

# Another View of Virginia's History of Potential Uranium Mining

by Whittington W. Clement

*Editor's Note: The following is a response to "How Will Virginia regulate Uranium Mining?" by Robert G. "Bob" Burnley, which appeared in the June/July 2011 Virginia Lawyer. <http://www.vsb.org/docs/valawyer magazine/vl0711-uranium.pdf>*

The largest known untapped deposit of uranium in the United States—and the seventh-largest in the world—is located in Pittsylvania County, Virginia. Uranium has been an important source of energy for more than half a century, serving as the fuel for nuclear power plants. As Virginia and the United States strive toward greater energy independence, nuclear power remains one of the best sources of efficient generation. Nuclear fuel produces no greenhouse gas emissions or other significant air pollutants. In addition to the environmental and energy benefits uranium offers, the fact that this large deposit is located in Virginia offers tremendous economic opportunities to the commonwealth.

The June/July 2011 edition of *Virginia Lawyer* included an article by Robert Burnley entitled "How Will Virginia Regulate Uranium Mining?" While the article presented one point of view on whether uranium should be mined in Virginia, it contained a number of factual inaccuracies. This article corrects those inaccuracies and offers a counterpoint to Mr. Burnley's opinion.

The Burnley article, at page 41, states: "[D]uring the late 1970s and early 1980s, uranium deposits potentially worth billions of dollars were discovered in Pittsylvania County, *extending into the Piedmont region of Virginia.*" (emphasis added) In fact, no other deposits have been found elsewhere in Virginia. The only known economically viable deposit

in Virginia is located at Coles Hill in Pittsylvania County.<sup>1</sup>

The Burnley article also mischaracterizes the actions taken by the Virginia General Assembly in the 1980s on the uranium issue. The article states on page 41, "[I]n 1981, the Virginia General Assembly asked the Virginia Coal and Energy Commission to evaluate the impacts of uranium production. In 1982, following that assessment, the Virginia General Assembly established a moratorium on uranium mining that remains in effect today."<sup>2</sup> Burnley incorrectly characterizes the purpose of the 1982 moratorium and the subsequent actions taken by the General Assembly. The General Assembly imposed the moratorium in order to allow time for a thorough study of uranium mining and establishment of a permitting program if warranted. Studies were continued and, in 1983, the General Assembly established the Uranium Administrative Group for further scientific evaluation of uranium mining in the commonwealth.<sup>3</sup>

After extensive studies, hearings, expert testimony, and travels to uranium sites—work not concluded until 1984—the Virginia Coal and Energy Commission adopted the report of its uranium subcommittee, which, with the Uranium Administrative Group, recommended the following by a 16–2 vote:

Based on all these efforts, we now conclude that the moratorium on uranium development can be lifted if essential specific recommendations derived from the work of the task force are enacted into law.<sup>4</sup>

At the direction of the Coal and Energy Commission, legislation to establish a permitting program for uranium mining was prepared for introduction at

the next session. By that time, however, the company seeking to mine at Coles Hill had lost interest and nothing further was done.

Because no regulatory program was established by statute, the moratorium remains in place today by default. It is false to state that the legislature did not ban uranium mining after full consideration of the issues. To the contrary, the purpose of the moratorium was simply to afford time for consideration of the issues and development of appropriate regulatory programs if the studies supported such a course, which they did.

Further, the article states "that there are no environmental programs to regulate uranium mining, milling, or uranium tailings waste disposal in Virginia." This statement underscores another point mining opponents enjoy making: that if the so-called moratorium is lifted, uranium operations will pop up all over the commonwealth with no regulatory oversight. To the contrary, the statute enacted in the 1980s expressly prohibits any mining activity until a regulatory program is in place.<sup>5</sup> Indeed, any legislation that would be sought by uranium mining proponents would be to establish a thorough set of regulations that would ensure protection of public health and our environment.

Mr. Burnley expresses concern, at page 43, about whether the Virginia Department of Environmental Quality will receive adequate funding to implement a regulatory program for uranium mining. Mr. Burnley's concern is premature. If the General Assembly decides to enact legislation creating a regulatory program to govern uranium mining in Virginia, it is also fully capable of determining the funding necessary and the

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sources of those funds, to support that program.

In addition to any new regulatory program authorized by the General Assembly, a uranium mining operation would also be required to obtain permits and approvals from various state and federal agencies, including the U.S. Nuclear Regulatory Commission; the U.S. Environmental Protection Agency; the Virginia Department of Mines, Minerals and Energy; the Virginia Department of Environmental Quality; and the U.S. Army Corps of Engineers. And if a company in Virginia were to obtain all the required regulatory permits, which could take five to seven years, other agencies would be involved to ensure worker safety. These would include the U.S. Occupational Safety and Health Administration, the U.S. Mine Safety and Health Administration), and the Virginia Department of Health. These existing programs are already fully funded and staffed.

Any meaningful debate about the merits of uranium mining must be based on accurate information. Mr. Burnley's article was clearly biased as a

result of his undisclosed affiliation with the Southern Environmental Law Center and other environmental groups opposed to uranium mining.

The issue of whether the Commonwealth of Virginia should enter the regulatory field of uranium mining is an important issue and should be decided on the basis of complete and accurate information. If it can be shown that uranium mining can be done safely in Virginia, the deposit at Coles Hill in Pittsylvania County could bring hundreds of jobs to an economically distressed area of Virginia, provide new revenue for the region and the state, enhance our nation's ability to be less dependent on foreign energy sources, and produce an abundant source for clean energy through nuclear power.

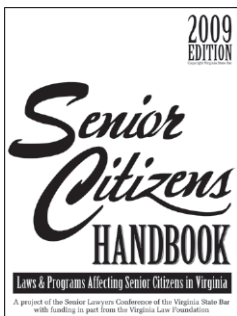
Endnotes:

1 A map titled "Potential Uranium in Virginia," prepared by the Piedmont Environmental Council, depicts natural gross gamma radiation emitting from the surface in Virginia and several other southeastern states. Interestingly, the map does not even show Coles Hill as an elevated surface radiometric response. The locations identified on

the map do not necessarily indicate uranium as the map captures information about potassium and thorium as well, and certainly do not indicate economically viable uranium deposits. This fact is even evidenced by the map's disclaimer, which states: "Not all areas shown contain uranium in high enough concentrations to mine economically."

- 2 See Virginia Code, 1950, as amended ("Virginia Code"), § 45.1-283.
- 3 See Senate Bill No. 155, 1983, now Virginia Code § 45.1-285.1.
- 4 See Appendix B, Report of the Virginia Coal and Energy Commission to the Governor and the General Assembly of Virginia, Senate Document No. 15, 1985.
- 5 See Virginia Code § 45.1-283, supra.

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