

MINUTES OF THE SIXTY-THIRD MEETING OF THE
WASTE AND FACILITIES MANAGEMENT COMMITTEE
HELD ON OCTOBER 8, 2019

Pursuant to a notice and agenda dated September 24, 2019, the sixty-third (63rd) meeting of the Waste and Facilities Management Committee of the NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY (“Authority”) was convened at 12:00 p.m. on Tuesday, October 8, 2019, in the Authority’s Albany Office at 17 Columbia Circle, Albany, New York, and in New York City at 1359 Broadway, 19th Floor, New York, New York.

The following members of the Committee were present:

Charles Bell, Committee Chair
Richard Kauffman, Chair of the Authority
Sherburne B. Abbott, Committee Member
Kate Fish, Committee Member

Also present were Alicia Barton, President and Chief Executive Officer; Janet Joseph, Senior Vice President; Jeff Pitkin, Treasurer; Peter Costello, Acting General Counsel; John Williams, Vice President; Paul Bembia, West Valley Program Director; Alyse Peterson, Nuclear Regulatory Commission State Liaison Designee, and Janice Dean, Secretary to the Committee.

Mr. Bell 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 September 24, 2019.

The first item on the agenda concerned approval of the Minutes of the sixty-second (62nd) meeting, held on June 26, 2019. A copy of the Minutes was included with the September 24th mailing. Whereafter, upon motion duly made and seconded, and by unanimous voice vote, the minutes of the 62nd meeting were approved.

Mr. Bell indicated that the next item on the agenda was a status report on the West Valley Site Management Program activities. This item was presented by Paul Bembia, Program Director.

Before beginning his presentation, Mr. Bembia thanked the committee members for taking the time to visit the West Valley site early in September. He noted that now each member of the committee has now been able to visit the site, providing context for the updates presented at committee meetings.

Mr. Bembia began his presentation by recapping the five activities Congress assigned to the Department of Energy (“DOE”) in the West Valley Demonstration Project: first, development of containers suitable for the permanent disposal of the solidified high-level radioactive waste; second, solidification of high-level radioactive waste, which has been completed by vitrification; third, decontamination and decommissioning of the tanks and other facilities of the Center in which the high level waste solidified under the project was stored, the facilities used in the solidification of the waste, and any other material and hardware used in connection with the Project in accordance with such requirements as the Commission may prescribe; fourth, disposal of low-level waste including transuranic waste (TRU), which is currently being stored on site, but not being disposed of; and fifth, the transportation of the solidified high level waste to a federal repository for permanent disposal. Mr. Bembia noted that at this time DOE is unable to complete this item as there are not any existing federal high level waste repositories.

Mr. Bembia reported that in regard to the decontamination and decommissioning activities, there have been multiple demolition projects under way since the committee met in June, the debris from which was transported to off-site disposal facilities, and that the contractor has now demolished 39 of the 47 facilities that they have been tasked with as part of their contract scope.

Mr. Bembia continued his report, addressing the demolition of the Main Plant Process Building, which is the largest and most challenging part of the decontamination and decommissioning work. He noted that CHBWV, the contractor, is removing facilities that surround the core of the Main Plant Building to allow access to the facility for demolition, and that in 2018, DOE put demolition activities on hold for the Main Plant Building in order to conduct an evaluation of the demolition. He noted that this evaluation took approximately a year, after which the contractor submitted a proposal to DOE in May 2019, on which

negotiations will begin on modifying the contract with the contractor the Fall to complete the work.

In response to an inquiry made by Mr. Kauffman regarding the reasoning for DOE's evaluation, Mr. Bembia stated that the evaluation was conducted because radiation was released at a site in the State of Washington. Mr. Bembia stated that in response to that, DOE wanted to put a hold on the project at West Valley in order to determine the causes of the radiation release before moving forward in order to avoid the same outcome; he noted that DOE concluded that they will continue to allow the open air demolition at West Valley and that each facility will be evaluated very carefully in terms of the amount of material in the building, the demolition techniques and the monitoring techniques before DOE will approve it. In response to a followup question by Mr. Kauffman regarding the Authority's view of the new plan, Mr. Bembia noted that the details of the new demolition approach have not yet been prepared, the contractor is still at the point of revising the cost and schedule, and as part of that work they will put together a new demolition plan with all of the lessons learned as part of that. He noted that the Nuclear Regulatory Commission will also be a part of that review process, and DOE headquarters is very involved in assuring that can be done safely. In response to a question from Ms. Barton, Mr. Bembia stated that the new plan will reflect lessons learned at other facilities, and in response to a question from Ms. Abbott, he confirmed that the plan will include real-time monitoring.

Mr. Bembia noted that CHBWV has continued work inside the building during the negotiation process with DOE, removing asbestos and highly contaminated cells that have been revisited to remove more of the contamination. CHBWV is also working to demolish a number of the building around the Main Plant Process Building in order to allow for access of the demolition equipment. With the progress that has been made on the surrounding buildings, by the end of the year they should be close to just having the main core area of the site left.

The next item that Mr. Bembia reported on was the disposal of the low-level radioactive waste, noting that since the last committee meeting the site has disposed of 26,633 cubic feet of industrial waste, 110,925 cubic feet of low level radioactive waste, and 1,815 cubic feet of mixed low level waste. He reported that there were no transportation issues or incidents since the last report to the committee.

In regard to the disposal of the transuranic waste, Mr. Bembia reported that at this time DOE has not been disposing of the waste and has been storing it at the site instead. He explained that this is because DOE has designated the West Valley transuranic waste as commercial waste, a conclusion with which the Authority strongly disagrees. Mr. Bembia noted that the West Valley Reauthorization Bill is continuing to move through Congress to reauthorize funding of the West Valley Demonstration Project and to require the Government Accountability Office to prepare a report for Congress on the volumes, types, sources, and options for disposal for the West Valley waste. Mr. Bembia noted that this bill was passed by the House in March 2019 and has since moved onto the list for the Senate.

Mr. Bembia reported that the Town of Ashford published an editorial in the local newspapers and a weapons complex trade paper on the transuranic waste in September, and that the Town Board has called upon DOE to remove the commercial designation and to ship the transuranic waste from the site for disposal. He also noted that the US Nuclear Regulatory Commission had issued an evaluation in July 2019 as to whether transuranic waste, Greater than Class C LLW, and Greater than Class C-like waste can be regulated by Agreement States and disposed of in a near-surface configuration in an attempt to open up new disposal options for this waste, that West Valley staff and counsel are reviewing. Mr. Kauffman inquired whether other states are interested in their own storage sites, to which Mr. Bembia responded that Texas has initiated this process, having one open cell already for DOE waste, and that it has reached out to the NRC to inquire about lifting modify restrictions currently in place that would allow for additional potential opportunities for waste storage. Mr. Kauffman asked a followup question about whether the evaluation has come out, to which Mr. Bembia responded that it has been issued and identified three options: to do nothing, to issue guidance, or to do a rulemaking to change the NRC's federal low-level waste regulations, and that this is under evaluation. In response to a question from Mr. Bell about whether the West Valley Reauthorization Bill is required because a prior bill had a timeline that is expiring. Mr. Bembia indicated that the original law only authorized one year of funding in 1981 or 1982, and that though that issue has not created problems, federal funding should be reauthorized.

Mr. Bembia then turned to address the State-Licensed Disposal Area ("SDA"), reporting that the Authority continues to manage the SDA safely and in compliance with all applicable

regulations. He noted that there are routine environmental monitoring activities and facility inspections that show the SDA is performing very well, and that a collection of enhanced and focused groundwater elevation measurements have continued in support of identifying a corrective action to mitigate the Trench 14 water infiltration. He reported that an engineering evaluation will be available at the end of the year that evaluates options to address the water infiltration into Trench 14; that the water elevation in Trench 14 remains about 14 feet below the top of the trench; and that there is no threat of release from Trench 14 or any other SDA trench.

Ms. Fish inquired on progress to remove high level waste from the contaminated cell within the Main Plant Process Building, to which Mr. Bembia noted that the contractor plans to put people into the cell, and that this technology is under consideration by DOE, and that the NRC will be coming to the site to do an evaluation. Ms. Abbott inquired if the Reauthorization Act is adaptive enough to provide for changing conditions, to which Mr. Bembia responded that the bill itself merely finds reauthorization for a set amount of funds, \$75 million per year through 2026, but noted that that amount boosts funding which in recent years has been in the \$60+ million range.

Following Mr. Bembia's report, Ms. Barton and Mr. Bembia noted that the Supplemental Environmental Impact Statement will set the pace for facilities either being completely removed or closed in place. In a response to a question from Ms. Abbott, Mr. Bembia clarified that the GAO study focuses mostly on orphan waste issues, noting that when facilities are closed in place, that is where the long-term climate issues really come into play, as well as short term climate issues. Ms. Dean noted that Mr. Bembia works diligently to ensure that the State's views are adequately represented in the SEIS, and that the stakeholders are very active on SEIS issues as well.

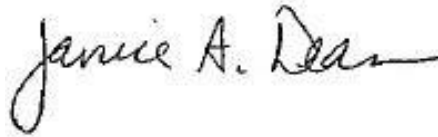
In response to a call for questions, Ms. Fish commended Mr. Bembia and his team for their impressive work every day on the West Valley site. Mr. Bell thanked Ms. Abbott and Ms. Fish for their recent visit to the site. Mr. Bell inquired about the military nature of the high level waste and transuranic waste issues that Mr. Bembia spoke about, inquiring whether the Authority has submitted documentation to DOE in support of this position; Mr. Bembia said yes, information has been submitted to DOE through a couple of different mechanisms, noting that the GAO study will be another opportunity to present this information to Congress as well as

DOE. In response to a question from Mr. Bell, Mr. Bembia indicated that he would seek to participate in the GAO study.

Mr. Bell indicated that the next item on the agenda was other business. There being no other business, Mr. Bell called for a motion for the meeting to be adjourned.

Whereafter, upon motion duly made, and by voice vote of the members present, the meeting was adjourned.

Respectfully Submitted,

A handwritten signature in black ink that reads "Janice A. Dean". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Janice A. Dean
Secretary to the Committee