DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE SPACE COMMAND

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Brigadier General Douglas M. Fraser
Director of Air and Space Operations
150 Vandenberg Street, Suite 1105
Peterson AFB CO 80914-4170

Patricia Grace Smith
Associate Administrator for Commercial Space Transportation
Federal Aviation Administration
800 Independence Avenue, SW
Washington DC 20591

Dear Ms. Smith

Your office recently requested information regarding the standard of proof that the Air Force Space Command launch ranges apply when assessing alternative approaches to compliance with range safety requirements. While we do not normally apply a legal ruling to these assessments, we can confirm that the standard employed at the Air Force Space Command launch ranges is the equivalent of a "clear and convincing" standard. A "preponderance of the evidence" standard is insufficient to ensure public safety when assessing alternatives.

The AFSPC launch ranges at Cape Canaveral Air Force Station (45th Space Wing) and Vandenberg Air Force Base (30th Space Wing) currently require compliance with tailored versions of EWR 127-1, *Eastern and Western Range Safety Requirements*. The tailoring process allows the individual range users the opportunity to capture, in writing, how they propose to meet the requirements of 127-1 or to provide alternative solutions to individual requirements. When applying for a "meets intent certification" or otherwise proposing an alternative solution (including the tailoring process), the range user must demonstrate through modeling and simulation, analysis, or testing, to a "clear and convincing" standard, that they have demonstrated an equivalent level of safety.

Sincerely

Larry D Garris,
for

DOUGLAS M. FRASER
Brigadier General, USAF
Director of Air and Space Operations