

NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY
Minutes of the 70th Waste and Facilities Management Committee Meeting
Held on October 3, 2022

Pursuant to a notice and agenda dated September 26, 2022, the seventieth (70th) meeting of the Waste and Facilities Management Committee (“Committee”) of the NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY (“Authority”) was convened at 11:30 a.m. on Monday, October 3, 2022, at the Authority’s Albany Office located at 17 Columbia Circle, Albany, New York and the NY Green Bank (“NYGB”) Office located at 1333 Broadway, Suite 300, New York, New York. The two locations were connected by videoconference.

The following Members of the Committee were present:

Charles Bell, *Vice Chair of the Authority and Committee Chair* attended from Albany

Richard Kauffman, *Chair of the Authority* attended from NYGB

Sherburne Abbott attended from NYGB

Arturo Garcia-Costas attended from NYGB

Also present were Doreen Harris, President and CEO; John Williams, Executive Vice President for Policy and Regulatory Affairs; Pam Poisson, Chief Financial Officer; Peter J. Costello, General Counsel and Secretary to the Authority; Janice Dean, Deputy Counsel and Secretary to the Committee; and various other staff of the Authority.

Committee Chair Bell called the meeting to order and noted the presence of a quorum. Notice of this meeting was provided to the Committee Members on September 26, 2022 and to the Press on September 29, 2022.

Committee Chair Bell indicated that the first item on the agenda concerned the approval of the minutes of the sixty-ninth (69th) Committee meeting held on June 28, 2022.

Whereafter, upon motion duly made and seconded, and by unanimous voice vote of the Committee Members, the minutes of the sixty-ninth (69th) Committee meeting held on June 28, 2022, were approved.

Committee Chair Bell indicated that the next item on the agenda was to receive a report on the status of the West Valley Management Program activities and asked West Valley Program Managers Brad Frank and Andrea Mellon to present this item.

Brad Frank provided the Committee with an update on the demolition of the Main Plant Process Building and reported that the one area that required work prior to the start of the demolition, the Acid Recovery Cell, has been completed; that extensive air monitoring and water collection systems would be used throughout the demolition activity; and that readiness reviews were conducted by both internal and external auditors including the U.S. Nuclear Regulatory Commission, the U.S. Environmental Protection Agency, and the U.S. Department of Energy (DOE), all of which concluded that the contractor was ready to begin demolition. Brad reported that demolition began on September 21st and will take up to 3 years to complete.

Andrea Mellon provided the Committee with an update on the status of Trench 14 and the North Slope, stating that water elevations in Trench 14 have decreased, and leachate elevations are now showing a decreased trend, noting that additional data is needed to draw definitive conclusions on the effectiveness of the project.

Andrea reported that as to the SDA North Slope Stabilization Project, the Geotechnical Investigation that was completed in Spring 2022 confirmed that the soil movement was occurring in the loose soils placed on the slope during the SDA construction, and that these unstable soils will be removed and replaced with rock that will lock together and eliminate downslope movement. Andrea reported that the installation of a passive water drainage system will prevent water from accumulating in the slope, and that slope stabilization activities are now underway and are scheduled to be completed by the end of November.

In response to an inquiry from the Chair regarding where the leachate is going, Andrea explained that the ground water is moving out from the inside of the trenches and percolating out through the bottom.

In response to an inquiry from Member Garcia-Costas regarding community member notice of work progress and outreach to nearby tribal nations, Brad Frank responded that DOE will notify community members monthly of work status, and indicating that the Seneca Nation has a membership on the Citizen Task Force and receives monthly updates at Task Force meetings.

In response to a second inquiry from Member Garcia-Costas, Brad Frank indicated that real time air meters will be used that are located directly in and just outside the demolition zone, and he noted that DOE will provide monthly feedback to the community on the progress of the demolition.

In response to an inquiry from Member Abbott regarding lessons learned from this process, Brad Frank confirmed his understanding that DOE plans to use the demolition of the Main Plant for lessons learned across the complex.

In response to an inquiry from Committee Chair Bell, Program Manager Frank responded that once the Main Plant is demolished down to grade, DOE will dig up all the below grade cells and the contaminated soils that surround them, work anticipated to take about 10 years, pursuant to upcoming Phase 2 decisions.

In response to a second inquiry from Committee Chair Bell regarding progress of the project, Program Manager Frank stated that things are going well and confirmed that DOE has an outstanding track record concerning health and safety.

The next agenda item was a status report on nuclear coordination activities, and Chair Bell asked Senior Advisor for Policy and Regulatory Affairs, Alyse Peterson, to present this item.

Alyse Peterson provided an update on the Indian Point decommissioning and briefed the Committee on nuclear coordination-related activities with the U.S. Department of Energy, the U.S. Nuclear Regulatory Commission and other states. Alyse reported that physical decommissioning of Indian Point is ongoing with the transfer of fuel out of the Unit 2 and 3 spent fuel pools into dry cask storage that began in August for Unit 2 and is scheduled to begin in February 2023 for Unit 3 using a new crane, noting that all casks should be in dry storage by the end of 2023. Alyse reported that segmentation of both reactor vessels is scheduled to commence soon and continue through 2023.

Alyse reported that under the Authority's role as the State's nuclear coordinator and federal liaison, the Authority recently led State participation in a U.S. Department of Energy effort, on a team including the State Department of Health, DOT, DPS and the State Police, to perform an assessment of Indian Point aimed at identifying options for the eventual offsite transport of spent fuel and identifying any infrastructure or information gaps as part of a national DOE assessment.

Alyse reported that the Indian Point licensee ran into a technical issue loading dry casks into spent fuel pools and requested an exemption from its NRC license to increase the number of neutron source assemblies in any given task and change the assembly location within the cask.

In response to an inquiry from Member Garcia-Costas, Alyse responded that the Authority as State Liaison Officer has not opposed the exemption at this time, but recommended to the NRC that further analysis be done regarding worker dose rate and additional issues relevant to ultimate offsite transport.

In response to a follow up inquiry from Member Garcia-Costas regarding the Authority's position on the exemption, Alyse responded that the Authority has recommended additional analysis on the front end rather than waiting for impacts to occur. In response to a follow-up question from Member Garcia-Costas regarding the Authority's position on the exemption should the NRC fail to perform the requested analyses, Alyse indicated that the question has not been addressed internally, and that based on past precedent, the NRC is expected to approve the

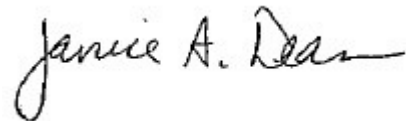
exemption. John Williams indicated that the Authority would seek to review the NRC response before taking a position, which must be coordinated through state agency partners.

Alyse also provided an update on the NRC's decommissioning rulemaking, indicating that the Authority submitted comments in response to the draft rule that had not included nearly any changes in response to initial Authority and state comments, which rulemaking comments cited Commissioner Baran's dissent on the draft rule that did cite the Authority's comments on the draft rule in support of additional changes to the rule. Finally, Alyse provided an example of national advocacy the Authority has performed in convening a State Liaison-only portion of a national State Liaison Officer event, which has been identified as an agenda item in future meetings. Member Garcia-Costas congratulated Alyse on this important initiative.

Committee Chair Bell indicated that the last item on the agenda was other business. There being no other business, Committee Chair Bell called for a motion to adjourn.

Whereafter, upon motion duly made and seconded, and by unanimous voice vote of the Committee Members, 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.

Janice A. Dean
Secretary to the Committee