

Virginia Commission on Coal and Energy

Uranium Mining Subcommittee

Tuesday, March 24, 2009, 2:00 p.m.
House Room D, General Assembly Building
Richmond, Virginia

Meeting Summary

Delegate Ware opened the meeting with introductions, a brief discussion of the day's agenda, and a reiteration of Delegate Kilgore's call for donations from any party to support the study. Dr. Karmis, Director of the Virginia Center for Coal and Energy Research and the subcommittee's liaison with the National Academy of Sciences, provided a presentation on the proposed scope of work for the study on uranium mining.

The study will be divided into two parts: (1) the scientific and technical portion to include environmental, human health, safety and regulatory issues that might apply across the Commonwealth; and (2) the socioeconomic portion to include a site and region-specific study of social, economic, and environmental impacts and sustainability factors such as quality of life, infrastructure, local economic opportunities, and real estate values. While Dr. Karmis prepared a draft scope for each study, only the first scientific and technical portion will be discussed before the subcommittee today. Furthermore, Dr. Karmis recommended that the study be submitted to the National Research Council (NRC), which functions "under the auspices of the National Academy of Sciences, the National Academy of Engineering, and the Institute of Medicine." A typical study may take about 18 months and its cost will reflect the scope, depth, and expected timing of the final report.

The scope of work presented to the subcommittee is a three-page outline with nine topics, each of which includes several issues that might be addressed by the study. The document adheres to a style similar to other scopes of work performed by the National Academy of Sciences. Dr. Karmis described the document as a framework for the study and stated that its broad strokes and general categories should be viewed as analogous to the table of contents for a book—too much detail in the scope of study could pose a risk of limiting the study. The scope previewed to the subcommittee was developed from review of relevant publications, relevant knowledge and experience, public comment before the subcommittee, and written comment sent to the subcommittee.

After discussing the framework of recommendations from the Virginia Center for Coal and Energy Research, Dr. Karmis introduced the scope document in more detail. The outline includes the following nine major issues:

1. Uranium Supply/Demand Trends and Projections
2. Worldwide Uranium Deposits and Operations
3. Uranium Deposits in Virginia
4. Uranium Mining, Milling and Processing Technologies
5. Occupational and Public Health and Safety

6. Security Standards and Procedures
7. Environmental Considerations
8. Closure and Post-Mining Land Use and Monitoring
9. Regulatory Considerations and Public Outreach in Virginia

Senator Wagner noted his opinion that market factors should be included in the study, contrary to the suggestions of some others, and that the price of uranium must be able to support any recommendations of the subcommittee. Delegate Ware added that the enabling motion adopted by the Coal and Energy Commission requested that study be wide-ranging.

Delegate Janis stated his concern that the study focus primarily on public health, safety, and the environment. Delegate Amundson voiced her agreement with Delegate Janis and stated that she would be more comfortable if the supply and demand issues are not placed at the outset of the study so that the hierarchy would be clear—price issues are important, but they needn't lead. Dr. Karmis noted the difference between review (items 1 through 4) and assessment (items 5 through 9) and explained that he saw those first four issues as background. Delegate Amundson asked that future drafts of the study scope clearly indicate that items 5 through 9 are the key substance of the study, and not those issues that might be perceived as market research for the private sector.

Senator Watkins stated his appreciation with the presentation of materials by Dr. Karmis and likened the design of the scope—which first surveys the background and context of the issues, then identifies the questions that must be asked, and finally performs the necessary assessments—to the scientific method.

Delegate Janis expressed his general agreement with the thoughts of the subcommittee, but reasserted that the study as designed is a two-part study with a scientific portion and a socioeconomic portion. Thus, he continued, if the study of the market value of uranium must be addressed, it should be within the scope of the socioeconomic portion. Dr. Karmis responded and stated his opinion that it is important to incorporate worldwide supply and demand trends, which would be distinct from the viability of any specific deposit and not appropriate within the site-specific portion of the study. Delegate Janis followed up and asserted that the economic analysis may not be appropriate in the first portion and that the predicted price of uranium, if taken into consideration prematurely, might conflate the recommendations that followed.

Senator Watkins reminded the subcommittee that the study would be performed by respectable scientists who should not be driven by economic concerns and stated his confidence that the objectivity of scientists should be something that the subcommittee can cautiously rely upon them.

Senator Wagner recommended that the subcommittee adopt the draft scope of study, titled "Uranium Mining in Virginia," as tentative working document. Delegate Janis asked about the timeline of this process and the role of the subcommittee. Dr. Karmis hopes that, with the encouragement of the committee, he would be permitted to begin discussions with NRC prior to the formulation of a final scope of study. He further expects to come before the subcommittee before such scope of study is finalized. Senator Watkins emphasized that today's meeting was

just the beginning of a long process and, if this outline were accepted, the subcommittee would reconvene to consider work plans, funding and other issues.

The motion to adopt the draft scope of study as a tentative working document passed unanimously.

The subcommittee then heard testimony from the public, including Senator Hurt, Delegate Merricks, and Delegate Marshall. Concerns included those of employment needs; economic development; energy security; the gap between bureaucratic aspirations and reality; radioactivity; property values and the resultant reductions to the tax base; water quality of resident wells since the test drilling has begun; assessment of need for uranium; actual jobs that would be realized in the region; potential harms to agriculture; precedent for future uranium mining in other areas across the Commonwealth; the prohibitive costs of water testing; the presence of radon; risk to educational institutions from perceived risks; public health consequences of certain very toxic elements; transparency of the process; safety as it is specific to mining and milling; the statewide aspect; the long-term cost of taking safeguards versus the short-term profits; risks to wildlife; the focus of the study; the source of the funding for the study; reliability of science.

Senator Hurt approached the subcommittee and expressed his hope that the subcommittee will continue to accept the comments of the community, receive public input, and operate in a transparent fashion. He asked specifically about the role of environmental laws and regulations, the possible application of a federal power to take by eminent domain, and the gaps of knowledge that will persist even through the conclusion of this or any study. Senator Hurt thanked the subcommittee and offered his assistance in any future endeavor.

Delegates Daniel Marshall and Donald Marshall each also thanked the subcommittee and emphasized the overwhelming importance of public health and safety in this issue. Delegate Marshall asked specifically whether the subcommittee had authority independently on these issues or only with the agreement of the full Coal and Energy Commission. Delegate Ware answered that the Coal and Energy had indeed granted the authority to the subcommittee and emphasized that there will be further public action on the scope before it was finalized.

Senator Wagner expressed his personal concern with the accuracy of public comments received by the subcommittee on the subject of radiation exposure.

Delegate Janis added his perspective that the subcommittee should proceed by using authoritative science to answer the threshold question of safety prior to policy norms, which shall be then addressed only if mining could proceed safely.