets of gloves. It takes about 45 minutes to suit up about 30 minutes to suit down from this level of protection. And the crews making these entries are often in the cell for three hours or more. I'll pause here for any questions.

**Chair Kauffman:**

So, Brad, I just wanted to be sure that I heard you're saying that 98% of the contamination has already been removed.



**Brad Frank:**

That's correct. So what we're doing now is we're working on the final 2% in like anything in the decontamination in the decommissioning world. The final 2% is probably the most difficult.

**Chair Kauffman:**

And that's because of the size of the structure, which remains?

**Brad Frank:**

It's where the contamination is. So where they're working on the contamination with the, the nitrogen system, the contamination actually seeped into the concrete walls. So it wasn't simple as just removing the piping or the conduits. We're actually having to take layers of concrete off with a the nitrogen system and then vacuuming up the dust as we scabbed off the walls. All right. If there's no further questions, move to the next slide.

**Chair Kauffman:**

Yes, Brad, sorry, just one other thing. So,

**Brad Frank:**

Yep. Go ahead.

**Chair Kauffman:**

So when, when you, when you, so is it when we're talking about taking the building down, does that mean that at that point, the building structure has, has already been decon decontaminated, and so that structure can just be trucked off to a landfill or it's still lightly can contaminated and, and still needs to be, you know, appropriately packaged up and shipped.

**Brad Frank:**

Yeah, there's still gonna be residual contamination throughout the structure, some areas more than others. And that's why it's gonna take three years to bring the building down to grade. It's gonna be extremely slow, deliberate and precise process. With numerous crews working on the structure some, myself and members of my team are reviewing the work packages for the demolition of the, the structure. And there's numerous hold points in there for additional surveys additional checks and balances to ensure that the crews that are working on the job aren't exposed to anything above regulatory threshold.

**Chair Kauffman:**

Okay. Thank you.

**Brad Frank:**

Any others?

**Shere Abbott:**

Is there any, I'm sorry, go ahead, Chuck.

**Charles Bell:**

No, go ahead, Shere.

**Shere Abbott:**

So in the, in the community discussions with DOE is there, has the community expressed any concern about Richard's questions about that final 2%, their level of, of exposure and where that waste is gonna go and,

**Brad Frank:**

Yeah. And that's where yes, there's been some concerns expressed and Doe's public outreach over the last six, seven months has actually approved very beneficial. They've been able to address a lot of those questions from the community and involve members of the public to express in a actually demonstrate how if the building is brought down in this slow and deliberate manner at the perimeter of the site of the Western New York nuclear service center, you should not be able to see any contamination reaching that far. There's gonna be three rings of air monitoring and also an educated water monitoring system in place. So that's gonna be a very focused and there's actually a command center that's integrated to the inner ring. So they get a live feed of any radio activity that is being picked up on the detectors at the innermost ring, so that they, it can either slow work down or stop work if they need to. And if the weather conditions change. So there's a lot of different checks and balances to ensure that there are no exceedances.

**Charles Bell:**

My question was is the process of community consultation and briefings expected to continue over the three year period that you continue to work to bring the main building down?

**Brad Frank:**

Yes, DOE will continue with their quarterly public meetings. And the topics will most likely center on the main plant as it comes down.

**Charles Bell:**

Thank you.

**Brad Frank:**

Any others? All right. We'll address the last slide. Paul also asked me to give you a quick update on the demonstration projects, rail shipping campaign to begin began last spring to date the site is shipped over 11,600 cubic yards of contaminated soil to Utah for disposal be yet 363. Intermodals such as the ones you see in the photo. Also as you can see in the photo up to six intermodals could be placed on each rail car they're articulated beam, rail cars to date. It's been a very successful campaign and has provided the contract or the opportunity to learn and streamline their rail loading process prior to beginning work on the main plant as it's expected that the majority of the main plant debris will go out via rail. So pending any questions. This concludes my portion of the brief.

**Charles Bell:**

Thanks. Are there any further questions for Brad? Thank you. And so I think we're going to hear next from, from either Paul or Andrea.

**Brad Frank:**

Yep. I just wanna thank you for your time and I'll turn it over to Andrea Mellon.

**Charles Bell:**

Thank you, Brad.

**Andrea Mellon:**

Thank you, Brad. Good morning everybody. I am Andrea Mellon and I'm here to provide an update to you on a couple items at the state license disposal area today. The first item is an update on a presentation that you had received earlier regarding trench 14 construction activities. In October of 2021, we successfully and safely completed both of the construction activities. And to back up for a second, the two construction activities were focused on the prevention of water from infiltrating into one of the disposal trenches, specifically trench 14, and the construction activities were twofold. First one was to place a geo membrane cover over top of the NRC license disposal area, hard stand, and that was done to prevent rain and snow from infiltrating into the hard stand becoming contaminated and traveling south into trench 14. So the geo membrane cover its focus was to collect that water, keep it clean and move it out through water diversion systems to the north and the south, and never allow it into trench 14.

The second item was a subsurface burial wall placed immediately north of trenches, 13 and 14. And that was to cut up any other ground water in the vicinity of trench 14 from entering into the trench. So both of those activities were completed in October of 2021. And we are in a data collection activity phase right now where we're assessing the effectiveness of both of those construction activities in the primary focus of the rest of this discussion is on some slope movement that we've seen on the north slope of the state license disposal area or SDA. Next slide please.

So this is a photo of the SDA for those that may not be, are that familiar. You can see the black geo numbering cover that cover is the entire SDA on top of the geo member and cover. You'll see, in right the boundaries of each of the trenches and the trench identifiers in the upper left hand side of the photo, you see in orange arrow pointing at the SDA north slope and the north slope, just to kind of orient everybody here sits about to a hundred feet from the trenches. So it is close, but it is not that close to the trenches. Next slide please.

So this is a photo take in from when the SDA was constructed in in the late 1960s and the 1970s. And as the trenches were excavated, the soils that were removed from the ground were placed on top of the north slope. And then they were pushed over the side of the slope. There was no effort to compact the soils or to grade the soils. They were simply left to settle in place. And if you look carefully in the photo in the upper right hand side, you'll see a bulldozer that was used to push those soils over the top of the slope. And again, no efforts to do any grading or compaction of that occurred. Next slide please.

So this is a photo take and roughly 50 years later of the north slope, you can see that it is vegetated now and that there are areas of slope movement, very gradual slope movement, you'll see area of slumping, primarily in the mid slope region and the bottom slope region of the north slope. And you also see how mounted areas located primarily at the bottom of the slope. So we

know the last 50 years that the slope has moved, but it has moved very gradually and very slowly, and we have been monitoring and it's expecting that throughout 50 year time period, next slide, please.

During the late fall of 2018, NYSERDA noted these cracked or fractured areas that are occurring along the north slope at the top. These fractures, we have seen fractures before, but not in the amount of fractures and in the that we've seen with the 2018 fractures. So in an effort to understand them better, we reached out to our engineering support services contractor, and they recommended that we fill these cracks or fracture areas. So we created a mixture of the clay in sand to fill these cracks and prevent water from infiltrating into the cracks and making them larger. We all also began routine inspections on a monthly basis and increased our surveying, our topographic surveying of the area from an annual basis to a quarterly basis. In addition to increasing the frequency of the surveys and inspections. We also reached out to our colleagues at the department of environmental conservation, into the department of energy and invited them to participate in these inspections in survey activities.

And they have been on multiple inspections with us and have provided input on the data that's been collected for the surveys we installed in 2020 additional survey markers, immediately uphill or of slope of the fractured area and immediately downhill or down slope of the fractured area in an effort to better understand that movement in the fracture area. And we also reached out to our contractor to look at the area and to make sure that we understood what was occurring with the fractures. And if we needed to identify measures to help stabilize the soil, if needed, we did not see a lot of movement of the soils in this area, but we noted that the fractures continued to open up next slide, please.

So this is a photo taken from our routine inspection on November 4th, we are out there to complete the, and as you can see that the fracture had moved down slope or downhill by about one to one and a half feet. At that point, we reached out to our engineering support services contractor had them come into inspect the area, and they provided input to us that they believe that this is the shallow soils that were originally placed over top of the so of, of the slope. Moving down slope at this point in time, we initiated daily inspections of the slope to understand better if there was a significant rate increase in the, the slope movement. And it also initiated weekly topographic surveys to make sure we had a, a good handle on what was occurring. In addition to that, we, we completed several rounds of an additional environmental monitoring focusing on the surface water, urban bricks sit directly below the north slope.

And we collected surface water samples immediately upstream and downstream of the north slope and completed several rounds of water elevations for the trench water levels in the vicinity of the north slope and ground water walls in the vicinity of the north slope. All of the data collected to date is consistent with historical values, indicating that the trenches still remain fully contained and safe. In addition to that, we installed, as I mentioned, the additional survey markers in 2020 and the upgrading or up slope area of the fractures have not moved. So while this slope is moving down, so, or downhill, the locations that are above the fracture are not moving and they sit directly between the north slope fractured area and the trenches. So it's further clear that what we're seeing is a shallow movement of the soils, but it is not impacting the more towards the trenches.

We've begun to do our work instruction package to be able to go out and do these work activities and collect the samples to look at the interface between the shallow soils that were placed initially on the, the silk and the more competent load of soils at the area in, in order to do that work, our process is to develop a work instruction package, to go do those activities. And part of that work instruction package involves doing a radiological survey of the area. So we completed the radiological survey of the area in late November timeframe and identified one area located in the bottom of the bottom of the slope Southwest corner that was elevated for radionuclides, not a surprise. It is also consistent with our legacy contamination from when the SDA was operational in the 1960s and 1970s. It does not a health and safety concern from a public perspective, but it call us to do additional controls, one to prevent contamination from within this area, moving outside of this area. And two to make sure that the people that are working in the area have the proper safety controls in place, of course, the protective equipment and additional controls to survey them in and out to make sure that again, that contamination remains in location. Next side, please.

So to summarize right now as you're aware, we have a significant snow gap on the north slope. We are out there as weather conditions, permit us to be out there to safely look at the slope when a lot of snow sitting on the north slope, it is very difficult to see any that are occurring out there with our daily inspections that we initiated in November and December. We did not find a large change in the rate of movement, which was great. After the fracture had moved slightly downhill, it did not continue to move. Along further down slope. We also have not in any large scale changes with the surveys that we were completing in the weeks between November 4th and the end of December, we are continuing to go out there as we can weather conditions to look at the new slope and to provide those weekly surveys of the slope.

We are also working on the soil investigation plan to move forward with our efforts to understand where that interface between in the loose soils and the more competent native soils exist. We will be installing instrumentation in our soil warnings to look at their weight valve movement and where the interface lies and to install groundwater monitoring instrumentation, to look at the effects of groundwater in the area, if it is helping to further move those soils, we will also be using that data that we've collected to work on the soil investigation efforts and ultimately to help develop a mitigation plan that will be used to prevent future slope movement. We are from a rough schedule perspective. We are awaiting additional data coming back to us from the, the surveys we will be updating our work instruction package and our geotechnical soil therapy and collection report to address those areas. We hope to have that package ready to go to our committee for review our radiation safety committee for review and approval at the end of February, and work with our engineering support services contractor to schedule that work for the March timeframe. And once we have that data again, we'll be working to design and develop that mitigation effort to prevent further salt movement. I'm happy to take any question at this point in time, and I thank you for your time.

**Charles Bell:**

Thank you so much, Andrea. Are there any further questions for Andrea or for Brad or for Paul?

**Shere Abbott:**

So I have a question for Andrea, thank you. That was really informative. So you've got this environmental monitoring effort to deal with challenges and they come up and and the plan a mitigation plan does that mitigation. So you're looking at historical data to accommodate the environment monitoring. So if you, if you fast forward, you know, the next 50 years does that mitigation, is, are you thinking in terms of your mitigation planning you know, taking into consideration all the climate related changes and freestyle, all the things that are gonna, you know, is it, are, are you looking that far forward in that mitigation plan of, of real climate of change scenarios?

**Andrea Mellon:**

That's a really great question. And yes, as we're looking at the design for this upcoming mitigation effort for the north slope, we'll be looking at the changes that we've seen in climate conditions to help at least make this area a more stable area for a period of time. We cannot do permanent solutions to the north salt at this point in time, because we cannot prejudice the, these two decisions for the state license disposal area, but we will be working on making sure that this area is in a more stable form than it was prior to this.

**Charles Bell:**

Thank you. Or there are more questions for Andrea.

**Chair Kauffman:**

Yeah, so Andrea, I, I just I, it, I understand that there's still data to come and so forth, but is the hypothesis that the is, it's really just the, the, the soil that was put on top, that's moving and that in terms of the integrity of the slope as you call it, the competent soils, I think I love that term that, that that's gonna, that's going to keep the keep the trenches there's a sufficient barrier and that from the competent soils, that'll keep the trenches intact.

**Andrea Mellon:**

Yes, that's exactly right. The soils that were placed on top were very loose soil and the, again, they weren't compacted, they weren't managed in any way. They just were allowed to settle. And we have seen this settling occur in very small gradual amounts during the last 50 years. But the competence soils that are very below these loose soils are a much tighter compacted soil and they, the Burgon was placed there because of those tighter and compact soils to prevent the trench water levels from leaving the trenches. So if you think of like a bathtub, each of the trenches sit like a bathtub, and they contained that waste form and the water that that was placed in there, or what it all its way into the trenches, but it's still in there. We are seeing a small amount of it leaving each and every year through the bottom of the trenches, which is expected, but we're not seeing any movement in a lateral manner.

**Andrea Mellon:**

So the, the native very competent soil should protect a, protect the area from that infiltration out. Once we repair the loose soils. And I'm not sure what that looks like until we have the data collected and can come up with that design. But once we have that completed, this will greatly stabilize that area and improve from where quite frankly, the operations and the, the construction

the SDA was. So that's a good thing to, to be able to make that area a better designed area and improved, improve upon what was done in the late 1960s and early 1970s.

**Charles Bell:**

Okay. Thank you. Thank you. Any further questions? Thank you so much, Andrea and Paul and Brad and Janice, and everyone for and NYSERDA for your service continuing public service during these challenging times to clean up the west valley sites and provide effective surveillance over the conditions there. And I wanna note note that Arturo Garcia-Costas has joined us. He joined us some time ago and the minutes should reflect his presence at this meeting. So welcome Arturo. Next on the agenda is a status report on the, the coordination program. Elise Peterson will present the reports. Alyse the floor is yours.

**Alyse Peterson:**

Okay. Thank you. Good morning, everyone. Today, I'll be giving you an update on Indian point, and then also brief you on our involvement in some activities with the us nuclear regulatory commission. First as I briefed you in June Indian point is now completely shut down, has been transferred to whole tech ownership and has entered decommissioning. Physical decommissioning actions have commenced including dismantlement and segmentation of the reactor vessels and their internal components, decommissioning and cleanup activities are governed primarily by the NRCS regulations at the federal level, but also at the state level by certain state regulatory authorities. Those are captured in two legal documents, a, a consent order with the DEC and also a DPS settlement agreement that was negotiated by several state agencies, including NYSERDA and also local government stakeholders and river keeper that settlement agreement includes significant additional financial assurance beyond that, which is required by NRC.

NYSERDA remains active as the state's nuclear coordinator and the state's liaison with the NRC for Indian point, that means continuous tracking of decommissioning activities and any potential technical, financial, or regulatory issues to give you a flavor for that. I'll just briefly describe three activities that NRC has actively addressed first at the end of June NRC sought public comment on Haltech 2019 post shut decommissioning activities report known as a PSDAR for Indian point. NYSERDA submitted comments on behalf of the state in October, those comments supported Haltech's commitment to rapid decommissioning of the site, but reiterated some of the issues and concerns that we've expressed. Previous comment and intervention opportunities, such as regulatory exemptions, financial qualifications, adequate decommissioning funding assurance at the federal level, the presence of two aging, high pressure, natural gas transmission lines crossing the site assumptions related to the, of spent fuel storage on site and the likely existence of additional radiological and non radiological contamination and the resulting remedial cost from that.

Our comments to NRC also noted the nearly two year time lapse between Haltech's submission of the PSDAR in 2019 at NRC commencing its review of the document in mid 2021. In those intervening years, whole tech gained a great deal of decommissioning experience through its ongoing work at the Oyster Creek site in New Jersey and the Pilgrim site in Massachusetts, we have urged NRC to press whole tech for disclosure of its lessons learned on those projects and how those lessons learned may impact activities at Indian point. So that, that is an issue that is

ongoing next a little bit of a look at high level waste from the site. Whole tech has proposed a license amendment for installation of a new crane to facilitate movement of the spent fuel from unit three's spent fuel pool into dry cast storage. The existing fuel transfer setup requires unit three fuel to first be transferred from the unit three pool to the unit two pool before it can then be transferred into dry cast storage.

The proposed crane would allow unit three fuel to be transferred directly to dry CAS. That would eliminate the in intermediate transfer to the unit two pool, thus increasing efficiency, the speed of transfer reducing the opportunities for mishaps we're generally supportive of that proposal since it was, would result in more efficient transfer of spent fuel. However, it is imperative that the new crane be designed, built and operated such that safety is assured. So NYSERDA led a multi-agency effort to review this highly technical proposal. We employed a structural and mechanical engineering consultant to analyze the proposed crane and its housing. We engaged in significant informal technical discussion with NRC staff on a myriad of detailed technical questions, and also provided formal written comment with recommendations, urging NRC, to fully analyze the crane's hydraulic system and support arms for any potential failure points, analyze the wall and foundation that will support the crane and ensure sufficient and complete inspections and testing during both construction and the eventual operation of the crane.

I'm very pleased to say it appears NRC took NYSERDA's comments to heart following our informal discussion and written comment submission. NRC initiated an audit of whole text technical proposal specifications and documentation going beyond NRCS usual efforts with such proposals. We anticipate NRC will issue a final decision on the crane proposal in the next few weeks. And that will allow Haltech to move forward with that project. Then third a little bit of a look at low level radioactive waste from the site at the end of June, Haltech entered into a contract for disposal of all class, A, B and C low level radioactive waste from the Indian point, decommissioning at a disposal site in Texas that is operated by a company called waste control specialists. Each shipment of waste from New York to the, the site in Texas requires pre-approval from the Texas low level waste, compact commission, something which is not guaranteed.

I meet monthly with the chair of that commission and also a representative of the state of Texas maintaining our good working relationship with those entities and identifying any potential impediments to disposal of waste from New York before they occur. The commission did issue its first approval for acceptance of Indian point waste back in July and thus far, the commission has approved all shipments requested by whole tech shipping of low level waste from Indian point with several rail ships occurring each month on their way to Texas. So that's all I have for Indian point. Are there any questions before I move on to NRC activities?

**Chair Kauffman:**

Yeah, I I've got, I've got a few questions.

**Alyse Peterson:**

Okay.



**Chair Kauffman:**

So is this site the same site in Texas that west valley uses?

**Alyse Peterson:**

I believe it is. Paul can jump in if I'm, if I'm incorrect, but I believe it is. Yes.

**Chair Kauffman:**

Okay. And so is there any, any, any, I don't know, any risk that we're sending too much New York, it would be sending too much who, who gets priority?

**Alyse Peterson:**

So that, that's one of the things that the Texas compact commission controls and monitors the amount of waste coming in. They do have limits for the amount of, out of compact waste that can be brought in the compact does place part on waste from its compact members specifically Texas and Vermont. But to date there have not been any issues with New York or, or any, any other out of compact states bumping up against that out-of-state limit. It is one of the things that I, I, I do monitor as I discuss things monthly with the compact commission and the state of Texas we're, we're in good shape. I haven't seen any reason to be concerned about that thus far.

**Chair Kauffman:**

All right. And, but if, but if there, if there was some kind of constraint, how does that get adjudicated between west valley and Indian point site?

**Paul Bembia:**

I, I just wanted to add that the, the west valley waste is it could, it's, it's part of the demonstration project. So those are DOE shipments to the Texas facility and they, they don't part as count as part of the compact waste. So they, there's a special federal disposal cell at WCS and the west valley waste goes there.

**Chair Kauffman:**

Okay. So I don't need to worry about this, but okay. Then Alyse, second question I have is from an oversight standpoint, the ultimate responsibility is the NRC?

**Alyse Peterson:**

Oversight of the decommissioning?

**Chair Kauffman:**

Yes.

**Alyse Peterson:**

Yes. The oversight of the radiological decommissioning is NRCS responsibility. It, after, after the site is cleaned up per NRC standards, there are some state requirements standards and guidance that would kick in for some additional environmental remediation. And that is reflected in the consent order with the DEC.

**Chair Kauffman:**

Okay. So, so your role right now is to sort of be, be, be helpful and give comments to the NRC, right?

**Alyse Peterson:**

Yes. and I don't know that NRC would always consider us helpful. But we, we always drive to represent the state's interests in any activities that NRC is looking at.

**Chair Kauffman:**

Well, I guess the question that I have is that I, I wasn't sure whether you felt frankly, whether the NRC was, was doing an adequate job given in some of the comments, given some of, some of the advice that you've provided.

**Alyse Peterson:**

At this point, I think between the DEC consent order and the settlement agreement that the, the state agencies negotiated as part of the DPS sale proceeding when the site was sold to, to Haltech. I think that we've, we've managed to mitigate most of our concerns that we have expressed to NRC over the years in, in, in one form or another, the, I think the, the really the largest concern had been the adequacy of decommissioning funding and that settlement agreement DPS does require additional financial assurance.

**Chair Kauffman:**

Okay, fine. Thank you.

**Alyse Peterson:**

Yep. And I.

**Charles Bell:**

Are there any further questions for Alyse?

**Janice Dean:**

Chuck? I just wanna make sure Alyse was finished with her presentation.

**Charles Bell:**

Yeah. I think you had something more right, Alyse.

**Alyse Peterson:**

Yep. I have another section I'm going to, to talk about three items that we're working on with NRC outside of Indian point the first is an update on NRCS decommissioning rule making over the past few years, I've briefed you periodically on the NRCS proposed rule making to the regulation's governing decommissioning of nuclear power plants. The current rule is decades old and truly in need of an update. You may recall that NTA led a multi-agency effort to review NRCS advanced notice of proposed rule making in back in 2016 and a draft regulatory basis in 2017 and submitted extensive state comments to NRC on both those documents in the areas of emergency planning and response security, adequacy of decommissioning trust funds, financial

assurance the use of decommissioning trust funds for non decommissioning purposes and the state's role in review and approval of, of PSDARs.

The two months ago, back in November, the commission directed NRC to proceed with preparation and publication of a draft rule for public comment regrettably. It does not appear that the commission incorporated nearly any of the feedback that they heard from numerous ho numerous host states in the country, including New York. It is notable however that the commission vote included a lengthy dissent by commissioner Barron, that cited NYSERDA's comments in support of the idea that additional protections are needed and stated that the rule approved by the chair and the only other sitting commissioner shifts cost to state and local governments, and does not include other needed stakeholder support. So NRC staff currently expects publication to occur in April of this year. That'll initiate a 75 day public comment period and NYSERDA will conduct a thorough review of the draft rule and will lead the state agency team in preparation of comments for submission to the NRC.

Next I'll also talk about an important environmental justice initiate initiative that NRC has launched in July. The NRC sought public input on a review of how NRC incorporates environmental justice in its work. NRC calls the initiative, a systematic assessment for how, how the NRC addressed environmental justice in its programs, policies, and activities. That's a really long title, but as you know, environmental justice through a focus on equity and just transition is a cornerstone of New York's current energy policy. And we were pleased to share the New York perspective with the commission. NYSERDA submitted comments to the NRC in October, putting forward new York's CLCPA structure as a potential national model supporting not only environmental justice considerations, but diversity equity and including principles in NYSERDA staff, decision making and raising concerns regarding NRCS, overly strict and exclusionary hearing procedures.

We've not heard back from NRC on that but that initiative is ongoing and we will be following its progress. And then lastly there's also a new NRC rule on non-emergency event notifications last fall, NRC invited all state liaison officers and emergency response contacts to make a presentation during a November public meeting on a rule making that could significantly reduce the notification requirements for non-emergency events at the nuclear power plants. The rule making is in response to a nuclear industry petition that requested elimination of all timely notifications for such events leaving only a requirement for 60 day notifications. The industry's request is unreasonable, and it would severely curtail the state's receipt of very necessary information on incidents at plants, the vast majority of technical plant events that we have responded to over the years, such as plant shutdowns down powerings equipment failures, etc., have been non emergency events, but the fact that they don't rise to the level of a formal emergency declaration does not mean that the state has no interest non-emergency events can still impact public safety and grid reliability.

We've historically found that early engagement is the best way to influence NRC initiatives. So NYSERDA did accept NRCS invitation and presented remarks at a November public meeting in strong opposition to the industry position petition, excuse me. The rule making is currently at the very beginning stages known as pre-role with NRC gathering information from stakeholders. We can expect to see the first formal rule making document a draft regulatory basis released next

summer. And that will provide the first formal comment opportunity NYSEDA will then conduct a thorough review and will lead the state agency team in preparation of comments for submission to NRC. And that concludes my report unless there are any questions.

**Charles Bell:**

Are there any further questions for Alyse?

**Arturo Garcia-Costas:**

Yes. I have a quick question and I apologize I'm in a rather lousy, noisy place. And I also apologize for being late because I'm in Puerto Rico and the hour difference mess with my schedule. Just a quick, quick question, Alyse, thank you so much for your presentation that kind of brings together two threads of it actually. One is within the context of the CLCPAs, just transition to working group, which focuses largely on the shift away from fossil fuel, but will have implications for things like the decommissioning of Indian point to, to one extent is the new NRCS new environmental justice initiative gonna be taking a look at the local economic impacts of decommissioning of power plants. And how does that interface with what's happening in Buchanan and Haltech's memorandum of understanding with the community and all those things. Is that something that, that we are looking at going forward over the next two or three years?

**Alyse Peterson:**

I believe that NRCS effort is really focused more internally on their, their own programs and policies. I'll, I'll ask Janice is, is on the line, have, have some different familiarity are, are within the NRCS initiative. Janice, are you familiar with anything that would be responsive to that question.

**Janice Dean:**

Thanks, Elise. I do want to note that the program planning committee meeting has begun. So I do wanna move through our final agenda item, but I don't believe that the NRC will be looking at state economic impacts, et cetera as the least noted. I expect that to be a primarily federal NRC based inquiry, but nevertheless, one in value.

**Charles Bell:**

Thank you. We are running a few minutes over, so are there any further questions for Alyse? Okay. hearing none. Last agenda item is a status report on the Saratoga Technology + Energy Park. Kevin Hunt will present the report. Kevin, you have the floor.

**Kevin Hunt:**

Thank you, chairman Bell and good morning, I guess. Good afternoon. All as a, an update to the Saratoga Technology + Energy Park this past may we issued requests for qualifications number 4703 commercial real estate services for the sale of the Saratoga Technology + Energy Park seeking an experienced appraiser or experienced broker to assist in the sale of step. We received three proposals back in June and following negotiations contracted with CB Richard Ellis in November of this past year there were no funds encumbered as a result of the solicitation or the contract instead proposals were required to provide a fee structure based on the, the any sale pros

seeds generated. In October of last year, we commissioned an appraisal to determine the fair market value of step as required by the public authorities.

Accountability act, based on that appraisal step has been listed on the multiple services at 12 million and NYSEERDA has reviewed CB Richard Ellis's marketing material. CBRE has had some initial discussions with some parties that have expressed at least initial interest. And we are work with CBRE and outside council in reviewing any potential offers, excuse me changing focus just a little bit in Hudson Valley Community College or HVCC, which has been a tenant of STEP since 20, 2009 we'll be constructing the first new building at steps since 2012. This building, which is currently known as HVCC North will have two stories and be 17,500 square feet designed to achieve a lead silver rating. It will be constructed adjacent to the Techmark facility and within HVCC's lease line outside council is currently drafting the lease for the new building. The New York State Office of General Service is reviewing the construction documents and will be issuing the building permit. And they will also be conducting periodic inspections throughout construction and issuing the certificate of, of compliance once the building is completed whether the pending Hudson Valley Community College intends to start construction the end of next month with classes commencing in the fall of 2023. And those classes will compliment classes currently held at tech mark. So pending any questions. This completes my update.

**Charles Bell:**

Thank you, Kevin, are there any questions or comments for Kevin?

**Arturo Garcia-Costas:**

Just a really quick question, cause I know we have to shift to the program committee meeting. Are there any I understood this to understand from the Memorandum or the resolution that was attached to the materials that it's, we're putting this up for sale. Are there any covenants protecting the, the trails that the multi-use trails on the property that will or influence the, the sale of the property?

**Kevin Hunt:**

I don't believe that there are any such covenants or restrictions that will affect the sale. We do have a memorandum of understanding with the town of Malta to provide trails and basically have the park accessible by the community. I don't think that that would hamper any development or developer from buying step can't think of anything else.

**Peter Costello:**

And Kevin, the trails are generally in, in topology that would not be developable, right?

**Kevin Hunt:**

This is correct.

**Arturo Garcia-Costas:**

Yeah. I, I just to be on record that I'm actually in favor of, of maintaining the integrity and making, making sure that those trails continue to be accessible to the public as part of any sale.

So it's, I'm not suggesting that that we shouldn't actually try to preserve that recreational use going forward in whatever way. Makes sense.

**Peter Costello:**

Okay. Yeah. Yes. We can definitely work with outside council to, to talk about de restrictions or covenants with respect to the sale. And I guess if it does come into conflict with a potential developer looking to, to buy the property, then, then I guess we could talk about it at that time.

**Charles Bell:**

Super, any further questions for Kevin? Okay. Hearing none. The final agenda item is other business. Is there any other business hearing no other business? May I please have him a motion to adjourn this meeting?

**Shere Abbott:**

So moved.

**Chair Kauffman:**

Seconds.

**Charles Bell:**

All in favor, please say aye.

**Members of the Committee:**

Aye. Aye.

**Charles Bell:**

Opposed? The meeting is adjourned. Thanks so much to the NYSERDA to staff for all your work and preparation for this meeting. Thank you all.