

Virginia Commission on Coal and Energy

Uranium Mining Subcommittee

Thursday, May 21, 2009, 2:30 p.m.
House Room D, General Assembly Building
Richmond, Virginia

Meeting Summary

Delegate Ware began the meeting by setting the agenda and indicating that Delegate Kilgore would be listening in by phone. After the members introduced themselves, Dr. Karmis began with a brief introduction of the scope of study.

The final draft of the scope of study was developed in conjunction with the National Research Council (NRC), which functions under the auspices of the National Academy of Sciences. Dr. Karmis emphasized to the subcommittee that the role of the NRC is not to make actual policy recommendations, but to collect and analyze information with the aim of improving the quality of the policy-making process. The draft of the final scope of study is based upon the tentative scope approved by the subcommittee on March 24th and has been drafted with the NRC's Division on Earth and Life Studies. Dr. Karmis concluded his introduction of the scope by noting several points: (i) the study will provide advice, but not recommendations; (ii) reserves should be distinguished from resources, of which reserves are a fully explored and known component; and (iii) that the NRC clarified with Dr. Karmis that the use of the term "reclamation" is meant to include post-mining land use and monitoring.

Delegate Abbitt asked whether issue 11, which states "[b]riefly characterize a public education and outreach program . . . for a uranium mining operation," assumed that the previous issues on public health, safety, and the environment would be answered reassuringly. He further noted his opinion that no money should be spent designing a public education and outreach program unless uranium mining has been found to be safe. Delegate Abbitt also asked whether the study would examine "real-life situations." Dr. Karmis responded that existing issue 2, which states "[i]dentify and briefly describe the main types of uranium deposits worldwide including, for example, geologic characteristics, mining operations, and best practices[.]" will review real-life situations. Delegate Abbitt suggested to the subcommittee that the scope be amended to clarify as such and emphasize the importance of studying tailings practices.

Delegate Abbitt continued to express his concerns with the scope and its apparent brevity. He asked that the report include information on buried tailings and radioactive leachate, which would be with us for thousands of years. He also asked for more information on the financial assurances provided by any mining entity—how such assurances might be given for such a long period of time in the future and whether foreign ownership of the mining entity would affect such assurances?

Delegate Amundson asked for clarification on how the study would review best practices and stated that she thought that it might be procedurally difficult to make such generalizations. Dr. Karmis responded that the study would review best practices as a preliminary step before determining if any such practices would be applicable in our situation. Delegate Amundson asked that the study also provide guidelines that could be used to determine applicability of best practices in the Commonwealth. Furthermore, Delegate Amundson stated her understanding that the scope of study is arranged sequentially, but asked that the subcommittee move the issue of public health and safety into a predominant position.

Delegate Daniel Marshall spoke before the subcommittee as a member of the public and stated his concerns with the final scope as drafted. He would like a list of definitions for the terms used in the scope, such as "reclamation," so that he could be reassured that terms written broadly would be interpreted as such. He also emphasized to the subcommittee that this study is of statewide application and hoped that the scope could be sequenced in order of importance. Delegate Marshall asked that the subcommittee not take any action on the scope for 60 days to allow further review and input from the public. He is concerned that the scope will not include any recommendations and wonders what party will be competent to make such recommendations if the NRC will not do it. Senator Watkins answered that the policy issue will come back to the subcommittee, but ultimately will be answered by the General Assembly as a whole.

Delegate Abbitt noted his agreement with Delegate Marshall that the scope of study include definitions.

Members of the public spoke and voiced their concerns on a diverse array of issues including: that the primary focus of the study should be health and safety issues (from several speakers); a desire to have additional time to review the final draft before the subcommittee takes any action (from several speakers); clarification that the study will include real-life examples (from several speakers) and a grounding in actual experience for the investigators; a suggestion that issue 7, which assesses occupational and public health risks, include effects of heavy metals; a suggestion that issue 11, which asks for a characterization of a public education campaign, be stricken; worries that uranium mining in Virginia will have a negative impact on drinking water supplies (from several speakers); hopes that uranium mining would contribute positively towards improved economic conditions in the region and a secure source of domestic energy; skepticism that the study will be able to sufficiently inform policymakers of an acceptable level of risk (from several speakers) and that policymakers might not be able to apply such risk with parity across the Commonwealth; the study will not provide any answers, but simply narrow the questions to be asked in yet another study (from several speakers); the critical importance of Lake Gaston as a water supply for the U.S. Navy, the Cities of Norfolk and Virginia Beach, as well as the State of North Carolina (from several speakers); the hope that the study and the subcommittee's oversight will proceed transparently and include all stakeholders; the desire that local government officials will be consulted as the study continues; whether the U.S. has a legitimate need to produce more uranium; impacts on agriculture; the effects of dust from blasting operations; the increase of lead in water taken from drinking wells near the Cole's Hill site since the inception of exploratory drilling; the absence of a mining plan presented by Virginia Uranium; use of taxpayer funds in this study; perceived risks that might persist even if uranium mining is found safe; the complexity of scientific language likely to be included in the

study; the sequence of the issues set out in the scope (from several speakers); the risks posed from earthquakes and severe weather events such as hurricanes (from several speakers); the risks of open pit mining and the value of applying experience from other types of mining operations to an open pit mine; real estate values around a mine and in buffer areas; aesthetic value of the area; damage to the reputation of private schools from the perceived risks, even if invalidated; that energy independence should be considered at a more local level; the risk that the price would drop and that the project could be curtailed midstream; that the study will simply review information without a push towards rational conclusions (from several speakers); perception of study bias and legitimacy of the study in light of a lack of knowledge regarding study funding (from several speakers); and radon exposure.

Delegate Amundson proposed an amendment to the first paragraph of the scope to clarify the purpose of the study is to assist "the Commonwealth to determine whether uranium mining, milling, and processing can be undertaken in a manner that safeguards the environment, natural and historic resources, agricultural lands, and the health and well-being of its citizens." Senator Watkins questioned whether the statement was redundant with earlier language and Delegate Amundson responded that redundancy may be appropriate to make priorities clear. Delegate Ware agreed that this might be an appropriate place to make a clear, though redundant, statement.

The amendment was approved unanimously.

Delegate Amundson asked that existing item 7, which states that the study will "[a]ssess the potential short- and long-term occupational and public health and safety considerations from uranium mining, milling, processing, and reclamation, including the potential human health risks from exposure to "daughter" products of radioactive decay of uranium[.]" be moved to be the first item in the list.

The amendment was approved unanimously.

Delegate Abbitt asked that an item be added to emphasize that real-world examples of mining practices be reviewed at sites with conditions comparable to Virginia. (The amendment took the form of a new item 4.)

The amendment was approved unanimously.

Senator Wagner asked for further clarification that the study include a review of negative impacts and the measures that might be adopted to mitigate those impacts. Delegate Abbitt asked that the suggested amendment include the phrase "if available" to modify mitigating measures. Senator Wagner agreed. (The amendment was included with the new item 4.)

The amendment was approved unanimously.

Delegate Abbitt asked for more specifics on the risks from mining leachate. Delegate Ware invited Dr. Karmis to respond to Delegate Abbitt's request. Dr. Karmis agreed that scope specifics might be helpful to clarify examination of tailings, tailings disposal, and monitoring.

Dr. Karmis relayed that the NRC finds these issues to fall within the term "reclamation." Delegate Abbitt and Dr. Karmis agreed that simply using the term reclamation broadly without a definition is vague. Delegate Abbitt proposed an amendment to include more specific language.

The amendment failed by voice vote.

Senator Watkins moved that the scope, as amended, be adopted by the subcommittee. Delegate Abbitt noted his dissatisfaction and stated that he would not be in favor of the amended scope. Senator Watkins stated that the vote was not a referendum on uranium mining and that the General Assembly was in a position where it must seek guidance from others. Eventually the Commonwealth will decide, upon the contributions of science, whether to pursue uranium mining. It is a vote to seek knowledge, not an approval of uranium mining.

Senator Puckett put forth his disappointment that the actions of the subcommittee would be characterized as "a fast track approval." He said that this is in an initial step in a very slow process and cited the example of the 12 years it took to approve the Wise County Power Plant. Senator Puckett further expressed his regret that any member of the public would voice personal attacks, specifically those attacks directed towards Dr. Karmis, whose role it is to serve the General Assembly. He reassured those in attendance that the subcommittee will do its due diligence and include the public at every juncture.

The motion to adopt the scope as amended passed, with Delegates Abbitt and Janis voting against the motion.