

April 22, 2002

Chief, Rules Review and Directives Branch
U.S. Nuclear Regulatory Commission
Mail Stop T6-D59
Washington, DC 20555-0001

Dear Sir/Madam:

Attached are the comments of the National Mining Association (NMA) on NUREG-1620, Rev. 1 "Standard Review Plan for the Review of a Reclamation Plan for Mill Tailings Sites Under Title II of the Uranium Mill Tailings Radiation Control Act."

NMA's members are producers of most of America's coal, metals, industrial and agricultural minerals; manufacturers of mining and mineral processing machinery and supplies; transporters; financial and engineering firms; and other businesses related to mining. These comments are submitted on behalf of NMA's uranium recovery members who have mill tailings sites licensed by the Nuclear Regulatory Commission. While NMA generally supports the concept of Standard Review Plans, and believes NUREG-1620 Rev. 1 is generally a comprehensive and thoughtful treatment of closure issues, some changes are necessary. These changes are detailed in the enclosed comments. If you have any questions, please call me at 202/463-2627.

Sincerely,

/s/

Katie Sweeney
Associate General Counsel

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**DRAFT NMA COMMENTS ON NRC'S STANDARD REVIEW PLAN FOR THE
REVIEW OF A RECLAMATION PLAN FOR MILL TAILINGS SITES UNDER
TITLE II OF THE URANIUM MILL TAILINGS RADIATION CONTROL ACT
(UMTRCA)-NUREG 1620, Rev. 1**

I. General Comments.

- A. As a general matter, NMA is pleased that NRC has considered and responded to a number of NMA's comments in the current draft Standard Review Plan (SRP) for uranium mill tailings facility reclamation plans. Specifically, the staff acknowledges that this document is important as a vehicle for communication not just with the licensed industry but also with the public at large. Also, the text references licensees' right to propose *alternatives* in several places which again is important for public understanding of the *flexibility* inherent in the Uranium Mill Tailings Radiation Control Act of 1978 (UMTRCA) statutory and regulatory program. Finally, the draft SRP also specifically notes several places that this guidance is not the substitute for NRC regulatory requirements and should not be interpreted as such.
- B. NMA still believes it would be useful to insert language in the Executive Summary and at other appropriate places in the text regarding the need for *flexibility* in addressing final mill tailings site reclamation due to the impact of site-specific circumstances. NMA recognizes that *flexibility* is specifically referenced in the Introduction to 10 C.F.R. Part 40 Appendix A but nevertheless believes that the SRP should explicitly address the need for *flexibility*, as it does at least one place in the draft SRP for *in situ* leach (ISL) facilities (NUREG-1569, p. XXVI). Again, experience suggests that it is important that the public not regard the Appendix A criteria as inflexible, prescriptive requirements, but rather as performance oriented requirements that are specifically designed to provide the *flexibility* necessary to address site specific circumstances. Too often members of the public, who object to a proposed licensing action and seek a Subpart L hearing, cite Appendix A as if it is prescriptive in the manner of EPA regulations. Given NMA's grave concerns about that lack of discipline that currently exists in the Subpart L hearing process, the misplaced reliance on prescriptive interpretations of Appendix A by members of the public (whether it be willful or out of ignorance) is becoming an ever-greater potential problem for uranium recovery (UR) licensees.
- C. NMA notes that the draft SRP refers in numerous places to draft NUREG-1748 which addresses NRC's approach to the National Environmental Policy Act (NEPA) issues. Given that NUREG-1748 is a new draft itself, it would be extremely useful if the staff could more explicitly reference the provisions of 1748 that are relevant to the discussion in question. If necessary, it might be worthwhile preparing an additional appendix like Appendix A which will

guide licensees and the staff and public to the explicit portions of NUREG 1748 that are relevant to the guidance in NUREG 1620.

II. Specific Comments.

A. Executive Summary.

1. p. XII. **Comment:** NMA's comments on the prior draft suggested that the guidance should specifically identify the four fundamental components of site closure which though inter-related also are separate and distinct. The discussion on page xii does this in a vague fashion. NMA would prefer that the draft specifically identify the four components of site closure as follows: mill decommissioning/decontamination/disposal; surface soil cleanup and post-cleanup verification; mill tailings surface stabilization; ground water corrective action. NMA is aware of some unhappy experiences with members of the public and even with federal or State agencies that do not understand the UMTRCA/Appendix A regulatory program's structure and content.

2. **Comment:** NMA continues to believe that with respect to reviewing previously approved reclamation plans, the draft SRP should reference SECY 95-155 which sets forth the Commission's policy on such issues.

3. **Comment:** NMA notes that the discussion in the previous draft SRP regarding the potential benefits of approaching multi-site problems on a *generic* basis has been dropped from this draft, although it is still included in the draft ISL SRP NUREG-1569, p. XXVI. NMA believes that where a group of licensees raise a common issue is extremely cost effective to address it on a *generic* basis.

B. Chapter 1.0 – Geology and Seismology

1. The draft SRP indicates that licensees can use an *alternative* such as probabilistic seismic hazard analysis to satisfy consideration of the "maximum credible earthquake" per Criterion 4(e).

Comment: In its comments, in the previous draft and in these comments, NMA supports the use of probabilistic analyses in the context of seismicity or any other context in which it can provide a useful answer. As a result, NMA believes that this chapter should reference the Commission's policy on probabilistic analyses set forth at 60 Fed. Reg. 42622.

NMA believes that the maximum credible earthquake requirement contained in Criterion 4(e) should be deleted in any new Part 41 regulatory proposal. However, until that happens, the use of probabilistic seismic

analyses to address the concerns reflected in Criterion 4(e) may pose a problem if it is considered a true *alternative* to Criterion 4(e). While a policy on addressing *alternatives* has never been fully flushed out in NRC guidance, NMA is aware that there are certain requirements for a Commission hearing where an *alternative* to an existing requirement is proposed by a licensee. The question here then would be, is the use of probabilistic seismic analyses merely another way of satisfying the requirements of Criterion 4(e) or would it be deemed an *alternative* requirement?

2. NMA notes for the record that the Bernreuter Report referenced in this section (June, 1994) is not a particularly useful document with respect to site specific seismicity issues. NMA was not consulted prior to the report being finalized and subsequent analyses of the document by NMA members has found it wanting in numerous significant respects. NMA continues to believe that the following sources should be referenced in this Chapter:

- Hazardous Report 96-1 – “Recommendations Regarding Seismic Design Standards for Uranium mill Tailings in Wyoming.” James C. Case. This document was submitted to NRC under cover of letter signed by the Governor of Wyoming.
- “Earthquake Hazards in the Intermountain U.S.: Issues Relevant to Uranium Mill Tailings Disposal” by Ivan G. Wong, Suzanne S. Olig, Bruce Hassinger, and Richard Blubaugh.

C. Chapter 2 – Geotechnical Stability

1. **Section 2.1.1, p. 2-1.**

Comment: The draft SRP states that Staff is to evaluate “borrow area restoration plans.” This language suggests that NRC has authority to approve or disapprove of borrow area restoration plans. The prior draft contained the same language without a thorough explanation. If it is simply intended to suggest that as part of NRC’s NEPA evaluation process of the various components of site closure, Staff should look at borrow area restoration plans that is fine. On the other hand, any issues or problems associated with borrow area restoration plans are matters between the licensee and the appropriate regulatory authority and do not involve the need for NRC approval unless the borrow area is on site. NMA made this same comment on the prior draft.

D. Chapter 3. Surface Water Hydrology and Erosion Protection.

1. **Comment:** In its comments on the prior draft, NMA noted the importance of clearly stating that Appendix A *siting* criteria are only relevant to new siting sites. The current draft explicitly makes that point and NMA appreciates the follow through on that issue.

2. **Section 3.1.5, 3.2.5, p. 3-3, 3-7:** Reference is made to a draft NUREG-1623 dated February, 1999 and NUREG-1623 dated 1998. What is the proper cite or are both proper, and if so, what is the difference between the two documents?

3. **Comment:** In its comments on the last draft SRP, NMA noted that there may be circumstances in which it would be appropriate to rely on rock of a lesser durability if there are good reasons for doing so. In such cases, it may be possible for more rock to be used or to seek something less than a thousand year stability period for any one of variety of reasons, including the unavailability of an appropriate rock source within reasonable distances. Another reason might be visual concerns about the way durable rock would stand out like a sore thumb in certain circumstances (*e.g.*, the Atlas Moab site). The current draft does not discuss whether there is *flexibility* for such considerations and NMA believes that it should at least discuss the issue as a potential *alternative* that may be relevant according to site specific conditions.

4. **Comment:** In its comments on the prior draft, NMA noted its concern that if a licensee satisfies current NRC final closure criteria, there is no basis for any entity such as a State to suggest that the licensee has ongoing liability in the event of unexpected degradation at the site. NMA has

taken the position and believes that NRC has as well, that *catastrophic events* that could substantially degrade a finally reclaimed tailings pile are the business of government and the licensee has no responsibility under such circumstances.

NMA also wishes to state that even where less than catastrophic events cause degradation because assumptions in NRC's stabilization guidance may prove wrong over some relatively short near term timeframe (say 50 to 100 years) the licensee retains no contingent liability for *active* maintenance. NMA believes that NRC should state this unequivocally in this section of the draft SRP so that there can be no questions down the road from states, individuals or DOE with respect to the licensee's ongoing liability once final reclamation has been approved pursuant to NRC requirements, barring some sort of fraud that is not discovered at the time of license termination.

5. **Section 3.5.3, p. 3-15:** The draft SRP refers to the design of "unprotected soil covers" and discusses the acceptance criteria therefor.

Comment: NMA assumes that this reference is to a tailings cover design such as that chosen at the Sherwood mill in Washington State where long-term stability is based on extremely thick soil cover involving large soil volumes rather than rock armoring or vegetative controls. Given the unique nature of the Sherwood final tailings stabilization control package and the problems that were generated between the State of Washington and NRC over its final approval by NRC, NMA believes it would be useful for the SRP to discuss the term "unprotected soil covers" to educate the public and perhaps other government agencies about existing acceptable final stabilization precedent involving "unprotected soil covers".

E. Chapter 4 - Protecting Water Resources.

1. **Comment:** NMA appreciates NRC's explicit reference to asserting preemptive jurisdiction over all radiological and *non*-radiological constituents of 11e.(2) byproduct material in ground water at UR facilities in accordance with the Commission's decision in SECY 099-277 (NRC, 2000). This important regulatory issue needs this kind of plain talk.

2. **Comment:** NMA again suggests that in light of painful experience (*e.g.*, Atlas Moab tailings reclamation plan) it would be useful to explain that the ground water corrective action requirements associated with UR tailings facilities are a separate and distinct regulatory component of the applicable Appendix A program. All of the four components of site closure (mill D&D, surface soil cleanup, tailings stabilization and ground water corrective action) are necessarily interrelated because they can all

take place at the same site. However, decisions on ground water corrective action depend on site specific ground water contamination before, during and after surface reclamation. Surface stabilization may have site specific impacts on ground water, but ground water corrective action requirements may apply long before surface reclamation is even considered.

3. **Section 4.1.3(2) (a) (iii), p. 4-6:** The draft SRP makes plain that the “seepage bulb” created by UR operations is not an aquifer unless it is, or potentially is, (1) hydraulically interconnected to a natural aquifer (2) capable of discharge to surface water or (3) reasonably accessible because of migration beyond the vertical projection of the boundary of the land transferred for long-term government ownership.

Comment: This is an extremely important point to make and NMA applauds NRC’s straight-forward treatment of the issue.

4. **Section 4.1.3(b)(iii)(a), p. 4-8:** NRC notes that the staff may require the addition of constituents associated with milling processes which are not specifically listed in Criterion 13. The Draft SRP indicates that these can be added on a case-by-case basis if they are capable of posing a substantial present or potential hazard to human health or the environment.

Comment: In its comments on the prior draft, NMA raised some questions about the appropriate method for adding additional constituents. It certainly can be done in license amendments if the licensee agrees, but barring a significant imminent hazard and licensee agreement, there may be some questions about the appropriate method for adding such constituents. Without intending to create a dispute on the issue, NMA notes that this would be an issue for thorough consideration in the context of a Part 41 rulemaking proceeding.

In the same section, the draft SRP discusses the possible need to evaluate *non*-radiological constituents that degrade water quality and impact water use beyond the proposed long-term care boundary to be evaluated to determine if they should be included in the license; and, that the reviewer should consult with the appropriate *non*-agreement state agency to determine the need for including such constituents in the license.

Comment: NMA is concerned that this may be in conflict with the position that NRC has taken in the past that merely because a State wants a constituent monitored or regulated by NRC is not a sufficient reason for NRC to include it in a license requirement.

5. **Section 4.1.3(3)(a), p. 4-11:** The draft SRP discusses NRC's authority to exclude a constituent if the concentrations of such constituent in fluids are equal to or less than the concentration in background water, and/or if below the concentrations listed in Table 5C. The discussion also indicates that NRC can exclude constituents on site-specific basis if the constituents are "not capable of posing a substantial present or potential hazard to human health or the environment."

Comment: NMA applauds the discussion of these sometimes overlooked provisions of Appendix A. Unfortunately, the draft does not discuss the circumstances other than the references to "below background" and "Table 5(c)" where constituents could be excluded. Presumably, one such circumstance would be where restrictions on access to and use of water make it impossible for there to be a potential adverse public health impact. Another circumstance might be where site specific physical characteristics at a specific site, make it infeasible for members of the public to access the ground water. NMA believes that NRC should embellish its discussion on these points.

On the same page in the next paragraph, the draft SRP suggests consulting Appendix E with respect to the one time, pre-termination ground water sampling analyses that is required now by NRC.

Comment: NMA believes that it would be useful to relate this sampling requirement back to the similar sampling efforts of NRC Staff noted on page 4-8 in paragraph 4.1.3(b)(3)(a) which references a sampling survey at 17 licensed mill tailings facilities. NMA notes that there have been numerous occasions in Subpart L hearings and in discussions with states where it is alleged NRC approved sampling protocols for each site do not cover enough constituents." NRC needs to explain that existing site protocols grew out of those initial NRC sampling efforts at the 17 mill sites which over time were refined to address specific constituents of concern (COC) determined to be more relevant to the site specific circumstances of each site. This one time pre-termination sampling effort is designed to assure that there has been nothing missed by the sampling programs relevant to each specific site as refined over the years.

6. **Section 4.1.3(3)(d):** In paragraph 3(d), the draft SRP notes that ground water contamination at uranium mill sites "is usually limited to the uppermost aquifer."

Comment: NMA believes that it would be useful for NRC to amplify that discussion in order to better inform the public about the basis for some of the assumptions underlying the current regulatory program.

Presumably, contamination it is usually limited to the uppermost aquifer because most of the constituents, particularly the inorganic constituents, do not move particularly fast or very far even if there are leaks in tailings cells. NMA recognizes that if there are fracture zones or other inter-connections between aquifers below the uppermost aquifer through which contamination from tailings solutions could flow. However, further discussion of this issue would help the public recognize that experience with mining in general, and uranium mining in milling in particular, has demonstrated that most of the contaminants in tailings do not move, and have not moved, very far and very fast.

7. **Section 4.2.1, p. 4-21.** The draft SRP notes that a COC that has been detected in the ground water in the uppermost aquifer is a hazardous constituent, *by definition*. The discussion in the text goes on to list or discuss a number of relevant matters associated with ground water protection.

Comment: NMA believes that the text should make it plain, however, that a COC in the uppermost aquifer that has not moved or does not move beyond the point of compliance (POC) does not become an active regulatory concern that requires corrective action. This comment is consistent with the comment in paragraph 5 above to the extent that the draft SRP appears to assume a general understanding of the Appendix A groundwater protection requirements.

8. **Section 4.2.3, p. 4-23–** The draft SRP discusses alternate concentration limits (“ACLs”).

Comment: Again, NMA does not believe that the discussion of ACLs is thorough enough in the draft SRP to adequately educate the public. Experience with regulatory disputes involving members of the public, and other federal or state agencies suggests an incomplete understanding of several factors about ACLs including:

(i) That ACLs are provided for under EPA’s RCRA regulations and are incorporated into Appendix A from EPA’s 40 C.F.R. Part 192 regulations. Thus, ACLs are based on EPA groundwater corrective action standards, and are not just “a sweetheart deal between a licensee and NRC,”

(ii) That an ACL is one of three limits (ACL, MCL or background) that a licensee has a right to consider as the appropriate

limit depending upon the site specific circumstances at any given site,

(iii) Finally, that the text does not include an explanation that an ACL measured at the POC must assure that concentrations of a COC at the point of exposure (“POE”) are adequate to protect public health and safety.

ACLs are a concept not well understood by the public at large or even by other allegedly sophisticated federal agencies, including even EPA.

9. **Section 4.3.3.2 (3), p. 4-31:** The draft SRP indicates that the “cumulative” effects of human exposure to hazardous constituents and the “combined effects from both radiological and *non*-radiological constituents” have to be considered.

Comment: The draft SRP provides no explanation of how “cumulative effects” of radiological and *non*-radiological constituents are to be “considered.” Some discussion of approved methods for considering such cumulative effects is absolutely necessary.

10. **Section 4.3.3.2(5), p. 4-33:** The draft SRP states that the applicant or NRC has to “get the assurance from the long-term custodian that it will accept the transfer of the property, including land in excess of that needed for tailings disposal.”

Comments: NMA has noted some confusion about this type of language in its comments on the last draft SRP and even in its comments on NRC’s draft ACL Guidance some years ago. To the extent that land is required for final disposition of 11e.(2) byproduct material (including COC’s in groundwater that are 11e.(2) byproduct material) such land *must* be accepted by the long-term custodian. To the extent that a licensee proposes and NRC determines that property for ground water corrective action is necessary for license termination, such property *must* be accepted by the long-term custodian. The discussion here is confusing.

11. **Section 4.3.3.3(1), p. 4-34, 35(4):** The draft SRP notes that economic constraints for implementing a particular measure “should not used to eliminate a corrective action method from the evaluation.” In paragraph 4 on that same page, the draft SRP indicates that target concentration levels “that can reasonably be obtained by the practicable correction actions” should be evaluated.

Comment: NMA has concerns about this discussion. While it may be conceptually appropriate in the NEPA evaluation context not to eliminate

corrective action methods that are absolutely unachievable for economic reasons, it does appear that the language in this discussion conflicts with the concept of three *reasonably attainable, practicable* corrective actions because the latter must necessarily be economically achievable. In other words, if something is totally unachievable on an economic basis, how can it be reasonably attainable and practicable? As NMA noted in its previous comments, there may not be three reasonably attainable, practicable corrective actions to be evaluated.

Page 4-36: The draft SRP indicates that ALARA analysis for *non-radiological* constituents should be similar to the ALARA analysis for radiological constituents.

Comment: NMA has raised a question about ALARA analysis for *non-radiological* constituents in its comments on the prior draft and during other contacts with NRC. The explanation here is conclusory and provides absolutely no explanation about how one would use ALARA analysis with a *non-radiological* constituent. The concept of ALARA was a practical necessity in order to justify levels of exposure to radiation above zero if the assumption is that *any* exposure to such radiation is hazardous, whatever the level. The same would be true for assessing regulatory controls over any *non-threshold* pollutant. The same cannot be said to be true if there is a threshold for a *non-radiological* COC. If exposure is projected to be below a level at which there are no adverse health impacts, how does one perform ALARA analysis? NRC needs to provide guidance rather than conclusory statements.

12. **Section 4.4.3, p. 4-41:** The draft SRP says “site specific characteristics” may have strong influence on which corrective action alternative will be practicable for a particular site.

Comment: NMA suggests that the word “*may*” be changed to *likely*, or perhaps even inevitably.

13. **Section 4.4.3, p. 4-47:** The draft SRP discusses circumstances wherein the licensee can take credit for dispersion of hazardous constituents and reduction of concentrations during transport from the mill tailings to the POC.

Comment: NMA finds the discussions somewhat confusing. There likely will not be much mixing or dispersion between the tailings and the POC, which is at the downgradient edge of the tailings. Indeed, the most likely time that a licensee will take corrective action credit for mixing processes, etc. will be at the POE when an ACL has been proposed.

14. **Section 4.4.3(6), p. 4-50:** The SRP discusses the requirement for licensees to obtain NPDES permits for discharge to surface water.

Comment: NMA wonders about the relevance of an NPDES permit given the Commission's preemptive regulation of radiological and *non-radiological* constituents of 11e.(2) byproduct material and the Ninth Circuit Decision in *Waste Action Project v. Dawn Mining Corp.*, 137 F.3d 1426 (March 10, 1998) which indicates that byproduct material is exempt from NPDES limits. NMA notes that Chairman Meserve specifically made this point during an NMA presentation to the Commission about concerns associated with the conflicts between the Clean Water Act, NPDES requirements and the new designation of ISL restoration fluids as 11e.(2) byproduct material.

F. Chapter 5. Radiation Protection

1. **Section 5.1.1, p. 5-1:** The discussion suggests the necessity of considering "disposal of wastes from processing alternate feed materials in the uranium mill tailings impoundments."

Comment: There is no explanation as to why there is to be some special consideration of the impacts of alternate feed wastes on mill tailings impoundments. Presumably, all such impacts would have been considered prior to NRC, an Agreement State or a SERP authorizing processing of the alternate feed material. Given some significant objections to the alternate feed program currently being experienced in the context of a Subpart L hearing, this sort of unexplained gratuitous inclusion is not particularly useful and may be harmful since it suggests some special treatment *is* necessary.

2. **Section 5.1.2.1(4), p. 5-3:** The SRP indicates that the licensee should commit to measure cover radionuclide level(s) during or after placement to confirm the adequacy of the radon attenuation design. Paragraph (6) notes that there must be a post-closure verification in accordance with Criterion 6(3).

Comment: The discussion in paragraphs 4 and 6 appear to be slightly redundant and, therefore, perhaps confusing to the uninitiated.

3. **Section 5.1.1(7), p. 5-3:** The draft SRP indicates that guidance on the disposal of waste from processing alternate feed materials and *non-11e.(2)* byproduct materials is presented in Appendix I to the SRP.

Comment: NMA notes that the discussion of alternate feed and *non-11e.(2)* guidance in Appendix I is little short of totally useless. NMA believes that the Appendix I should contain some discussion of the historical development of

the alternate feed guidance, some discussion of the Commission's position on key issues, where the guidance sits at the present time with respect to issues that had been raised in the context of various alternate feed license amendments, including specifically that regarding the so-called Molycorp material.

- G. Appendix A – Relationship to 10 C.F.R. Part 40, Appendix A Requirements to Standard Review Plan Sections.

Comment: NMA believes that Appendix A is useful and appreciates the thought and effort that has gone into developing it.

- H. Appendix C – Outline Recommended by U.S. Nuclear Regulatory Commission Staff for Preparing Site Specific Facility Reclamation and Stabilization Cost Estimates for Review.

1. **C4:** The Draft SRP indicates that in estimating costs to complete reclamation by a “third-party independent contractor,” equipment owned by the licensee and the availability of licensee staff should “not be considered in the estimate to reduce cost calculations.”

Comment: NMA staff does not understand exactly what this language intends. NMA agrees that trying to reduce surety estimates in some “smoke and mirror” fashion is not appropriate. On the other hand, based on the views of a Presiding Officer in a recent Subpart L hearing, NMA is gravely concerned that an extreme interpretation of the above quoted statement in the SRP could lead to extravagantly expensive, and perhaps unattainable, surety requirements. For example, would all of the pipes and pumps that a licensee used to slurry material to the mill tailings pile have to be discounted as something that could be used by an independent contractor? If this is so, then surety estimates *could* have to assume that virtually every piece of equipment would have to be purchased new. Secondly, if no licensee staff are presumed to be available, NRC should state that knowledgeable personnel may be assumed to be available and, indeed, that NRC would require a knowledgeable third-party independent contractor. In a recent Subpart L proceeding, the Presiding Officer suggested that vast amounts of money could be spent by an independent contractor who had no knowledge of or experience with the requirements for license termination.

In the context of an ISL facility, this could mean that every piece of pipe, all pumps in all wells, all of the pump house controls and any other equipment such as reverse osmosis units and IX columns, etc. would have to be disregarded and all new equipment plus an incompetent contractor would have to be factored into the cost of surety. NMA presumes that there must be some difference between installed equipment and trucks, bulldozers, etc. Even in the event of bankruptcy, presumably, NRC would not allow the sell-off of

vital equipment that would assure that the surety amount would be inadequate because of the prohibitive cost of purchasing all new equipment. To the extent that any such equipment is deemed a waste because the operation is shut down, it could be 11e.(2) byproduct material until deemed otherwise by NRC.

This is plainly a dangerous issue which could lead to licensees being unable to afford adequate surety. NRC must address this issue with specificity because if existing criteria and the draft SRP are misinterpreted by an administrative law judge or misused by opponents to licensing actions it could shut the domestic UR industry down.