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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:	)	Docket No. 72-22-ISFSI
PRIVATE FUEL STORAGE, LLC (Independent Spent Fuel Storage Installation)	)	ASLBP No. 97-732-02-ISFSI
	)	July 27, 2000

STATE OF UTAH'S REQUEST FOR ADMISSION OF LATE-FILED UTAH CONTENTION KK (Potential Impacts to Military Training and Testing and State Economy)

Pursuant to 10 CFR § 2.714, the State of Utah hereby seeks the admission of late-filed Utah Contention KK which challenges the failure of the draft Environmental Impact Statement[1] ("DEIS") to assess the impacts to military training and testing, overall military readiness and national security, and subsequent impacts to the economy in the State of Utah.

The State meets the late-filed factors and, for the reasons stated below, the State requests the Board to admit Utah Contention KK. This contention is supported by the Declarations of Major General Michael D. Pavich, USAF (Ret.) and John A. Harja, attached hereto as Exhibit 1.

BACKGROUND

The proposed Private Fuel Storage ("PFS") facility and the proposed Low rail spur will be located near the Utah Test and Training Range ("UTTR") and Dugway Proving

[1] NUREG-1714, *Draft Environmental Impact Statement for the Construction and Operation of an Independent Spent Fuel Storage Installation on the Reservation of the Skull Valley Band of Goshute Indians and the Related Transportation Facility in Tooele County, Utah*, June 2000.

Template = SECY-037

SECY-02

Ground ("DPG"). The UTTR includes restricted airspace over Department of Defense and public lands and air space designated as military operating areas ("MOAs"). UTTR Capabilities Guide at 3, excerpts attached hereto as Exhibit 2. The UTTR is the largest overland special use airspace within the continental U.S. *Id.* The UTTR, including the MOAs, is an irreplaceable testing and pilot training area, and its continued availability is critical to the military readiness of the United States. *See* Statement by Utah First District Congressman, Representative James V. Hansen, Limited Appearance Session, Salt Lake City, June 23, 2000, Tr. 13-19, attached hereto as Exhibit 3. Various military organizations conduct military training and weapons testing in the UTTR airspace.

The proposed PFS facility and the proposed Low rail spur will be located under the Sevier B MOA. *See* SAR, rev. 13, at 2.2-8. Activities conducted in the Sevier B MOA include flight ingress and egress to restricted airspace over the UTTR-DPG land mass, weapons testing, and air-to-air combat training.

Contention Utah K – Inadequate Consideration of Credible Accidents – addresses the Applicant's failure to adequately assess the risks from credible accidents including aircraft crashes. Unlike Contention K, Contention KK addresses the adverse impacts from locating a facility storing 40,000 MTU of high level nuclear waste and a rail spur transporting high level nuclear waste on the military's ability to train or test in the Sevier B MOA. Additionally, Contention Utah KK addresses the negative cumulative and socioeconomic impacts on the military's ability to test or train in the Sevier B MOA due to the proposed PFS facility and rail spur. Finally, Contention Utah KK addresses the potential socioeconomic impacts on Utah's economy from the negative cumulative impacts of PFS's

project on military operations. Contention K does not address such impacts under the National Environmental Policy Act ("NEPA"), nor does the DEIS.

CONTENTION KK. Military Training Impacts

> The draft Environmental Impact Statement fails to comply with the National Environmental Policy Act and 10 CFR § 51.71(d) because it does not adequately assess the cumulative and socioeconomic impacts from loss of military operations area airspace use, including a reduction in military readiness and national security, and potential socioeconomic impacts to Utah communities that rely on employment and patrons of military agencies that use the Sevier B military operating area.

BASIS:

In an EIS scoping comment, the State raised the issue that the proposed storage and transportation of spent fuel may "impact the vitality and mission of the Utah Test and Training Range, operated by Hill Air Force Base, and such an impact should be considered because Hill Air Force Base is a major part of the State economy." *See* DEIS, Appendix A, Environmental Impact Statement Scoping Process, Supplemental Scoping Report, Private Fuel Storage Facility, Skull Valley Indian Reservation, Tooele County, Utah, November 1999, at 8. The scope of the EIS, according to the Staff, would include "potential cumulative impacts, if any, of the proposed facility in the context of other existing and proposed facilities and activities in the area" and "the direct and indirect economic effects (both beneficial and adverse) on employment, taxes, residential and commercial development, agriculture, and public services in the area." Id. at 12. The clear implication

from the Scoping Report is that the EIS would address the impacts to the vitality and mission of the UTTR, which is a cumulative and socioeconomic impact that the State raised in its supplemental scoping comments. Moreover, Section 3.2 of the Supplemental Scoping Report addresses "Issues Outside the Scope of the EIS," such as issues relating to conflicts in State-Tribal jurisdiction and U.S. Department of Energy responsibilities and activities, as well as issues relating to health and safety that will be evaluated in the Safety Evaluation Report. Id. at 15. Nowhere in Section 3.2 of the Supplemental Scoping Report can the impacts to the vitality and mission of the UTTR and the effect on Utah's economy be seen to be outside the scope of the draft EIS.

The DEIS, however, fails to address the potential cumulative and socioeconomic impacts of building and operating the PFS storage facility and the Low rail spur under the Sevier B MOA, limiting currently authorized use of Sevier B MOA airspace and any subsequent socioeconomic impacts on the communities that support activities conducted in the Sevier B MOA. *See e.g.*, DEIS 5-21 to -29. The DEIS makes a brief reference to the facts that the military is a major land owner in Tooele County (DEIS at 3-36), and that the government, including the military, provides more jobs by far than any other employer in Tooele County (DEIS at 3-39). There is not even a reference in the DEIS that the PFS facility or the Low rail spur is under the Sevier B MOA, let alone an analysis of the impacts on the military or Utah's economy. Accordingly, for the reasons discussed below, the DEIS does not comply with NEPA because it omits an analysis or assessment of the cumulative and socioeconomic impacts that the PFS facility and Low rail spur may have on Hill AFB and Utah's economy.

Various military organizations conduct military training and weapons testing in the UTTR-DPG airspace. The various military missions require use of the range to train combat-ready forces. For example, Hill Air Force Base, Utah ("Hill AFB") was selected as headquarters for one of the ten new "expeditionary" forces for deployment to troubled areas around the world. Economic Report to the Governor, State of Utah Governor's Office of Budget and Planning, January 2000 at 153, excerpts attached hereto as Exhibit 4.

Fighter Wings stationed at Hill AFB use the Sevier B MOA to conduct low and medium altitude entries into restricted airspace over the UTTR-DPG land mass. *See* letter from Colonel Ronald G. Oholendt to Governor Michael O. Leavitt, May 3, 1999[2], attached hereto as Exhibit 5. As described below, there is a conflict between the military's use of the area and the proposed PFS facility and the proposed Low rail spur, which will be located under the Sevier B MOA, and which must be addressed in any NEPA analysis of the PFS project.

Activities conducted in the Sevier B MOA include flight ingress and egress to restricted airspace over the UTTR-DPG land mass, weapons testing, and air-to-air combat training. Furthermore, the "UTTR has the largest overland special use airspace . . . within the continental United States." *See* UTTR Capabilities Guide, Exh. 2 at 3. Without the full use of UTTR, Hill AFB has the potential of becoming just another Air Force base and this may subject it to closure under the Base Closure and Realignment Act. Therefore, the UTTR is important to the vitality of Hill AFB primarily because of the use of UTTR as the

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[2] It should be noted that Colonel Oholendt's letter inadvertently references the storage facility as located under the Sevier A MOA instead of Sevier B MOA.

largest overland active combat-ready training zone in the continental United States. *See* Exh. 2 and Exh. 3.

To simulate combat conditions, Hill AFB aircraft carrying live ammunition must use the Sevier B MOA in Skull Valley in order to make an undetected approach to war targets located on UTTR-DPG. There is no other suitable nearby airspace in which Hill AFB aircraft may perform undetected combat exercises such as low and medium altitude approaches and terrain masking. Exhibit 5 (Oholendt letter). Accordingly, Sevier B MOA is needed for shielding and low level ingress and egress to the range. Even a five nautical mile overflight prohibition above the PFS ISFSI would basically eliminate the use of the Sevier B MOA. *Id.* Thus, the UTTR-DPG airspace, including the MOA, is an irreplaceable testing and pilot training area and its continued availability is critical to the military readiness of the United States. *See* Hansen Statement, Exh. 3 at 1.

Regardless of the outcome of Contention Utah K, it is reasonably foreseeable that, in order to avoid potential liability, the military will be forced to voluntarily restrict or eliminate military training or weapons testing activities currently authorized over the area of the proposed PFS facility. This action would result in a decrease in military readiness and threaten national security.

In addition, restrictions in military training or weapons testing may have subsequent socioeconomic impacts on Utah communities that rely on employment at the UTTR and Hill Air Force Base. "Weakening of the UTTR will cripple the military value of Hill Air Force Base and subject it to possible closure." Hansen Statement, Exh. 3 at 2.

Hill AFB is Utah's largest basic[3] employer. Economic Report, Exh. 4 at 153. Currently, Hill Air Force Base employs 11,628 civilians, 4,619 military personnel, 1,112 reservists and 3,718 contractors for a total of 21,077 positions.[4] The State estimates an additional 12,351 jobs are attributable to the operation of Hill AFB. Additionally, new contracts and other realignments are expected to create 2,700 to 3,000 additional new jobs in the next three years. *See* Economic Report, Exh. 4, at 153.

Reductions in operations related to UTTR and Hill AFB will result in a variety of negative socioeconomic impacts to Utah. For example, in fiscal year 1993 a total $578 million in wages were paid to civilian, military personnel, and reservists at Hill AFB. *See* Realignment Scenarios, Exh. 6, at 11. Additionally, $196.8 million in goods and services were purchased by Hill AFB in fiscal year 1993. *Id.* The existence and operation of Hill AFB has also led to increases in indirect and induced employment. *Id.*

The State and local communities may also experience a loss in tax revenue (e.g., state income, sales, and property). Socioeconomic impacts related to the PFS proposal may occur beyond the boundaries of Tooele County. Direct and indirect socioeconomic impacts from the loss of Hill Air Force Base will affect the entire state, including Davis, Weber, Morgan,

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[3] "Economists distinguish between basic and non-basic employment. In general, basic employment associated with economic activities that result in the export of goods or services from the state and therefore generate income from the outside. Non-basic employment serves the internal needs of the residents of the region." Hill Air Force Base and Utah's Defense Sector: An Economic Analysis of Two Realignment Scenarios, State of Utah Governor's Office of Planning and Budget, September 21, 1994 (excerpts attached hereto as Exhibit 6) at 1, n.1.

[4] July 21, 2000 phone conversation between Robert Spendlove, State of Utah, Office of Budget and Planning, and Hill Air Force Base, Public Affairs Office.

Box Elder, Cache, and Salt Lake Counties. NEPA requires such impacts to be assessed.

LATE FILED FACTORS

The State meets the 10 CFR § 2.714(a) late filed factors for proposing its Contention Utah KK.

Good Cause: The State has good cause for late filing Contention KK. The Federal Register notice for the draft EIS was published June 23, 2000. The State was handed a copy of the draft EIS on or about June 21, 2000 during the evidentiary hearings in Salt Lake City. Because the State was fully occupied with evidentiary hearings and the limited appearance sessions before the Licensing Board from June 19 through June 27, 2000, the State could not reasonably be expected to commence copying and reviewing the DEIS until after June 27. The State has filed this contention within 30 days of June 27, 2000, the end of the evidentiary hearing.

The State became aware of the significance of the potential impacts to the military in May 1999. *See* Oholendt letter, Exh. 5. The State filed supplemental EIS scoping comments on May 27, 1999 informing Staff of those potential impacts. *See* DEIS, Exhibit D, State of Utah supplemental EIS scoping comments. Although the Applicant's Environmental Report does not address the cumulative or socioeconomic impacts from locating the storage facility and rail spur under the Sevier B MOA, based on the November 1999 Supplemental Scoping Report, the State reasonably believed the DEIS would address such cumulative and socioeconomic impacts. Thus, the State has not idly waited until the DEIS was published to make its concerns known to the Staff. The State followed the NEPA process by timely making specific comments on the scope of the EIS. Furthermore, the national significance

of this issue is not one that the Staff should have brushed aside and its significance is one that the Board should recognize and find good cause for admitting this contention.

Development of a Sound Record: Contention KK is supported by Major General Pavich, USAF (Ret.) and John Harja. Major General Pavich's military positions have included commander of the Sacramento Air Logistics Center, senior staff positions at Headquarters Air Force Logistics Command and Director of Theater Force Analysis. *See* Exh. 1, Pavich's Declaration and resume. Among other positions presently held, Major General Pavich is the president of a non-profit group, Hill/DDO-'95, which was formed to maximize the economic potential of Hill AFB and Defense Depot Ogden for the State of Utah. Id. Accordingly, Major General Pavich is qualified by his education, experience and training to offer testimony on the strategic and economic significance of Hill AFB to the national defense and to Utah's economy.

The State is prepared to offer testimony by Major General Pavich in support of Contention KK. Major General Pavich has expertise concerning Utah's economic dependence on military facilities including Hill Air Force Base, Dugway Proving Ground, and the UTTR. In addition, he is knowledgeable with respect to military activities which occur in the UTTR-DPG airspace, including those that occur in the Sevier B MOA. Major General Pavich is prepared to testify concerning the importance of the Sevier B MOA to military training and testing, overall military readiness, and potential economic impacts from the loss of military training and testing ability at the UTTR and Hill Air Force Base.

In addition to support by Major General Pavich, Contention KK is also supported by John A. Harja. Mr. Harja is the Executive Director of the Resource Development

Coordinating Committee. This statutorily created committee within the Governor's Office of Planning and Budget has been established to review and coordinate technical and policy actions which may affect the physical resources of the State. *See* Utah Code Ann. Title 63, Chapter 28a, attached hereto as Exhibit 7. In addition, Mr. Harja is Manager, Legal Analysis, for the Governor's Office of Planning and Budget. Mr. Harja is prepared to offer such testimony on the socioeconomic important of Hill AFB to Utah and the cumulative impact that locating the PFS facility and Low rail spur may have on Hill AFB and Utah's economy.

In his present position, Mr. Harja is responsible for annually reviewing approximately 400 environmental studies, such as DEISs and Environmental Assessments. He is also responsible for coordinating comments on such studies from all State agencies. The studies that Mr. Harja reviews have a required discussion of any socioeconomic impacts from the project under review. Therefore, he has years of practical experience in applying NEPA concepts to projects that may impact Utah. In addition, the Governor's Office of Budget and Planning is responsible for strategic economic planning for the State, including gathering economic data and developing statistics from that data. Mr. Harja has access to such resources. He is therefore qualified by his education, training and experience to testify in support of Contention KK. *See* Harja Declaration and resume, Exh. 1.

For the foregoing reasons, the State's participation will assist in developing a sound record.

Availability of Other Means for Protecting The State's Interests: The State has no alternative means, other than this proceeding, for protecting its interest. The State's interest in preventing the encroachment of incompatible activities into military training areas

is not only important to national security but an essential link in Utah's economy.

Representation by Another Party: The State's position will not be represented by any other party, as there is no other party in this proceeding who has an admitted contention relating to military training.

Broadening of Issues or Delay of the Proceeding: The admission of Late-filed Utah Contention KK will not broaden the proceeding. Contention KK may be accommodated in the existing schedule with other admitted NEPA contentions. Thus, the licensing proceeding will not be delayed.

CONCLUSION

For the foregoing reasons, Utah Contention KK meets the Commission's standard for late filed contentions and, thus, should be admitted.

DATED this 27th day of July, 2000.

Respectfully submitted,

Denise Chancellor, Assistant Attorney General
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Laura Lockhart, Assistant Attorney General
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CERTIFICATE OF SERVICE

I hereby certify that a copy of STATE OF UTAH'S REQUEST FOR ADMISSION OF LATE-FILED UTAH CONTENTION KK - POTENTIAL IMPACTS TO MILITARY TRAINING AND STATE ECONOMY was served on the persons listed below by electronic mail (unless otherwise noted) with conforming copies by United States mail first class, this 27th day of July 2000:

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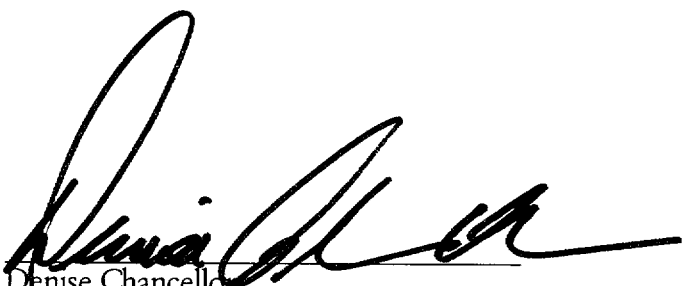

Denise Chancellor
Assistant Attorney General
State of Utah

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:	)	Docket No. 72-22-ISFSI
PRIVATE FUEL STORAGE, LLC (Independent Spent Fuel Storage Installation)	)	ASLBP No. 97-732-02-ISFSI
	)	July 27, 2000

DECLARATION OF MICHAEL D. PAVICH IN SUPPORT OF STATE OF UTAH'S REQUEST FOR ADMISSION OF LATE-FILED BASES FOR UTAH CONTENTION KK

I, Michael D. Pavich, hereby declare under penalty of perjury and pursuant to 28 U.S.C. § 1746, that:

1. I am a Major General USAF (Ret.). I am familiar with the military activities that occur at, over, and from Dugway Proving Grounds ("DPG"), Hill Air Force Base ("HAFB"), Utah Test and Training Range ("UTTR"), and the Sevier B Military Operating Area ("MOA"). I am also knowledgeable about the importance of military training and testing on and over DPG, UTTR, and the Sevier B MOA to the military's operational readiness and national security. I am intimately aware of economic impacts to Utah due to restrictions in military training and testing, including possible base closure of HAFB.

   Currently I am the Executive Director, Ogden Local Redevelopment Authority, an organization responsible for the reuse planning and transition of Defense Depot Ogden ("DDO") facilities and property from U.S. Department of Defense ("DoD") to the private sector. Since 1994, I have been the President of Hill/DDO '95 Inc., a non-profit group organized to promote the economic growth and welfare of the Utah Wasatch Front area by supporting the continuing prosperity and development of Hill Air Force Base and Defense Depot Ogden in northern Utah.

   My 29 years experience in an assortment of Air Force operations included considerable time working in acquisition and foreign military sales positions including headquarters planning and budgeting, as well as engineering technical and executive management. As Commander of the Sacramento Air Logistics Center, I was responsible for a 12,000 member workforce and a $3.6 billion annual budget; major areas of emphasis included life cycle support for major aircraft systems, including the stealth fighter (F-117) and advanced tactical fighter (F-22), ground

based radar and communications support for space systems, and associated computer software, and ground communication systems for the Air Force. I held senior staff positions at Headquarters Air Force Logistics Command where I was responsible for planning, budgeting, and customer support of all Air Force weapon systems, and worked to establish a life cycle support structure for space systems for the newly established U.S. Space Command. As Director of Theater Force Analysis for the Center for Air Force Studies and Analysis, I was responsible for studies and analyses to support acquisition strategies for all tactical Air Force systems. Additional information can be found in my resume and biography which describe my qualifications, experience, and training, and are attached hereto.

2. I earned a bachelor of science degree in military science from the U.S. Air Force Academy in 1964, and a master of science degree in aerospace engineering through the Air Force Institute of Technology, Wright-Patterson AFB, Ohio, in 1972. I also completed Squadron Officer School in 1968, Armed Forces Staff College in 1975, National War College in 1979, and the Program for Senior Executives in National and International Security at the John F. Kennedy School of Government, Harvard University, in 1986. I completed pilot training at Williams AFB Arizona in August 1965, and spent ten years flying the RF-4C with assignments in Thailand, Mountain Home, Idaho, and Shaw AFB, South Carolina. I also commanded the 62nd Tactical Reconnaissance Squadron and flew over 100 missions in Vietnam.

3. I am familiar with the circumstances and materials in this case generally, and specifically as they relate to impacts on military training and testing in the UTTR airspace (eg, restricted airspace over DPG and UTTR, and MOAs).

4. I assisted in the preparation of, and have reviewed, the State of Utah's Contention KK. I am prepared to offer testimony as described in the contention. Furthermore, the technical facts presented in Contention KK are true and correct to the best of my knowledge, and the conclusions drawn from those facts are based on my best professional judgment.

DATED this July 27, 2000.

7/27/00

Michael D. Pavich,
Major General USAF (Ret.)

Michael D. Pavich
Major General USAF (Ret.)
2260 E. Summerwood Drive
Layton, Utah 84040

Education/Training

- Bachelor of Science, U.S. Air Force Academy, 1964
- Pilot Training, Williams AFB, AZ 1965
- Master of Science, Aerospace Engineering, Air Force Institute of Technology 1972
- Armed Forces Staff College 1975
- National War College 1979
- Program for Senior Executives in National and International Security, JFK School of Government Harvard University 1986
- Systems Acquisition for executives, Defense Systems Management School, Ft. Belvoir, VA, 1989

Work History

1995-Present:	Executive Director Ogden Local Redevelopment Authority, Working with Ogden City Government, State of Utah Leadership, and the Department of the Army to transition Defense Depot Ogden from Military to private sector use.
1994-Present:	President, Hill/DDO-'95 Inc. A non-profit 501(C)(4) Corporation established to maximize the economic potential of Hill AFB and Defense Depot Ogden for the State of Utah. Worked directly with the Governor of Utah and the Utah Congressional delegation (especially Congressman Hansen and Senators Hatch and Bennett as well as retired Senator Garn) to facilitate and coordinate all efforts to retain Hill AFB and DDO.
1993-1994:	Manager of the Ogden Office of the Battelle Memorial Institute -- Responsible for technology solutions to defense system requirements at Hill AFB.
1964-1993:	Twenty nine years experience in a variety of Air Force operations, acquisition, life cycle support, and foreign military sales positions including headquarters planning and budgeting. Strong emphasis on engineering technical and executive management.

Pertinent Military Positions Include:

- Commander Sacramento Air Logistics Center -- responsible for 12,000 member workforce and $3.6 billion annual budget. Major areas of emphasis included life cycle support for - major aircraft systems including the stealth fighter (F-117), and advanced tactical fighter (F-22) - ground based radar and communications support for space systems, and associated computer software - and ground communication systems for the Air Force.

- Senior staff positions at Headquarters Air Force Logistics Command -- responsible for planning, budgeting, and customer support of all Air Force weapon systems. While at Headquarters worked with Air Staff planners to establish a life cycle support structure for space systems for the newly established U. S. Space Command.

- Director of Theater Force Analysis, The Center for Air Force Studies and Analysis. Responsible for studies and analyses to support acquisition strategies for all tactical Air Force systems.

- Deputy Commandant for Professional Studies, U.S. Air Force Academy -- Member of Academy Board and Curriculum Committee. Built and integrated a new four year curriculum for professional studies.

- U.S. Air Force Command Pilot -- Combat Veteran with over 100 missions in North Vietnam and over 3,000 flying hours in tactical aircraft - major focus on reconnaissance systems. Held all key operational positions to include Squadron Commander.

BIOGRAPHY

MICHAEL D. PAVICH - Major General - U.S. Air Force (Ret.)

Mike was born January 29, 1942, in Salt Lake City and graduated from Jordan High School in 1960. He earned a bachelor of science degree in military science from the U.S. Air Force Academy in 1964 and a master of science degree in aerospace engineering through the Air Force Institute of Technology, Wright-Patterson AFB, Ohio, in 1972. He completed Squadron Officer School in 1968, Armed Forces Staff College in 1975, National War College in 1979 and the Program for Senior Executives in National and International Security at the John F. Kennedy School of Government, Harvard University in 1986.

Upon graduation from the Academy he was commissioned as a second lieutenant. He completed pilot training at Williams AFB, Arizona in August 1965 and was assigned to the 9th Tactical Reconnaissance Squadron, Tactical Air Command, Shaw AFB, South Carolina.

Mike spent 10 years flying the RF-4C with assignments in Thailand, Mountain Home, Idaho, and Shaw AFB, South Carolina. He commanded the 62nd Tactical Reconnaissance Squadron and flew 100 missions over North Vietnam.

He also has extensive experience in logistics support with assignments at Ogden Air Logistics Center, Wright Patterson AFB, and Sacramento Air Logistics Center. Positions held were Chief of the Aircraft Systems Management Division, Director of Material Management, Commander of the Logistics Operations Center, Deputy Chief of Staff for Material Management, and Commander of Sacramento Air Logistics Center.

He retired from the Air Force after 29 years on 30 June 1993. After settling in Layton, Utah, Mike took a position with the Battelle Memorial Institute as Manager of Ogden Operations. In January of 1994 Mike became the President of Hill/DDO '95 Inc., a non-profit group organized to promote the economic growth and welfare of the Utah Wasatch Front area by supporting the continuing prosperity and development of Hill Air Force Base and Defense Depot Ogden in northern Utah.

He is currently the Executive Director of the Ogden Local Redevelopment Authority, the organization with responsibility for the reuse planning and transition of Defense Depot Ogden facilities and property from DOD to the private sector.

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NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:	)	Docket No. 72-22-ISFSI
PRIVATE FUEL STORAGE, LLC (Independent Spent Fuel Storage Installation)	)	ASLBP No. 97-732-02-ISFSI
	)	July 27, 2000

DECLARATION OF JOHN A. HARJA IN SUPPORT OF STATE OF UTAH'S REQUEST FOR ADMISSION OF LATE-FILED BASES FOR UTAH CONTENTION KK

I, John A. Harja, hereby declare under penalty of perjury and pursuant to 28 U.S.C. § 1746, that:

1. I am the Manager of Legal Analysis for the Governor's Office of Planning and Budget. I am familiar with the military activities that occur at, over, and from Dugway Proving Grounds ("DPG"), Hill Air Force Base ("Hill AFB"), Utah Test and Training Range ("UTTR"), and the Sevier B Military Operating Area ("MOA"). I am also knowledgeable about the importance of the military training and testing at DPG, UTTR, and the Sevier B MOA and the importance of those activities to Hill AFB. I am aware of potential economic impacts to Utah that may result from curtailment of Hill AFB's use of UTTR/DPG.

   As the Manager of Legal Analysis for the Governor's Office of Planning and Budget for the past 12 years, I review over 400 environmental reports annually for all federal and State projects within the State, and for coordinating comments on such studies from all State agencies. These studies have required discussion of any socioeconomic impacts from the project under review, which include applying NEPA concepts to these projects. I act as advisor to the Governor on federal and State land management issues, as well as conduct policy and legal review of special statewide issues, including school trust lands, wild and scenic rivers, endangered species act, rural roads, etc. Additional information can be found in my resume which describes my qualifications, experience, and training, and is attached hereto.

2. I earned a Juris Doctor degree from the University of Utah College of Law in 1983, a bachelor of science degree in both physics and geophysics in 1980, and a bachelor of science degree in elementary education in 1978.

3. I am familiar with the circumstances and materials in this case generally, and specifically as they relate to potential impacts on Hill AFB due to curtailed use of the UTTR airspace (*e.g.*, restricted airspace over DPG and UTTR, and MOAs).

4. I assisted in the preparation of, and have reviewed, the State of Utah's Contention KK I am prepared to offer testimony as described in the contention. The technical facts presented in those contentions are true and correct to the best of my knowledge, and the conclusions drawn from those facts are based on my best professional judgment.

DATED this July 27, 2000.

John A. Harja

JOHN A. HARJA
1170 East 1300 South
Salt Lake City, Utah 84105
(801) 538-1559

EXPERIENCE

Legal

Manager of Legal Analysis
Governor's Office of Planning and Budget
State of Utah
Salt Lake City, Utah 1988-present

Advisor to Governor on federal and state land management issues
- Established implementation policy for state school trust lands legislation
- Conducted policy and legal review of special statewide issues (school trust lands, wild and scenic rivers, endangered species act, rural roads)
- Implemented federal land exchange legislation
- Acted as liaison to federal land management agencies

Acted as liaison to Western Governor's Association
Advisor to the Governor on Native American issues
- Negotiated agreements among tribal, state and local governments
- Drafted implementation legislation

Executive Director for the Resource Development Coordinating Committee
- Assisted with policy and legal review of environmental (NEPA) documentation for all federal and state projects within the state

Supervised operations of Utah State Clearinghouse

Attorney
Hugh C. Garner and Associates
Salt Lake City, Utah 1984-1986

Organized and prosecuted administrative actions before the Utah Board of Oil, Gas and Mining
Analyzed public records, wrote mineral and surface estate title opinions
Negotiated settlement of disputes
Wrote contracts, deeds, wills, briefs and other legal documents
Subject matter included oil and gas, mining, real estate, probate, and bankruptcy law

Attorney-Advisor
Office of Hearings and Appeals
United States Department of the Interior
Salt Lake City, Utah 1986-1988

Reviewed record of trial/hearing and arguments of parties
Researched laws, regulations and prior case law
Evaluated facts in light of legal requirements
Wrote dispositive decisions and procedural orders, including rationale for result
Subject matter included mining, oil and gas, grazing, coal mine reclamation, real estate, endangered species, Alaskan native law, special use permits

Law Clerk
Regional Solicitor's Office
United States Department of the Interior
Salt Lake City, Utah 1981-1983

Researched legal issues, wrote memoranda and litigation reports
Subjects included wilderness study areas, contract disputes, trespass

Member Utah State Bar since 1983
Chair, Public Lands Subcommittee, 1995-1997

Teaching

Elementary School Teacher: Fourth Grade, Granite School District
Salt Lake City, Utah 1978-1979

EDUCATION

Graduate:	Juris Doctor University of Utah College of Law	May 1983
Undergraduate:	Bachelor of Science, Physics	June 1980
	Bachelor of Science, Geophysics	June 1980
	Bachelor of Science, Elementary Education	March 1978

UTAH
TEST &
TRAINING
RANGE
UTTR
HILL AFB, UTAH

MISSION

The 388th Range Squadron operates and maintains the UTTR. We provide responsive open-air training and test services that support day-to-day training, large force training exercises, and large footprint weapons testing, thus guaranteeing superiority for America's war fighters and their weapons systems. The 388th Range Squadron provides key functions and capabilities required for range support of Air Force operational test and training programs. This includes range infrastructure systems, equipment, software, targets, facilities, data processing and display, land and airspace control, environmental management, supply, security, and safety.

The UTTR provides the largest overland safety footprint available in the Department of Defense (DoD) for aircrew training and weapons testing. It supports training customers with capabilities for air-to-ground, air-to-air, and ground force exercises. Operations include weapons and weapons platform testing as well as operational training missions. These range from two-ship basic fighter maneuvers and basic surface attacks to large joint composite force missions. Missions may include air-to-air, air-to-ground, both day and night, low and high altitude. Customers may also use the full range of supersonic airspace, tactical targets, electronic warfare facilities, and Air Combat Maneuvering Instrumentation (ACMI).

LOCATION & GEOGRAPHY

The UTTR is located in north-western Utah and eastern Nevada. It is contained within the Great Salt Lake Desert, approximately 70 miles west of Salt Lake City. Mission Control facilities are located off-range at Hill Air Force Base (AFB). The UTTR is characterized by variable desert terrain that includes undulating sand dunes, mountains rising abruptly from the desert floor, and rolling hills building up to mountain ranges. The range is surrounded by mountains generally running north and south rising from 8,000 to 12,000 feet, separated by valleys with elevations of approximately 4,500 feet Mean Sea Level (MSL). UTTR has the largest overland special use airspace measured from the surface or near surface, within the continental United States (207 by 92 nautical miles). Of the total 12,574 square nautical miles comprising this area, 6,010 are restricted airspace and 6,564 are Military Operating Areas (MOAs). The UTTR also has the largest overland contiguous block of supersonic authorized restricted air space in the continental United States. Chaff and flares are authorized over much of this area. The airspace is situated over 2,624 square miles of DoD land, of which 1,490 square miles are Air Force owned. The remainder is owned and managed by the US Army at Dugway Proving Ground. Airspace boundaries do not necessarily coincide with the boundaries of the DoD land beneath this airspace. The UTTR is primarily surrounded by public domain land and is not likely to be encroached upon in the foreseeable future. Much of the UTTR airspace is over Bureau of Land Management (BLM) land, and some Air Force equipment is located on BLM land. Ground operations on BLM land are coordinated and approved by BLM prior to the program commencement.

Restricted airspace is divided into "working sectors" to permit efficient scheduling and safe use of different parts of the range at the same time. These divisions were made in cooperation with the principal range users and were designed to meet their needs while permitting more extensive use of the range. Whenever possible, sector boundaries coincide with natural features readily distinguishable from the air.

Air refueling track locations and procedures for use are available in UTTR Supplements 1 and 2 (Test and Training) to AFI 13-212. Range users needing aerial refueling are required to make their own arrangements with refueling units.

JAMES V. HANSEN
1ST DISTRICT, UTAH

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June 23, 2000

COPY

Atomic Safety and Licensing Board
Nuclear Regulatory Commission
Washington, DC 20240

Dear Atomic Safety and Licensing Board Members;

As the Representative of the First Congressional District of Utah, as a senior member of the House Armed Services Committee, and as the Chairman of the House Subcommittee on National Parks and Public Lands, I most vigorously oppose the licensing, construction and operation of any high level nuclear waste storage facility in Skull Valley, Utah. I believe this proposal is bad public policy, dangerous to our national security and the economy of Utah, fundamentally unsafe and possibly illegal.

I believe strongly that it is bad public policy to consider any "temporary" high level storage facility before final determination of the permanent depository location is concluded. Moving this waste twice will greatly increase both the costs and the risks of the entire program. In addition, there is no guarantee that this facility will be temporary and as such any determination should be made with the full rigor of a permanent depository. The Skull Valley proposal cannot and does not meet that much higher standard.

Locating a high level nuclear waste storage facility under a critically important and very active military test and training range, that is not already burdened with such restrictions, is harmful to national security and dangerous to the local population. The Secretary of the Air Force and the Air Force Chief of Staff have repeatedly testified that the Utah Test and Training Range (UTTR), including the airspace over the proposed facility site, is an irreplaceable testing and training area. The continued, unrestricted availability to this unique national asset is critical to the Air Force's military readiness. With this in mind, I was shocked to see that the agencies consulted for the Draft EIS did not include the Department of Defense or the Department of the Air Force. The NRC did consult the Census Bureau, but not the Pentagon! I find this to be a gross oversight and reason enough to reject the entire Draft.

With or without airspace restrictions, the nature of the proposed facility creates an unacceptable risk that the Air Force will be forced to curtail operations in the area in the future.

Any loss of access in this area will have a significant and negative impact on the United States Air Force mission and military readiness. For instance, if the area is identified on an Area Planning Guide, thereby requiring the Air Force to implement special flight restrictions, then it would likely result in an "avoidance" standing order. While the NRC would not technically have restricted the airspace, the Air Force would restrict use to ensure compliance.

In addition, tests of unmanned, long-range cruise missiles and other emerging, large footprint weapons are permitted, and have been conducted, within 1 mile of the site. By the nature of these tests accidents do happen. Just last year, a cruise missile crashed in the same Military Operating Area beneath which the PFS facility is proposed. Over the last decade, there have been over a dozen crashes of F-16 fighters, and other military aircraft, within the UTTR. Nuclear waste storage and military bombing and test ranges simply should not be mixed.

I passed a law in 1999, section 2815 of the National Defense Authorization Act, which directed the Secretaries of Defense, Interior, Air Force and Army to conduct a study to evaluate the impact upon military training, testing and operational readiness of any proposed changes in land management of the Utah national defense lands, which includes all of the land beneath the UTTR. That study has not been completed, and as such, no planning by the Department of Interior for any purpose can proceed on these lands. I have attached a letter from the Department of Interior's Office of the Solicitor which clearly states this legal opinion.

In addition to its impact on military readiness and national security, restrictions on the operation of the UTTR would have devastating consequences for the economy of Utah. Weakening of the UTTR will cripple the military value of Hill Air Force Base and subject it to possible closure in a future round of base closures. With nearly 15,000 direct employees and billions of dollars in annual economic impact, any negative impact on Hill Air Force Base must outweigh any marginal economic benefit of the Skull Valley facility.

As many others have pointed out, this proposal is risky and unsafe. The combination of nearby military ranges, questionable seismic data, and its vicinity to the chemical weapons storage and demilitarization facility in Tooele is a recipe for disaster. Dry cask storage at the generating reactor sites until a permanent storage solution, such as Yucca Mountain, can be completed is clearly the safer and less expensive alternative.

Lastly, I am very concerned about the financial irregularities of this deal. I will be bringing the full and proper oversight powers of the House of Representative's Resources Committee to bear on this request. I am also initiating action to begin a legal review of the financial deal struck between PFS and some members of the Skull Valley Band of the Goshutes. This legal investigation will also examine the failure of the Bureau of Indian Affairs to ensure all aspects of this proposal complied with federal law, DOI and BIA regulations.

This brief overview only begins to outline my objections to this proposal. I will continue to do all that is within my power to ensure that no "temporary" high level nuclear waste storage facility will be located in Skull Valley, or indeed anywhere in the State of Utah.

Sincerely,

James V. Hansen
Member of Congress

Attachment

2000

ECONOMIC

REPORT TO THE

GOVERNOR

State of Utah
Michael O. Leavitt
Governor

Governor's Office of
Planning and Budget
116 State Capitol
Salt Lake City, Utah 84114
(801) 538-1036

www.governor.state.ut.us/dea

First Printing
January 2000

Defense

Overview

Utah's defense industry has rebounded in 1999, as base closures and realignments in other states shifted jobs and military spending to Utah. Hill Air Force Base has been selected as headquarters for one of 10 new "expeditionary" forces to deal with trouble spots around the world, and the base is expected to pick up between 2,700 and 3,000 new jobs in the next three years. The new addition is in contrast to the downward trend the defense industry has experienced since the end of the Cold War. The additional operations at the base should also protect Hill from base closures in the near future. Even with the new additions in Utah, declines in overall defense spending both nationally and locally, and the closing and redevelopment of military facilities will continue to dominate defense issues in the coming years. Defense spending in Utah in 1998 totaled $1.27 billion, rising 1.3% from the previous year.

Trends

As a percent of gross domestic product (GDP), defense spending was 2.9% in 1996, 2.6% in 1997, and 2.6% in 1998. The importance of defense spending in Utah's economy has declined relative to that of the nation, and will likely continue down this path. Total defense spending in Utah currently stands at $1.27 billion– which, however, is a 1.3% increase from 1997. As a percent of the Gross State Product (GSP), defense outlays have diminished from a high of over 8.3% in 1987, to only 2.2% in 1998.

Contracting Activity

During the cold war build-up of the mid-1980s, a number of defense contractors in Utah routinely received contracts in the $50 million range on an annual basis. Both Thiokol and Hercules, for example, received contracts in the $200 million range for several years during the 1980s. Defense contracts to private firms have decreased considerably at both the state and national level throughout the 1990s. Since 1993, 40 major defense companies have merged into five. Total procurement contracts to Utah firms have fallen over 40% since 1986.

Former defense giant Hercules, once the recipient of $353 million in contracts (1986), sold its aerospace division to Minnesota-based Alliant Techsystems in March 1995, and its Composite Products division to California-based Hexcel in 1996. Thiokol remains the state's top contract recipient, however, awards have declined significantly from a peak of $587 million in 1987. Other major defense contractors include Litton Industries, Evans and Sutherland, L-3 Communications, and Utah State University. Barring a period of prolonged military buildup, defense contracting in Utah will probably not come anywhere near the levels achieved during the 1980s.

Geographic Distribution

Federal defense spending in Utah is concentrated in Davis, Salt Lake, Tooele, and Weber counties, though significant spending occurs in Box Elder, Utah, and Cache counties. Contracting activity associated with a variety of weapons systems and other projects accounts for most of the defense spending in Salt Lake County. Payroll and procurement contracts at Tooele Army Depot and Dugway Proving Grounds account for spending in Tooele County.

Military Facilities

Hill Air Force Base, the state's largest basic employer and center of Utah's defense industry, was selected as headquarters for one of 10 new "expeditionary" forces that will be used for quick deployment to trouble areas around the world. This selection will bring the 388th fighter wing up to full strength for the first time since military downsizing began about a decade ago. Additionally, new contracts and other realignments are expected to create 2,700 to 3,000 new jobs in the next three years. This is a direct result of the upcoming closures of bases in California and Texas. The future of Utah's defense industry is much more certain than in years past, and the increase in operations at Hill Air Force Base should prove to be a buffer against future base closures.

Defense Depot Ogden (DDO) was designated for closure by the Defense Base Closure and Realignment Commission (BRAC) in 1995, and was officially closed in September 1997 after 56 years of operation. Ogden City is in the process of buying the land from the Army, and in December 1999 the city approved a 70 year redevelopment project for DDO. Under the terms of the agreement, the city will lease the 1,100 acres to the Boyer Company, who will in turn redevelop the property into a major regional business and industrial park. The lease is for 40 years, with three 10-year renewal options and a long term buyout option of $22 million. The property will be developed over the next 15 to 20 years and it is expected to create more than 5,000 jobs in Northern Utah.

Workforce reductions at Tooele Army Depot (TAD) have brought the total number of jobs lost to reductions in force and realignment since 1988 to 2,500. The current workforce at TAD stands at 500 employees. The army is proceeding on a project transferring title on 1,700 acres of surplus military land to private ownership. The land is slated to become a business and industrial park. The industrial park began leasing space in the spring of 1998, and once the title transfer is complete, companies will be able to purchase property outright. The park is expected to create as many as 3,000 jobs within the next five years.

Outlook

Since the end of the Cold War, federal defense spending has decreased significantly. Many people refer to these cutbacks in federal spending as a "peace dividend." Estimates of cumulative savings from defense cuts are in the several hundred billion dollar range. With these kinds of cutbacks, the federal defense industry continues to decline, and the importance of defense to Utah's economy will continue to diminish. However, the worst of the defense cutbacks appear to be over, and redevelopment of previously closed facilities is well underway. The rapid conversion of military facilities at DDO and TAD to commercial use illustrates the strength of the state's economy, as well as its ability to absorb jobs lost from federal cutbacks. Expectations of commercial success are strong for both new facilities. In addition, new operations beginning at Hill Air Force Base should prove to be a strengthening influence on the remainder of Utah's defense industry. ✻

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

May 3, 1999

Colonel Ronald G. Oholendt
Vice Commander, 388 Fighter Wing
5887 D. Avenue, Suite 232
Hill Air Force Base, Utah 84056

Honorable Michael O. Leavitt
Governor of Utah
Attn: Major General John Matthews, UTANG, Retired
210 State Capitol
Salt Lake City, Utah 84114

Dear Governor Leavitt

I am writing this letter to explain the potential impacts to United States Air Force operations on the Utah Test and Training Range (UTTR) arising from overflight restrictions associated with the proposed Goshute Nuclear Waste Storage Facility. These comments are similar to those the Air Force anticipates making during the comment period for the Environmental Impact Statement that is being prepared for the storage site.

Any overflight restrictions associated with the proposed Goshute Nuclear Waste Storage Facility could have dire consequences for Air Force training and testing conducted in the UTTR. The proposed storage site is located in the center of the Sevier-A Military Operating Area (MOA) airspace. This particular piece of airspace provides low-level and medium altitude ingress to the South UTTR from Hill AFB. The South UTTR contains the majority of test and training complexes comprised within the range. Access to the South UTTR through the Sevier-A MOA permits flights to proceed to the different range complexes without interrupting ongoing training or testing at other sites. Overflight prohibition, even if limited to a 5 nautical mile radius, would for all practical purposes eliminate use of the MOA. Failure to preserve the Sevier MOA would result in a decrease in military readiness. This decrease would be caused by elimination of low-altitude entries to the South UTTR from Hill AFB, and loss of training for medium altitude missions that would have to fly further distances around the restriction while still avoiding conflicts with ongoing activity at other South UTTR sites.

To illustrate the current use of the MOA, the following information is provided:

Published hours of operations	1200Z to 0300Z, Monday-Saturday, other times by NOTAM

Published Altitudes	100 feet above ground level to 14,500 feet mean sea level
Days used in FY98	325 days
Military sorties using airspace in FY98	3,871 sorties
Hours of use in FY98 by military	4,562 hours
Hours released to public use	4,175 hours

It should be noted that less than 500 sorties annually carry live munitions through the MOA. However, on any sortie an aircraft emergency, such as an engine problem, could result in the pilot having to jettison aircraft external stores to include fuel tanks and live ordnance if carried. Though a rare occurrence, stores jettison is a possibility that must be considered when addressing nuclear waste storage safety.

Numerous other test and training activities occur in close proximity to the proposed site. They could affect safe storage of nuclear waste. These activities include test and training sorties, cruise missile testing, special weapons testing, major exercises and aircraft/missile mishaps that occur in the restricted airspace adjacent to the Sevier-A MOA. Though an unintentional consequence, any emergency or malfunction during these activities could result in a ground impact of an aircraft or munitions in close proximity to the proposed storage site. However, weapons launch envelopes and impact area locations are closely sited with restrictions to reduce risk of such a mishap. Additionally, test ordnance is equipped with flight termination systems to reduce the possibility of hardware impacting beyond the range boundary. Since 1988, there have been 10 F-16 mishaps and 20 missile mishaps on the UTTR.

Again, any overflight restrictions associated with the proposed Goshute Nuclear Waste Storage Facility would result in a decrease of military readiness. Further, location of a nuclear waste storage site underneath a MOA and in close proximity to extensive military test and training activities pose significant safety considerations.

Please contact me at COMM 1-(801)-777-3881 if you have any further questions.

Sincerely

RONALD G. OHOLENDT
Colonel, USAF
Vice Commander

Hill Air Force Base and Utah's Defense Sector: An Economic Analysis of Two Realignment Scenarios

Prepared By:
Governor's Office of Planning and Budget
Demographic and Economic Analysis Section
September 21, 1994

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I. Introduction and Summary of Conclusions

Hill Air Force Base has for many years been among the largest employers in the state. It is at present, in fact, the largest basic employer in the state of Utah[1]. The defense sector contributes significantly to the economy of the state and Hill constitutes a large share of the sector. Restructuring of the nation's military has threatened the existence of many military installations, including Hill. Because of the significance of Hill Air Force Base to Utah and the threat of possible realignment, it is particularly important to better understand Hill's contribution to the state's economy and to estimate the economic implications of potential realignment scenarios. Towards this end, this report analyzes the economic (i.e., earnings and employment) and fiscal (i.e., state and local government revenue) impacts of two realignment scenarios associated with Hill Air Force Base. The economic implications of these realignment scenarios is further clarified by examining Hill's contribution to Utah's defense sector.

This document begins with a discussion of the composition and role of the defense sector in the state's economy over time. This includes an analysis of the dependency of Utah's economy on the defense sector compared to that of other states, a description of the geographic distribution of defense activity in Utah, and an estimate of the size of Utah's defense sector and Hill's contribution to this. Following this is the economic and fiscal analysis of two potential realignment scenarios for Hill Air Force Base.

This research concludes that Hill Air Force Base is vital to Utah's economic performance and to state and local government revenues. The potential realignment of the base would have severe negative impacts on the Utah economy and government revenue collections. Nevertheless, Utah's economy has demonstrated that it can survive dramatic reductions in defense spending. The major conclusions of this research are the following:

- Defense makes a significant contribution to the economic base of Utah.
- Utah's defense dependency is particularly characterized by a high level of civilian Department of Defense employment relative to the size of the state's economy.
- Defense expenditures in the state have declined more rapidly relative to the size of its economy than have defense expenditures nationally. Prime contract awards have decreased most rapidly and account for the bulk of the total decline.
- Hill Air Force Base is the single largest basic employer in the state. Considering direct, indirect, and induced impacts, in fiscal year 1993[2] Hill Air Force Base contributed an estimated 29,115 jobs, $923.8

[1]Economists distinguish between basic and non-basic employment. In general, basic employment is employment associated with economic activities that result in the export of goods or services from the state and therefore generate income from the outside. Non-basic employment serves the internal needs of the residents of the region. The other largest employers in the state are Brigham Young University and the University of Utah, both of which are primarily non-basic entities. For a further explanation of basic employment see *Exports from Utah's Regional Economies, Utah State and Local Government Fiscal Impact Model Series: 94-2,* Governor's Office of Planning and Budget, June 1994.

[2]This is the federal fiscal year which began in October of 1992.

E. Geographic Distribution

Defense spending by county in Utah is primarily concentrated in Davis, Tooele, Salt Lake, Weber, Box Elder, and Cache Counties. However, the economic and fiscal impacts of this spending affect the entire state. Further, defense spending does occur throughout the state. For example, firms located in seventeen of Utah's twenty-nine counties are defense prime contractors. Because of the widespread impacts of defense spending in Utah, and because of the relative magnitude of recent spending reductions, declining defense spending is clearly a statewide issue.

Defense Contracts By County: 1992

Map

F. Significance of Hill AFB to Utah's Defense Sector and Overall Economy

Hill Air Force Base constitutes the largest single component of Utah's defense economy. Since 1986, employment at Hill has been between 61 percent and 65 percent of total civilian Department of Defense employment in the state.

Similar to overall declines in defense activity in Utah, employment at Hill Air Force Base (including both military and civilian) has dropped from 20,604 in 1983 to 16,371 in 1993.[11] Civilian Department of Defense employment has dropped by a greater proportion and magnitude than has military employment.[12]

The combined economic impact of Hill Air Force Base ranks it as the largest basic employer in the state. Hill's payroll in fiscal year 1993 was $569.4 million for the civilian and military personnel and $8.6 million for reservists. This combined payroll of $578.0 million is about 3.3 percent of the state's 1993 non-agricultural payroll. In fiscal year 1993, the base directly employed 11,652 civilians, 4,719 military personnel, and 1,498 reservists. Besides these direct employees, Hill purchased goods and services from Utah firms amounting to $196.8 million.

Further, the combined direct economic activity of Hill Air Force Base has led to additional increases in employment and income through what is often called the multiplier process. This research indicates that in fiscal year 1993 the indirect and induced employment amounted to an additional 12,446 jobs in the state. Therefore, the estimated total employment attributable to the operation of Hill Air Force Base in fiscal year 1993 was 29,115[13]. Hill clearly makes a significant economic contribution to the state and certainly has an even greater impact on the areas in the immediate proximity of the base.

III. Economic and Fiscal Impact of Hill Air Force Base Realignment Scenarios

As has been discussed, some of the operations of Hill Air Force Base have been threatened by the national defense restructuring process. Two potential realignment scenarios have been developed in consultation with the Governor's Defense Conversion Team and Hill/DDO '95.[14] These scenarios are: 1) Closure of the Air Logistics Center (ALC) and 2) Realignment of the ALC by Retaining Only the Landing Gear Facility, the Missile Program, and Tenant Activity. The economic and fiscal impacts of these two scenarios are analyzed here.

The first scenario involves the complete closure of the Ogden ALC and would result in the loss of about 60 percent of the total employment and earnings at the base. This scenario is relevant because the Base Closure and Realignment Commission has indicated that ALCs are being considered as part of the 1995 closure and realignment process.

The second realignment scenario retains the landing gear facility (LIL), the missile system program (LM), and the base tenants. In this case about one-half of the base operations and associated employment would remain. This scenario acknowledges the practical advantages to the Air Force of keeping these two components of the ALC in Utah because of prohibitive moving costs and the unique characteristics of these facilities and operations in this location. In either case, the economic loss to the state would clearly be significant.

Each of these scenarios is analytically defined as a deviation from the actual fiscal year 1993 Hill operations. Impacts have been modeled as one time annual amounts. *In reality, however, if either realignment scenario*

---

[11]This does not count reservists.

[12]Civilian employment has a greater impact on a dollar-for-dollar basis on the Utah economy than does military employment. This is particularly the case for military personnel who reside on-base.

[13]This total treats the 4,719 reserves as a full-time equivalent of 298 and also counts all military employees, including those who reside on the base.

[14] The Governor's Defense Conversion Team consists of representatives from state and local communities, military installations, and the private sector. The team is helping to facilitate defense conversion in Utah by serving as a state information clearinghouse, identifying and procuring funding sources, assisting displaced workers, building community support, coordinating technology transfer, and facilitating long-range planning. Hill/DDO '95 is a volunteer-based group of concerned citizens determined to prevent the closure of Hill Air Force Base and Defense Depot Ogden.

UTAH CODE ANNOTATED, TITLE 63, CHAPTER 28a
RESOURCE DEVELOPMENT
COORDINATING COMMITTEE

Section
63-28a-1. Purpose.
63-28a-2. Creation.
63-28a-3. Membership - Terms - Chair - Expenses.
63-28a-4. Administration - Implementation - Notification of local government representatives.
63-28a-5. Functions and duties.
63-28a-6. Powers of state agencies and local governments not limited.
63-28a-7. Repealed.

63-28a-1. Purpose.
It is the purpose of this chapter to assist the state planning coordinator in fulfilling the responsibilities of reviewing and coordinating technical and policy actions which may affect the physical resources of the state and to facilitate the exchange of information on such actions among state agencies and other levels of government.

History: C. 1953, 63-28a-1, enacted by L. 1981, ch. 187, § 1; 1985, ch. 95, § 1.
Administrative Rules. - This section is implemented by, interpreted by, or cited as authority for the following administrative rule(s): R361-1, R361-2.

NOTES TO DECISIONS

Cited in National Parks & Conservation Ass'n v. Board of State Lands, 869 P.2d 909 (Utah 1993).

COLLATERAL REFERENCES
Utah Law Review. - Elements of a Utah Growth Management Strategy, 1982 Utah L. Rev. 483.

63-28a-2. Creation.
(1) There is created within the Governor's Office of Planning and Budget the Resource Development Coordinating Committee.
(2) As used in this chapter, "RDCC" means Resource Development Coordinating Committee.

History: C. 1953, 63-28a-2, enacted by L. 1981, ch. 187, § 1; 1994, ch. 6, § 1.
Amendment Notes. - The 1994 amendment, effective May 2, 1994, divided the section into subsections; substituted "Governor's Office of Planning and Budget" for "office of the state planning coordinator" in Subsection (1); and made a stylistic change in Subsection (2).
Sunset Act. - See Section 63-55-263 for the repeal date of the Resource Development Coordinating Committee.

63-28a-3. Membership - Terms - Chair - Expenses.
(1) Membership of the RDCC shall include the state science advisor and representatives of the following departments and divisions:
(a) Department of Agriculture and Food;
(b) Department of Community and Economic Development;
(c) Department of Environmental Quality;
(d) Department of Natural Resources;
(e) Department of Transportation;
(f) Division of Business and Economic Development;
(g) Division of Community Development;
(h) Division of State History;
(i) Division of Air Quality;
(j) Division of Drinking Water;
(k) Division of Environmental Response and

Remediation;
(l) Division of Radiation;
(m) Division of Solid and Hazardous Waste;
(n) Division of Water Quality;
(o) Division of Oil, Gas, and Mining;
(p) Division of Parks and Recreation;
(q) Division of Forestry, Fire and State Lands;
(r) Utah Geological Survey;
(s) Division of Water Resources;
(t) Division of Water Rights;
(u) Division of Wildlife Resources;
(v) School and Institutional Trust Lands Administration;
(w) Division of Facilities Construction and Management; and
(x) Division of Comprehensive Emergency Management.
(2) (a) Additional members may be added as considered appropriate by a majority vote of RDCC members with the concurrence of the state planning coordinator.
(b) Terms of additional members shall be four-years each, adjusted to ensure that the terms are staggered so that approximately half of the additional members are appointed every two years.
(3) A chair shall be selected by a majority vote of RDCC members with the concurrence of the state planning coordinator.
(4) (a) (i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
(ii) Members may decline to receive per diem and expenses for their service.
(b) (i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the council at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
(ii) State government officer and employee members may decline to receive per diem and expenses for their service.

History: C. 1953, 63-28a-3, enacted by L. 1981, ch. 187, § 1; 1985, ch. 95, § 2; 1987, ch. 92, § 114; 1991, ch. 28, § 2; 1991, ch. 112, § 220; 1992, ch. 30, § 126; 1994, ch. 6, § 2; 1994, ch. 294, § 57; 1996, ch. 159, § 5; 1996, ch. 243, § 140; 1997, ch. 82, § 38.
Amendment Notes. - The 1994 amendment by ch. 6, effective May 2, 1994, rewrote the introductory language of Subsection (1); rearranged the list of agencies in Subsection (1) alphabetically, deleting references to the state science advisor and the Division of Energy; and added Subsections (1)(g), (i) through (n), (v), and (w).
The 1994 amendment by ch. 294, effective July 1, 1994, substituted "Division of Sovereign Lands and Forestry" for "Division of State Lands and Forestry" and "School and Institutional Trust Lands Administration" for "Division of Energy" in Subsection (1) and made a stylistic change in Subsection (3).
The 1996 amendment by ch. 243, effective April 29, 1996, redesignated existing Subsection (2) as Subsection (2)(a) and added Subsections (2)(b) and (4).
The 1996 amendment by ch. 159, effective July 1, 1996, substituted "Division of Forestry, Fire and State Lands" for "Division of Sovereign Lands and Forestry" in Subsection (1)(q) and "Utah Geological Survey" for "Division of Utah Geological Survey" in Subsection (1)(r).
The 1997 amendment, effective July 1, 1997, changed the name of the Department of Agriculture in Subsection (1)(a) to the Department of Agriculture and Food.
Coordination clause. - Laws 1996, ch. 243, § 197(8), effective April 29, 1996, provides that it is the intent of the legislature that for any

conflicts between the amendments to this section by ch. 243 and Laws 1996, ch. 159, the amendments in ch. 243 take precedence.

63-28a-4. Administration - Implementation - Notification of local government representatives.
The state planning coordinator is responsible for the administration of this chapter and shall take necessary action for its implementation subject to the direction and approval of the governor. The state planning coordinator shall inform local government representatives, in advance, of all RDCC meetings.

History: C. 1953, 63-28a-4, enacted by L. 1981, ch. 187, § 1; 1985, ch. 95, § 3.

63-28a-5. Functions and duties.
(1) The RDCC shall assist the state planning coordinator:
(a) in the review of:
(i) proposed state actions affecting physical resources;
(ii) federal and federally assisted actions for which state review is provided by federal law, regulation, or policy; and
(iii) proposed federal regulations and policies pertaining to natural resource issues; and
(b) in the development and implementation of a procedure which will expedite the review of proposed energy and industrial facilities that require permits to be issued by more than one state agency.
(2) The state planning coordinator shall review and forward the comments and recommendations of the RDCC to:
(a) the governor;
(b) the initiating state agency, in the case of a proposed state action; and
(c) the Office of Legislative Research and General Counsel.

History: C. 1953, 63-28a-5, enacted by L. 1994, ch. 6, § 3.
Repeals and Reenactments. - Laws 1994, ch. 6, § 3 repeals former § 63-28a-5, as enacted by Laws 1981, ch. 187, § 1, listing the functions and duties of the RDCC, and enacts the present section, effective May 2, 1994.
Cross-References. - Federal Assistance Management Program Act, § 63-40-1 et seq.

63-28a-6. Powers of state agencies and local governments not limited.
This chapter shall not limit powers conferred upon departments, agencies, or instrumentalities of state or local governments by existing law.

History: C. 1953, 63-28a-6, enacted by L. 1981, ch. 187, § 1.

63-28a-7. Repealed.
Repeals. - Laws 1994, ch. 6, § 4 repeals § 63-28a-7, as enacted by Laws 1981, ch. 187, § 1, providing an effective date for the act, effective May 2, 1994.