

# Virginia Nuclear Energy Consortium Authority; established.

Comments by Deborah Ferruccio

1. Which taxpayers decided to create a nuclear energy consortium as opposed to a renewable energy consortium? This Authority should have to be decided through a vote by Virginia citizens.

§ 67-1402. Purposes; powers of Authority.

A. The Authority is established for the purposes of making the Commonwealth a national and global leader in nuclear energy and serving as an interdisciplinary study, research, and information resource for the Commonwealth on nuclear energy issues.

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2. How can the Authority be “granted all the powers necessary or convenient for the carrying out of its statutory purposes” when these statutory purposes are general and nebulous at best and not defined with any specificity in the bill.

B. The Authority is granted all powers necessary or convenient for the carrying out of its statutory purposes, including, but not limited to, the following rights, powers, and duties to:

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3. If the Authority is granted all the powers necessary or convenient for the carrying out of its statutory purposes, and if the Authority is purposed with promoting nuclear energy, then the Authority could use its powers to promote nuclear related industries from cradle to grave, including uranium mining and milling (cradle) as well as radioactive waste disposal (grave). The Authority could buy property for such reasons as it deems “necessary or desirable,” which could be, for example, for a nuclear waste disposal facility.

2. Acquire, purchase, hold, use, lease, or otherwise dispose of property, real, personal, or mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of the Authority;

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4. The Authority would only consult with government and other groups which favor nuclear energy. No conflicting or alternative energy interests would be considered.”

7. Consult with the General Assembly; federal, state, and local agencies; nonprofit organizations; private industry; and other potential developers and users of nuclear energy;

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5. The Authority would tie scientific and academic studies to Consortium money, thus compromising the outcome of the research.

Promote and facilitate agreements among public and private institutions of higher education in the Commonwealth and other research entities to carry out research projects relating to nuclear energy;

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6. The Authority would use taxpayer and other funds to institutionalize the acceptance of nuclear energy by indoctrinating academia and the public.

Identify and support, in cooperation with Virginia's nuclear entities and the public and private sectors, the development of education programs related to Virginia's nuclear industry;

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7. The Authority would have the right to accept money from any source, thus making for inevitable conflicts of interest that could facilitate misdirection of the Authority as well as misuse of a “so-called” public institution’s monies.

13. In order to fund and support the activities of the Authority and the Consortium, apply for, solicit, and accept from any source, including any agency of the federal government, the Commonwealth, or any other state, any municipality, county, or other political subdivision thereof, any member, or any private corporation or other entity, (i) grants, including grants made available pursuant to federal legislation; (ii) aid; or (iii) contributions of money, property, or other things of value, which shall be held, used, and applied for the purposes set out by this chapter

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8. The Authority would support the commercialization of nuclear energy technologies. To promote nuclear energy technologies while there is still no acceptable solution for the disposal and storage of nuclear waste is not only irresponsible; it burdens Virginia with an unsustainable model of economic development. In fact, the South Carolina Barnwell nuclear waste landfill is nearing capacity. It was to have closed nearly twenty years ago, and North Carolina was to have “hosted” the Southeast Low-Level Radioactive Waste

Compact nuclear waste landfill. Yet the NC nuclear waste site was stopped, and a new nuclear waste site has yet to be built. The Authority could solicit nuclear waste from outside the state, and Virginia could become a “host” for radioactive waste for the region and beyond.

15. Encourage, facilitate, and support the application, commercialization, and transfer of new nuclear energy technologies

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9. The Authority could determine studies and compromise research outcomes by providing services to institutions of higher learning.

Provide advice, assistance, and services to institutions of higher education and to other persons providing services or facilities for nuclear research or graduate education;

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10. The Authority would have the right to do “all acts and things necessary or convenient to carry out the powers granted to it by the law.” These powers have yet to be defined and whatever powers are granted by a deliberately vague and nebulous law could be, and likely would be, arbitrary and capricious, nor would they be transparent.

19. Do all acts and things necessary or convenient to carry out the powers granted to it by law.

§ 67-1403. Board of the Authority.

A. The Authority shall be governed by a board of directors consisting of 17 members appointed as follows:

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11. The perspective of board members of the Authority would be compromised by their position on the board, and they would be incapable of an unbiased position on nuclear energy.

1. The Director of the Department of Mines, Minerals and Energy or his designee;
2. The President and Chief Executive Officer of the Virginia Economic Development Partnership or his designee;
3. The Chancellor of the Virginia Community College System or his designee;
4. The President of Virginia Commonwealth University or his designee;
5. The President of the University of Virginia or his designee;
6. The President of Virginia Polytechnic Institute and State University or his designee;
7. The President of George Mason University or his designee;

8. Two individuals [ ] to represent [ an ] institution of higher education in the Commonwealth not already represented on the Board[ ], at least one of which shall be a private institution of higher education [ ] ;

9. Six individuals, each to represent a single business entity located in the Commonwealth that is engaged in activities directly related to the nuclear energy industry;

10. One individual to represent a nuclear energy-related nonprofit organization; and

11. One individual to represent a Virginia-based federal research laboratory.

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13. The Governor would have ultimate power over the majority of the board appointments of the Authority.

C. The 10 members of the Board described in subdivisions A 8 through A 11 shall be appointed by the Governor.

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14. The Authority would report its plans for expansion of the nuclear energy industry in Virginia to the Governor and House and Senate Committees. This expansion could easily be tied to uranium mining, which would provide the source for this expansion of nuclear energy. The ability to acquire property could also help the Authority expand the nuclear waste industry, since all nuclear energy produces nuclear waste that must be disposed of, and since there is a pressing need for a permanent nuclear waste facility.

I. On or before November 15 of each year, the Authority shall submit its updated strategic plan, an annual summary of its activities, and recommendations for the support and expansion of the nuclear energy industry in Virginia to the Governor and the Chairmen of the House Appropriations Committee, the Senate Finance Committee, and the House and Senate Commerce and Labor Committees.

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15. When I tried to learn more about subsection B [67-1402), I couldn't get information.

B. The Consortium shall be established for the purpose of carrying out the rights, powers, and duties of the Authority pursuant to subsection B of § [ 67-1402 ] and conducting other activities useful in (i) making the Commonwealth a leader in nuclear energy; (ii) serving as an interdisciplinary study, research, and information resource for the Commonwealth on nuclear energy issues; and (iii) carrying out the provisions of this chapter, including raising money on behalf of the Authority in the corporate and nonprofit community and from other nonstate sources.

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16. When I clicked on these chapters, I could not actually find each citation. I doubt that the legislators looked up all these chapter citations, and without knowing what each one is, they, nor the public, has knowledge of what are the criteria for being deemed a state or governmental or advisory agency or public body .

G. The Consortium shall not be deemed to be a state or governmental agency, advisory agency, public body, or agency or instrumentality for purposes of Chapters 8 (§ 2.2-800 et seq.), 18 (§ 2.2-1800 et seq.), 24 (§2.2-2400 et seq.), 29 (§ 2.2-2900 et seq.), 31 (§ 2.2-3100 et seq.), 37 (§2.2-3700 et seq.), 38 (§ 2.2-3800 et seq.), 43 (§ 2.2-4300 et seq.), 44 (§2.2-4400 et seq.), 45 (§ 2.2-4500 et seq.), 46 (§ 2.2-4600 et seq.), and 47 (§ 2.2-4700 et seq.) of Title 2.2, Chapter 14 (§ 30-130 et seq.) of Title 30, or Chapter 1 (§ 51.1-124.1 et seq.) of Title 51.1.

I. The Consortium shall report on [ all of its non-proprietary activities at least twice a year