

RAS 4916

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USNRC

October 9, 2002 (11:40AM)

OFFICE OF SECRETARY  
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October 2, 2002

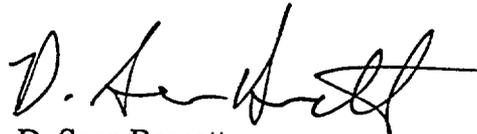
Administrative Judge Michael C. Farrar, Chairman  
Administrative Judge Jerry R. Kline  
Administrative Judge Peter S. Lam  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

**Re: In the Matter of Private Fuel Storage, L.L.C., Docket No. 72-22-ISFSI,  
Air Force Letter to Skull Valley Goshutes Chairman Leon Bear**

Dear Administrative Judges:

Enclosed for the Board's information is a letter from Col. Stephen L. Hoog, USAF, Commander, 388<sup>th</sup> Fighter Wing, Hill Air Force Base, dated September 10, 2002, to Skull Valley Band of Goshutes Chairman Leon D. Bear, regarding Air Force policy concerning overflights of the Skull Valley Band of Goshutes reservation. PFS is also enclosing its September 30, 2002 letter transmitting Col. Hoog's letter to the NRC Staff. The subject of the Air Force letter is related to the subject of the August 12 letter from the NRC Staff to PFS and PFS's August 23 letter responding to the Staff, both of which were earlier provided to the Board.

Sincerely,



D. Sean Barnett  
Counsel for Applicant  
Private Fuel Storage, L.L.C.

Enclosure

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SECY-02

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Administrative Judge Michael C. Farrar, Chairman

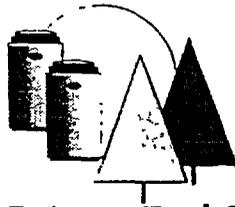
Administrative Judge Jerry R. Kline

Administrative Judge Peter S. Lam

October 2, 2002

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cc: Office of Commission Appellate Adjudication (w/encl.)  
Office of the Secretary (w/encl.)  
Adjudicatory File (w/encl.)  
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*Private Fuel Storage, L.L.C*

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John L. Donnell, P.E., Project Director

U.S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
Washington, D.C. 20555-0001

September 30, 2002

**USAF RESPONSE – LOW ALTITUDE FLIGHT  
DOCKET NO. 72-22 / TAC NO. L22462  
PRIVATE FUEL STORAGE FACILITY  
PRIVATE FUEL STORAGE L.L.C.**

Enclosed for your information is a letter from the United States Air Force (USAF) dated September 10, 2002 from Colonel Stephen L. Hoog to Mr. Leon Bear, Chairman of the Skull Valley Band of Goshute. This letter responds to Mr. Bear's letter dated August 8, 2002 concerning Air Force policy of overflying the Skull Valley Band of Goshute reservation. As you will see in the attached letter, the USAF states that there has been no change in daily flight operations over the Skull Valley reservation nor does the USAF plan to change its operations in any way.

If you have any questions regarding this response, please contact me at 303-741-7009.

Sincerely,

A handwritten signature in cursive script that reads "John L. Donnell".

John L. Donnell  
Project Director  
Private Fuel Storage L.L.C.

US NRC

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September 30, 2002

Copy to:

Mark Delligatti  
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Utah Document file (D. Bird)



DEPARTMENT OF THE AIR FORCE  
388TH FIGHTER WING (ACC)  
HILL AIR FORCE BASE, UTAH 84056-5110

10 September 2002

Colonel Stephen L. Hoog  
Commander, 388th Fighter Wing  
5887 D Avenue, Suite 232  
Hill Air Force Base, Utah 84056

Mr. Leon D. Bear  
Skull Valley Reservation  
#808  
3359 South Main Street  
Salt Lake City, Utah 84115

Dear Mr. Bear

The following information is provided in response to your 8 August 2002 letter concerning Air Force flying policy across the Skull Valley Reservation. Past operating instructions directed 388th Fighter Wing (388 FW) military aircraft to fly 1,000 feet Above Ground Level (AGL) to 9,500 Mean Sea Level (MSL) in the Sevier B Military Operating Area (MOA) over your reservation (North of the 40 degree 13 minute latitude). In 2000, the 388 FW in Air Force Instruction (AFI) 13-212, RANGE PLANNING AND OPERATIONS, UTTR SUPPLEMENT 2 (Training) removed that requirement for aircraft conducting training missions, but kept the 1,000 foot AGL restriction in the Air Force Instruction (AFI) 13-212, RANGE PLANNING AND OPERATIONS, UTTR SUPPLEMENT 1 (Testing), due to the unique nature of weapons testing.

This change is consistent with Air Force policies and allows full utilization of the airspace for training missions needed for national defense. The 388 FW has not changed the way we fly over the reservation and will continue to avoid homes and ranches to the maximum extent possible. If there are noise complaints from aircraft directly over-flying the residential area, we will address your complaints directly and enforce noise avoidance/abatement consistent with Air Force policies as we have done for other communities underlying the UTTR airspace.

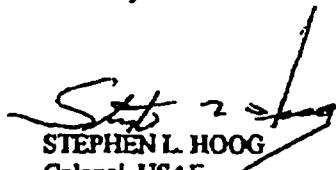
The mission of the 388 FW is to fight and win. In order to do so, it is imperative we train the way we plan to fight, utilizing all of our assigned airspace, as required by changing tactics and weapons systems requirements. My pilots, to the maximum extent possible, avoid direct low-level overflight of personal dwellings, towns and villages. Since the 388 FW has not received any noise complaints from the Skull Valley residents, I assume we are not disturbing the tranquility of the Reservation and are indeed being good neighbors.

Additionally, scientific studies have shown that low-level flights over areas do not have significant impact on wildlife or domestic stock and we expect your buffalo will not be affected by our continued operations.

I hope this explanation answers your concerns. I thank you for being a good neighbor to the Air Force and we desire to maintain the open and friendly relationship we enjoy. I again reiterate that there has not been any change of our daily flight operations over the Skull Valley Reservation nor do we plan to change our operations in any way. However, we reserve the option of changing our operations in the MOA as future weapons systems and tactics require of national defense.

If you have additional concerns or noise complaints, please feel free at any time to contact us via our Public Affairs "Hot-Line" 1-800-414-6157, option 3.

Sincerely

  
STEPHEN L. HOOG  
Colonel, USAF  
Commander