

**NYSERDA'S 73rd WASTE AND FACILITIES MANAGEMENT COMMITTEE
MEETING**

October 4, 2023

Clean Copy of Transcript

Vice Chair Bell:

I can go. Oh, okay. Okay. Good morning. I called this meeting of the Waste and Facilities Management Committee to order. I note the presence of a quorum notice of this meeting was provided to the Committee Members on September 21, 2023, and to the press on September 25, 2023. I would also like to note that this meeting is being video conferenced and the Authority will be posting a video of this meeting to the web to confirm that we have a quorum. I would like each Member of the Committee to please introduce themselves. I am Chuck Bell Chair of the Committee.

Arturo Garcia-Costas:

I'm Arturo Garcia-Costas, Member of the Committee. Member of the Board.

Sherburne Abbott:

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

Frances Resheske:

Frances Resheske, Member of the Board.

Chair Kauffman:

I'm Richard Kauffman, Chair of the Authority.

Vice Chair Bell:

Thank you. First item on the agenda is the approval of the Minutes of the June 26, 2023 meeting. A copy of the Minutes was included with the September 21, 2023 mailing. Are there any comments on the Minutes? May I please have a motion approving the Minutes?

Sherburne Abbott:

So moved.

Vice Chair Bell:

Second. Can I get a second from New York City?

Chair Kauffman:

Second.

Vice Chair Bell:

All in favor, please say aye.

Members of the Committee:

Aye. Aye. Any opposed? Thank you. The motion is carried. Next on the agenda is the status report on the West Valley Site Management program activities. Brad Frank will present the reports. Brad,

Brad Frank:

Morning everybody. Again, I'm Brad Frank, and we'll be waiting for the slides to come up. I'm just going to give you guys a brief update on the last several months at the West Valley Demonstration Project. Go ahead. Go to the next slide. The photo on this slide is where I ended with the Committee and I'd like to begin with it today. This is how the main plant appeared in May of 2023. The next four slides will demonstrate the progress between May and August of this year. But before I move on, I just want to highlight the robust storage racks near the letter A in this photo. They're going to be discussed again on the next slide. Move the next slide.

The month of June was focused on preparing the main plant stack, which is letter B for removal crews performed several inspections and placed additional fixative and fixative, again is basically a thick paint to help keep contamination in place and they place that within the stack. If you look near the letter A, you can see that the storage racks have been mostly removed by the time this photo was taken. This was also an effort to help support the stack's removal. The racks were removed so the clean fill could be placed on the floor below the stack to support its descent. The yellow tinted photo on the right on bottom right shows the storage racks as they used to reside inside the main plant process building, and they're actually loaded with high level waste canisters in this photo. The photo was taken years before demolition activities began and removing those canisters with one of the main activities again, years ago, getting the building ready for a demolition, the yellow tint in the photos caused by taking a photo through three feet of leaded glass, which is what the photographer was standing behind when they took that photo. Go ahead, move to the next slide.

In an attempt to better show the stacks removal, I have two slides. For the month of July, the first two weeks of July crews continued to prepare the stack for its removal. Clean fill was placed at the base of the stack near letter B, and on July 14th, the demo crews brought the stack to the ground. This was accomplished by following a detailed engineering plan that called for various portions of the concrete slab letter A to be removed in a specific sequence that allowed the stack to fall to the south and in the perspective of this photo south is to the right.

Next slide please. Here's the second slide for July. The stack again was removed on the 14th, and it's actually very difficult to see in this photo. The stack is behind the yellow excavator arm at the base of the stack is now resting on the ground and the upper portion of the stack is diagonal to the upper right of the building. Once the stack was on the ground, crews were able to shift their focus to what remained of the chemical process west wall, which is letter B. Once that west wall was removed and packaged for shipments, they were then able to access the stack, resided on the ground size, release it, package the stack, and then send it for a disposal. Next slide.

All right, so here we are in August. In this photo, you can see the initial demolition activities on the third floor of the main plant. This area is highlighted with letter B. As the demo crews continue to gain access to the upper portions of the process building, they're also removed. Letter

C shows recently removed portions of the fifth floor of the main plant. Also, of note in this photo you can see all three water misters and the end effect on the excavator apply water to the point of impact. We'll now watch a video captured by the NYSERDA drone that shows water application in real time. John, you can bring up the video now. The video's about 45 seconds long, and again, it's going to show all three misters and the end effect on the processor spraying water. Also, of note, the only person inside the contamination area while this activity is going on is the actual operator of the processor itself. The individuals running the operations of those misters, they're actually outside the contamination area and everything's run remotely, and the extended reach on the misters allows everybody to stay outside of the contamination area of minus the excavator operator, and he's fully suited up with respirators.

All right, John, we can return to the slide deck.

One more slide please. Another one. There we go. Alright. As of August 30th, the site has shipped 468 total intermodal and 20 specialty containers. This represents an increase of 136 intermodal. Since our last discussion, the photo shows a loaded train headed south on the Buffalo and Pittsburgh, mainline roughly seven miles south of site. I also have one additional update for the Committee that occurred after these slides were finalized. In late September, the Department of Energy released a draft request for proposal. This is the initial step in the procurement process to secure a contractor for the next phase of work here at the demonstration project. The next phase will remove the source of the groundwater plume, the legumes, and the below grade portions of the main plant. Now the next phase of work is valued up to \$3 billion and is expected to last over a decade. The next step in the procurement process will be the release of the final RFP, and that should occur in the January to February timeframe of 2024. Next slide, and I'll stand by here for any questions from the Committee.

Vice Chair Bell:

Are there any questions for Brad or comments?

Chair Kauffman:

So Brad, I have a couple of questions. So this RFP, that scope of work really is the last phase for the whole project.

Brad Frank:

That scope of work is the last phase or the last portion of what we call phase one. We still have to make our phase two decisions, and that's going to deal with the two disposal areas mainly and the waste tank farm. So this next RFP is for a decision that's already been made in the 2010 timeframe. It was just broken into two different portions of phase one. Phase one A we refer to was the above grade portion of the main plant, and a lot of the above grade structures on site. Phase one B is going to be the subsurface portions of the main plant and the lagoons, which will then capture the source of the groundwater plume.

Chair Kauffman:

And those canisters that you said, the photograph behind the three feet of glass. So those canisters are now stored on site, right?

Brad Frank:

Yes. Those canisters are now on site. They were put into a six inch stainless steel liner, five at a time, and that liner was then put into robust concrete structures. And those concrete structures are what you can see when you tour site today.

Chair Kauffman:

What's the status of the conversations or negotiations with DOE about the whole issue about the highly radioactive waste and defense determination defense related?

Brad Frank:

There's been no progress to date on those discussions. We certainly raise it with the staff level Members here because if we were to have a defense determination, our transuranic waste would have a pathway to disposal. Currently, the transuranic waste here in West Valley is orphaned because it's not declared to be defense waste.

Unknown Speaker:

Doreen and I are actually going out the end of the month and we'll meet with, we'll see which officials from DOE and we'll be putting those issues on the table.

Vice Chair Bell:

Any other questions or comments for Brad?

Sherburne Abbott:

Brad, can I ask, can you remind me where is the wastewater stored from the misters? All the,

Brad Frank:

Yeah, we have a very robust water sip water application and water capture system here for the demolition project. So in the video you can see water cooling basically at the base of the excavator that is, that's captured through a series of sumps and it's then transferred to, they're very difficult to see in this questions slide here, but we have 12 different frack tanks where the water is stored, sampled, and then based on its sampling is dispositioned is then determined. So the water's applied, it's then we then determine where it goes from there

Sherburne Abbott:

And where does it go?

Brad Frank:

For the most part, the vast majority of it goes into our lagoon system because it's below our discharge limits. So we're able to then discharge it in batches to the local creek system.

Chair Kauffman:

I remember Brad that last time there was some sensors that picked up radiation and so there's been no repeat of that. Right?

Brad Frank:

The detection we had early in the spring was northwest of the facility. We have had a detect southeast of the facility about a mile from site, and again, we're in a valley that runs generally north and south, so that matches the predominant winds, the windy that goes to the northwest from site or to the southeast. Both detects were well below any regulatory thresholds and the site, and again, it just proves how sensitive our equipment is to be able to detect down to those low levels.

Vice Chair Bell:

Any other questions or comments? Brad, could you please remind me what is the timeline for the completion of the demolition of the above grade building? When do you anticipate that would be completed?

Brad Frank:

Certainly. We started demolition last September, so right now we're about 12 months of active demolition activities out there. We're expecting the total project to take about three years, so we're one year into it. So roughly assuming to keep the current schedule, it's going to be another two years from today.

Vice Chair Bell:

Great. Okay. Thank you. It's great to see the progress that's being made there.

Chair Kauffman:

So Brad, I've got one more question. Sure. In the event that there's a government shutdown, is this work stop and is there a vulnerability as a consequence,

Brad Frank:

Work will not stop. The contractor has kept a robust carryover to allow, just for that instance, if there is a shutdown, the contractor is able to work for another three to four months without it impacting their cashflow.

Vice Chair Bell:

Okay. Any more questions or comments for Brett? All right, thank you so much, Brad.

Brad Frank:

Thank you.

Vice Chair Bell:

Next on the agenda is the status report on nuclear coordination activities. Alyse Peterson is expected to be available to present the report. Alyse are with us.

Alyse Peterson:

Yes, I am. I hope you can all hear me.

Vice Chair Bell:

Yep. Thank you so much.

Alyse Peterson:

Perfect. Good morning everyone. Today I'll be giving you a quick update on the Indian Point decommissioning, and I'll also brief you on some developments related to radioactive waste. At Indian Point, physical decommissioning actions continue with transfer of spent fuel into dry cask storage and demolition of various structures. The transfer of spent fuel for unit two is complete. The spent fuel transfer for unit three began in June of this year and is actually ahead of schedule. Whole tech has estimated that they will complete that transfer by mid-October, and that will end up being about 41 casks in total for unit 3 32 casks for unit two. So this is a significant accomplishment and we're looking forward to having that over and done. Completion of that milestone will also likely prompt a step down in NRC required operations, emergency planning and staffing for the facility. Holtec does have an application for that step down in front of NRC Right now.

NRC has not issued its decision on it, but we do anticipate a decision coming out of NRC soon, the demolition dismantlement and asset recovery operations. Our ongoing at the site with a demolition of the unit two and three steam domes, four out of the eight steam domes have been removed at this point. Removal of oil storage tanks, 23 out of the 33 oil storage tanks have been removed. The also removal of the unit two spent fuel pool racks. So those are the metal racks that sit within the pool to hold the fuel. Those are being removed. Dismantlement of reactor internals also continues in preparation for eventual segmentation of the reactor vessels and asset recovery is ongoing as Holtec proceeds with all of this demolition. They do identify any reusable or recyclable materials and salvage those. All rate low level radioactive waste from the decommissioning operations does continue to be shipped to Texas via both road and rail for disposal.

Also ongoing with Indian Point is an environmental remedial investigation Under an agreement with New York State DEC. Holtec will be performing a series of environmental investigations in areas of concern known as AOCs with an eye toward eventual site restoration. After meeting the NRC's \$25 million per year cleanup standard and obtaining NRC partial site release for most of the site except for the efficacy. This is we're talking about the main plant site. Holtec will still need to meet the state's radiological cleanup criterion of 10 milligram per year. The remedial investigation work plan for sampling and analysis for the first of these AOCs is in the final stages of review. At DEC. The area is known as the Lafarge easement former Spectra Construction Storage area. This area was used by a third party for staging of construction equipment and supplies associated with the Spectra Pipeline installation in approximately 2016. Although there were no spills reported during this former site use, the area was not subject to continuous oversight by Indian Point personnel. So Holtec is targeting next month to begin soil sampling and analysis work pending DEC's approval of their work plan. It is expected that Holtec will continue to submit additional remedial investigation work plans for other various AOCs as the decommissioning work progresses.

Also associated with Indian Point and other sites potentially is radiological discharge legislation that back in August was signed by Governor Hochul. This is legislation restricting discharge of any radiological substance into the Hudson River in connection with the decommissioning of a nuclear power plant. Unless such discharge is federally preempted. The legislation was crafted by state legislators in response to Holtec's intent to discharge treated water from the Indian Point

spend fuel pools to the Hudson. The treated water containing small amounts of tritium does meet NRC's requirements for discharge under the facility's federal license. But the discharge faces strong public opposition. It is unclear at this point what Holtec will do now that this law has been enacted. Holtec has publicly stated their position that federal law preempts state law on this issue. It is possible Holtec will challenge the law in court during the recent Indian Point decommissioning oversight Board meeting. Holtec stated publicly that they are reviewing all options for handling the spent fuel pool waste and responding to the legislation. Before I move on to my next topic, are there any questions on Indian Point?

Vice Chair Bell:

Are there any questions or comments for Alyse?

Chair Kauffman:

So, Alyse, the release of the treated water, this is almost exactly like Fukushima. It's the same issue.

Alyse Peterson:

Yes. Yes, I believe so.

Vice Chair Bell:

Isn't the water at Fukushima though significantly more radioactive than the water we're talking about here?

Alyse Peterson:

I admit I'm not up on the levels at Fukushima. The levels at Indian Point are very, very low. However,

Vice Chair Bell:

Yeah. Other questions or comments? If the site is eventually released for alternative use, is there any alternative uses contemplated for the site? Is it leased to Holtec or what is the status of that site?

Alyse Peterson:

Well, Holtec owns the site, so certainly they have control over it. I think the local municipalities have expressed great interest in there being productive use of the site eventually, and particularly use that produces tax monies to help replace the monies they've lost with the shutdown of the plant.

Vice Chair Bell:

Okay, thank you. Any other comments or questions on Indian Point? Okay, and so other nuclear coordination activities.

Alyse Peterson:

Yes. Two years ago, back in September of 2021, NRC issued a license to a private company called Interim Storage Partners to construct and operate a consolidated interim storage facility for spent nuclear fuel down in Andrews, Texas next to the Texas low-level radioactive waste

disposal site. The state of Texas and other parties challenged in court the NRC's legal Authority to issue such a license. This August, the Fifth Circuit Court of Appeals in a very broad ruling clarified current law, specifically ruling that the NRC does not have the legal Authority to license an interim nuclear waste storage facility for the disposal of nuclear fuel at a private facility. The court ruled that the law only permits two options for spent fuel. One, a geologic repository or two storage at the current licensed reactor sites or at a federal facility for operating reactors that do not have space to store the spent fuel.

So this ruling also vacates a similar license issued by NRC this past May for a spent fuel interim storage facility that was proposed to be built in New Mexico by whole tech. So at this time it's unknown whether NRC will appeal the Fifth Circuit Court's ruling, but I think we can anticipate that additional litigation on this topic is likely. NRCS position right now is that they continue to evaluate the impacts of the ruling and what steps, if any NRC intends to pursue. And my last topic is a reminder of NYSERDA New York State low-level radioactive waste reporting program. On July 1st, we successfully submitted to the governor and the New York State legislative leaders the 37th annual low level radioactive waste status report covering calendar year 2022. This report summarizes information provided by 192 facilities in New York State in the nuclear power, academic, industrial, and medical sectors that generate low level radioactive waste. The report presents information on waste generation storage and disposal in 2022. Facilities in New York shipped approximately 160,700 cubic feet of low level waste out of state for disposal and held about 800 cubic feet in interim storage. Full details are available in the published report. You should all have received a link to the report back in July. I'm also happy to provide you with any information you'd like or another copy of the link if you did not receive it. So that concludes the rest of my report. Are there any other questions on those topics?

Vice Chair Bell:

Any further questions for Alyse? Okay. Thank you so much, Alyse. We really appreciate it.

Alyse Peterson:

You're welcome.

Vice Chair Bell:

The final agenda item for the Committee is other business. Is there any other business? Hearing none. May I please have a motion to adjourn the meeting?

Sherburne Abbott:

So moved.

Vice Chair Bell:

Second. Second.

Chair Kauffman:

Yeah, second. I'm sorry. Thank you.

Vice Chair Bell:

All in favor, please say aye.

Members of the Committee:

Aye. Aye. Aye.

Vice Chair Bell:

Okay. Thank you. The meeting is adjourned.