

December 19, 2002

Mr. John D. Parkyn  
Chairman of the Board  
Private Fuel Storage, LLC  
P.O. Box C4010  
La Crosse, WI 54602-4010

SUBJECT: REVIEW OF INFORMATION REGARDING MINIMUM FLIGHT ALTITUDE  
OVER SKULL VALLEY

Dear Mr. Parkyn:

On August 13, 2002, I sent you a letter asking Private Fuel Storage, LLC (PFS) to analyze the impact of a change in the minimum allowable flight altitude in the Sevier B Military Operations Area over the Reservation of the Skull Valley Band of Goshute Indians (the Reservation). Specifically, I asked that PFS consider whether this change would impact the conclusions PFS had reached regarding the probability of military aircraft accidents at or near the proposed Private Fuel Storage Facility (PFSF).

By letter dated August 23, 2002, letter (Enclosure 1) you responded to my request, providing an analysis of the impacts of changing the minimum allowable flight altitude on the PFS aircraft crash hazard analysis. Subsequently, by letter dated September 30, 2002, PFS also provided the U.S. Nuclear Regulatory Commission (NRC) staff with a copy of a September 10, 2002, letter from Colonel Stephen L. Hoog, Commander of the 388<sup>th</sup> Fighter Wing at Hill Air Force Base, to Leon D. Bear, Chairman of the Skull Valley Band of Goshute Indians (Enclosure 2). Colonel Hoog's letter contains information about U.S. Air Force (USAF) operating instructions for flight altitude and actual USAF flight operations over the Reservation.

Based on the information received, and our review of the analyses that have been conducted to date, the NRC staff has concluded that no change is warranted to the evaluation findings in the NRC staff's consolidated "Safety Evaluation Report Concerning the Private Fuel Storage Facility" (dated March 2002). However, in the event that PFS learns of a significant change in flight operation procedures over the Reservation, we request that such information be provided to the NRC staff and that PFS conduct a further assessment to determine whether any change to the aircraft crash hazard analysis is required.

J.D. Parkyn

-2-

If you have any questions regarding the content of this letter, please feel free to contact me at (301) 415-8518.

Sincerely,  
**/RA/ original signed by /s/**  
Mark S. Delligatti, Senior Project Manager  
Spent Fuel Project Office  
Office of Nuclear Material Safety  
and Safeguards

Docket No.: 72-22

Enclosures: 1. Parkyn ltr dtd 08/23/02  
(ML022740250)  
2. Donnell ltr dtd 09/10/02  
(ML022760454)

cc: Service Lists

J.D. Parkyn

-2-

If you have any questions regarding the content of this letter, please feel free to contact me at (301) 415-8518.

Sincerely,  
**/RA/ original signed by /s/**  
Mark S. Delligatti, Senior Project Manager  
Spent Fuel Project Office  
Office of Nuclear Material Safety  
and Safeguards

Docket No.: 72-22

- Enclosures: 1. Parkyn ltr dtd 08/23/02  
(ML022740250)  
2. Donnell ltr dtd 09/10/02  
(ML022760454)

cc: Service Lists

DISTRIBUTION:

Docket	NRC File Center	PUBLIC	NMSS r/f	SFPO r/f
MWaters	CMarco, OGC	TMadden, OCA	VEverett, RIV	SFlanders, DWM
BSpitzberg, RIV	JMonninger	SGagner, OPA	WHodges	RWeisman, OGC
CPoslusny	KCampe, NRR			

G:\pfs\parkyn.altitude.review.shortwpd ADAMS Pkg. Accession No. ML

<b>OFC</b>	SFPO	E	SFPO	E	OGC	C	SFPO					
<b>NAME</b>	MSDelligatti		CMiller		STurk		EWBrach					
<b>DATE</b>	10/ 25/02		01/09/03		12/ 19 /02		01/ 10 /03					

C = COVER

E = COVER & ENCLOSURE

N = NO COPY OFFICIAL RECORD COPY

cc: Private Fuel Storage

Mr. John D. Parkyn  
Chairman of the Board  
Private Fuel Storage, L.L.C.  
P. O. Box C4010  
La Crosse, WI 54602-4010

Mr. Scott Northard, Project Manager  
Private Fuel Storage, L.L.C.  
c/o Northern States Power  
414 Nicollet Mall, Ren Square 7  
Minneapolis, MN 55401

The Honorable Michael O. Leavitt  
Governor of Utah  
Salt Lake City, UT 84114-0601

The Honorable Leon D. Bear, Chairman  
Skull Valley Band of Goshute Indians  
2480 South Main, No. 110  
Salt Lake City, UT 84115

Mr. Jack Gerard  
McClure, Gerard and Neunschwander  
201 Maryland Avenue, NE  
Washington, DC 20002

Dr. Dianne R. Nielson, Executive Director  
Department of Environmental Quality  
State of Utah  
168 North 1950 West  
P. O. Box 144810  
Salt Lake City, UT 84114-4810

Ms. Sally Wisely, State Director  
Bureau of Land Management  
United States Department of the Interior  
Utah State Office  
P.O. Box 45155  
Salt Lake City, UT 84145-0155

Mr. David L. Allison, Superintendent  
Bureau of Indian Affairs  
Uintah and Ouray Agency  
P.O. Box 130  
Fort Duchesne, UT 84026

Joro Walker, Esq.  
Southern Utah Wilderness Alliance  
1473 South 1100 East, Suite F  
Salt Lake City, Utah 84105

Ms. Diane Curran  
Harmon, Curran, Spielberg & Eisenberg  
1726 M Street, Suite 600  
Washington, D.C. 20036

Margene Bullcreek  
Ohngo Gaudadeh Devia  
PO Box 155  
Tooele, UT 84074

Paul C. Echohawk, Esq.  
Echohawk Law Offices  
Attorney for Ohngo Gaudadeh Devia  
151 North 4th Ave, Suite A  
P. O. Box 6119  
Pocatello, ID 83205-6119

cc: PFS EIS

Glenn Carpenter, Supervisor  
U.S. Bureau of Land Management  
Salt Lake District Office  
2370 South 2300 West  
Salt Lake City, UT 84119

David Allison, Superintendent  
U.S. Bureau of Indian Affairs  
Unitah and Ouray Agency  
P. O. Box 130  
Fort Duchesne, UT 84026

Amy Heuslein, Environmental Specialist  
U.S. Bureau of Indian Affairs  
Phoenix Area Office  
P.O. Box 10  
Phoenix, AZ 85001

Alice Stephenson, Environmental Specialist  
U.S. Bureau of Land Management  
Salt Lake District Office  
2370 South 2300 West  
Salt Lake City, UT 84119

Dale Hanberg, Land Operations Officer  
U.S. Bureau of Indian Affairs  
Unitah and Ouray Agency  
P.O. Box 130  
Fort Duchesne, UT 84026

Greg Zimmerman, Project Manager  
P.O. Box 2008, 4500 N, MS 6200  
Oak Ridge National Laboratory  
Oak Ridge, TN 37831-6200

Michael J. Scott, Staff Scientist  
Pacific Northwest National Laboratory  
P.O. Box 99  
MSIN: K8-17  
Richland, WA 99352

Paul R. Nickens, Senior Research Scientist  
5168 N. Windriver Place  
Tucson, AZ 85750

Diane Curran, Esq.  
Harmon, Curran, Spielberg & Eisenberg  
1726 M Street, Suite 600  
Washington, D.C. 20036

Phyllis Johnson-Bell, Project Manager  
Surface Transportation Board  
Section of Environmental Analysis  
1925 K Street NW, 5<sup>th</sup> Floor  
Washington, DC 20423

Joro Walker, Esq.  
Southern Utah Wilderness Alliance  
1473 South 1100 East, Suite F  
Salt Lake City, Utah 84105

Jay E. Silberg, Esq.  
Shaw, Pittman, Potts & Trowbridge  
2300 N Street, NW  
Washington, DC 20037-8007

Michael M. Later, Esq.  
Parr, Waddoups, Brown, Gee & Loveless  
185 S. State St., Suite 1300  
P.O. Box 11019  
Salt Lake City, UT 84147-0019

John Paul Kennedy, Sr., Esq.  
1385 Yale Ave.  
Salt Lake City, UT 84105

Tim Vollmann  
3301-R Coors Road N.W. # 302  
Albuquerque, NM 87120

Denise Chancellor, Esq.  
Fred G. Nelson, Esq.  
160 East 300 South, 5th Floor  
P.O. Box 140873  
Salt Lake City, UT 84114-0873

Connie Nakahara, Esq.  
Utah Attorney General's Office  
160 East 300 South, 5<sup>th</sup> floor  
P.O. Box 140873  
Salt Lake City, UT 84114-0873

Mr. John Donnell  
Stone and Webster Engineering  
7677 East Berry Avenue  
Englewood, CO 80111

Paul C. Echohawk, Esq.  
Echohawk Law Offices  
Attorney for Ohngo Gaudadeh Devia  
151 North 4th Ave, Suite A  
P. O. Box 6119  
Pocatello, ID 83205-6119

OGC LIST OF THIRD PARTIES FOR CERTIFICATE OF SERVICE

Jay E. Silberg, Esq.  
Shaw, Pittman, Potts & Trowbridge  
2300 N Street, NW  
Washington, DC 20037-8007

Diane Curran, Esq.  
Harmon, Curran, Spielberg & Eisenberg  
1726 M Street, Suite 600  
Washington, D.C. 20036

Joro Walker, Esq.  
Southern Utah Wilderness Alliance  
1473 South 1100 East, Suite F  
Salt Lake City, Utah 84105

Professor Richard Wilson  
Department of Physics  
Harvard University  
Cambridge, MA 02138

Michael M. Later, Esq.  
Parr, Waddoups, Brown, Gee & Loveless  
185 S. State St., Suite 1300  
P.O. Box 11019  
Salt Lake City, UT 84147-0019

Martin Kaufman, Esq.  
Atlantic Legal Foundation  
205 E. 42nd Street, 9th Floor  
New York, NY 10017

John Paul Kennedy, Sr., Esq.  
1385 Yale Ave.  
Salt Lake City, UT 84105

Paul C. Echohawk, Esq.  
Echohawk Law Offices  
Attorney for Ohngo Gaudadeh Devia  
151 North 4th Ave, Suite A  
P. O. Box 6119  
Pocatello, ID 83205-6119

Tim Vollmann  
3301-R Coors Road N.W. # 302  
Albuquerque, NM 87120

Denise Chancellor, Esq.  
Fred G. Nelson, Esq.  
160 East 300 South, 5th Floor  
P.O. Box 140873  
Salt Lake City, UT 84114-0873

Connie Nakahara, Esq.  
Utah Attorney General's Office  
160 East 300 South, 5<sup>th</sup> floor  
P.O. Box 140873  
Salt Lake City, UT 84114-0873