

S B

277

HOUSE COMMITTEE REPORT

(9)

Date Referred: May 1, 1989

FURTHER REFERRALS: FINANCE

Date of Committee Action: 5-4-89

The RESOURCES Committee considered:

CSSB 277 (FIN)

CS FOR SENATE BILL NO. 277 (Finance)

[VALDEZ DISASTER INVESTIGATIVE COMMISSION]

"An Act establishing a commission to investigate the Exxon Valdez oil spill disaster and to recommend changes needed to minimize the possibility and effects of similar oil spills; and providing for an effective date."

RECOMMENDATIONS:

- be replaced with HCS CS SB 277 (Res) the same title a new title
- have attached amendment(s)
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: House Resources letter of intent

ATTACHES NEW FISCAL NOTE(s):
(Dept)

APPROVES PREVIOUS:

(Date/Dept)

- fiscal impact _____
- zero fiscal note _____
- zero with analysis _____

- fiscal note(s) Gov. 4/28/89 Analysis
- zero fiscal note(s) _____
- zero fn/analysis _____

SIGNING DO PASS:

SIGNING:

(Check approp. column)

Cliff Davidson

Seamus A. ...

Bill Hud ...

Ben ...

Mike ...

	Do Not Pass	No Rec	Amend

 Chairman's Signature



Alaska State Legislature

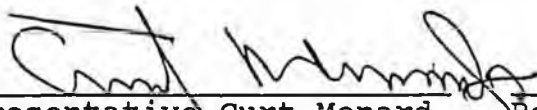
HOUSE OF REPRESENTATIVES
COMMITTEE ON RESOURCES

POUCH V
JUNEAU, ALASKA 99811
(907) 488-3715

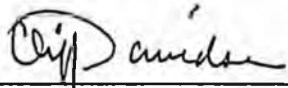
LETTER OF INTENT
FOR
H CS CS SB 277 (RES)

It is the intent of the Legislature that, within the context of its prescribed duties, the major goal of the commission should be to provide the state and federal governments with specific recommendations which will dramatically improve the management, handling and transportation of oil and other hazardous substances throughout Alaska. Because achievement of the goal will require congressional action, as well as state legislation, the commission should include within its work plan, coordination and consultation with other coastal states.

It is the intent of the Legislature that, in addition to the prescribed deadline for its report, the commission should structure a work plan which will permit submission of specific recommended legislation to the Legislature by January 8, 1990.



Representative Curt Menard
Co-Chairman



Representative Cliff Davidson
Co-Chairman

FISCAL NOTE

REQUEST:

Revision Date: 4/27/89
 Title: "An Act establishing a commission to investigate the Exxon Valdez oil spill..."
 Sponsor: Faika, Halford, Kelly, et al.
 Requestor: Senator Faika
 Agency Affected: Office of the Governor
 BRU: Commissions and Special Offices
 Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES	8.5	76.3				
TRAVEL	13.0	95.0				
CONTRACTUAL	53.0	248.7				
SUPPLIES	5.5	25.0				
EQUIPMENT	20.0					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	100.0	445.0				
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	100.0	445.0				
FEDERAL FUNDS						
OTHER						
TOTAL	100.0	445.0				

POSITIONS:

FULL-TIME	2	2				
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

See attached analysis

Prepared by: Michael A. Nizich, Director *Man* Phone: 465-3616
 Division: Division of Administrative Services Date: 4/28/89
 Approved by Commissioner: Garrey M. Peska *[Signature]* Date: 4/28/89
 Agency: Chief of Staff

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

CS SB 277 (Finance) Fiscal Analysis:

Due to the complexity of this proposed legislation, it is not possible to accurately assess the cost of the Exxon Valdez Oil Spill Commission.

The number of staff the commission would need to hire, including legal counsel, investigative staff, and administrative staff with legal expertise is unknown. The timeframe specified for the commission to complete its investigations and gather information for its final recommendations would indicate a substantial staffing requirement. For the purposes of this analysis, the minimum staff requirement for 1 month in FY 89 and 9 months in FY 90 is assumed at one coordinator, salary range 22A, and one secretary, salary range 12A. Additional personal services expenses for legal/investigative staff is reflected in the contractual line.

The number of meetings that will be necessary in order to hear testimony, review documents and depositions, evaluate information and formulate final recommendations are impossible to predict. In addition to travel and per diem as set out in AS 39.20.180, each non-governmental member of the commission will receive \$150.00 per day while on commission business.

The needed funds are indicated from the general fund. As the specified charges of the commission appear to be duplication of the work of existing entities, i.e., the Department of Law, the Department of Environmental Conservation, federal efforts under the Clean Water Act and the T.A.P.S. Act, N.O.A.A.'s long-term impact studies, etc., recovery of commission costs from Exxon is unlikely.

FISCAL NOTE

REQUEST: 5

Revision Date: May 6, 1989
Title: An Act Establishing a Commission to Investigate the Exxon Valdez Oil Spill
Sponsor: Faiks, Halford, Kelly, et al.
Requestor: Senator Faiks

Agency Affected: Department of Administration
BRU: Alaska Oil Spill Commission
Components: Alaska Oil Spill Commission

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES	11.7	83.0				
TRAVEL	29.8	232.0				
CONTRACTUAL	108.4	838.6				
SUPPLIES	3.0	24.0				
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	152.9	1177.6				

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	152.9	1177.6				
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME	3.0	3.0				
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

See Attached

Prepared by: Mike Maher *Kevin Beards (for)* Phone: 465-2277
Division: Administrative Services Date: 5-5-89

Approved by Commissioner: John M. Andrews Date: 5-5-89
Agency: Administration

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

HCS CS SB 277 (Res) Fiscal Analysis

Due to the complexity of this proposed legislation, it is not possible to accurately assess the cost of the Exxon Valdez Oil Spill Commission.

The number of staff the commission would need to hire, including legal counsel, investigative staff, and administrative staff with legal expertise is unknown. The time frame specified for the commission to complete its investigations and gather information for its final recommendations would indicate a substantial staffing requirement. For the purposes of this analysis, the minimum staff requirement for 1 month in FY 89 and 7 months in FY 90 is assumed at one coordinator, salary range 22A, one accounting technician, salary range 12A, and one secretary, salary range 12A. Additional personal services expenses for legal/investigative staff is reflected in the contractual line.

The number of meetings that will be necessary in order to hear testimony, review documents and depositions, evaluate information and formulate final recommendations are impossible to predict. Costs in this fiscal note are based on 12 meeting days per month. In addition to travel and per diem as set out in AS 39.20.180, each non-governmental member of the commission will receive \$250.00 per day while on commission business.

The needed funds are indicated from the general fund. As the specified charges of the commission appear to be duplication of the work of existing entities, i.e., the Department of Law, the Department of Environmental Conservation, federal efforts under the Clean Water Act and the T.A.P.S. Act, N.O.A.A.'s long-term impact studies, etc., recovery of commission costs from Exxon is unlikely.

This funding will be restricted in the State Accounting System until such time as the coordinator and staff of the commission are able to provide the Commissioner of Administration a detailed budget.

Every attempt will be made to live within the amount appropriated, however it should be made clear from the onset that should this level of funding prove to be insufficient, the commission will request a supplemental.

ALABAMA OIL SPILL COMMISSION (7 MEMBERS)

June 1, 1989 to January 30, 1990 (8 months)

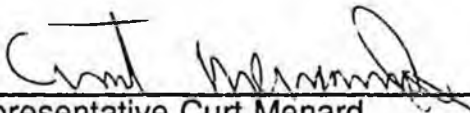
<u>Personal Services:</u>	<u>FY89</u>	<u>FY90</u>	<u>Total</u>
Coordinator - Range 22A	5.7	40.0	45.7
Accounting Technician I - Range 12A	3.0	21.5	24.5
Secretary - Range 12A	<u>3.0</u>	<u>21.5</u>	<u>24.5</u>
Total Personal Services	11.7	83.0	94.7
 <u>Travel:</u>			
Honorarium			
7 members X 12 days/month X 8 months X \$250.00 per day	21.0	147.0	168.0
Per Diem			
7 members X 12 days/month X 8 months X \$80.00 per day	6.8	47.0	53.8
Travel (including 5.0 for Coordinator)	<u>2.0</u>	<u>38.0</u>	<u>40.0</u>
Total Travel	29.8	232.0	261.8
 <u>Contractual:</u>			
Professional Services:			
Naval Architect	10.0	70.0	80.0
Naval Engineer	10.0	70.0	80.0
Chief Oil Spill Specialist	10.0	70.0	80.0
Chief Investigator	10.0	70.0	80.0
Investigators (3 @ 64.0)	19.0	173.0	192.0
Chief Writer/Editor	10.0	70.0	80.0
Writer (1 @ 64.0)	6.4	57.6	64.0
Secretarial	10.0	70.0	80.0
Legal - Attorneys	10.0	70.0	80.0
Hearing Officer	<u>4.0</u>	<u>36.0</u>	<u>40.0</u>
Total Professional Services	99.4	756.6	856.0

	<u>FY89</u>	<u>FY90</u>	<u>Total</u>
Communications:			
Phones, data lines, postage	3.0	24.0	27.0
Printing:	0	10.0	10.0
Rentals and Leases:			
Office Space	3.0	24.0	27.0
Equipment - - Copier, computers, FAX	<u>3.0</u>	<u>24.0</u>	<u>27.0</u>
Total Contractual	108.4	838.6	947.0
Supplies	<u>3.0</u>	<u>24.0</u>	<u>27.0</u>
TOTAL	152.9	1177.6	1330.5

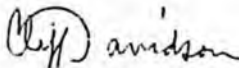
Letter of Intent
for
CSSB277 (Resources)

It is the intent of the Legislature that, within the context of its prescribed duties, the major goal of the commission should be to provide the state and federal governments with specific recommendations which will dramatically improve the management, handling and transportation of oil and other hazardous substances throughout Alaska. Because achievement of ~~the~~ goal will require congressional action as well as state legislation, the commission should include within its work plan coordination and consultation with other coastal states.

It is the intent of the Legislature that, in addition to the prescribed deadline for its report, the commission should structure a work plan which will permit submission of specific recommended legislation to the Legislature by January 8, 1990.



Representative Curt Menard
Co-Chairman



Representative Cliff Davidson
Co-Chairman

Alaska State Legislature

Chairman
(907) 465-4523



Jan Faiks
Post Office Box V
Juneau, Alaska 99811

May 1, 1989

Senate Judiciary Committee

MEMORANDUM

TO: ✓ Representative Cliff Davidson, Co-Chairman
Representative Curt Menard, Co-Chairman
House Resources Committee

FROM: Senator Jan Faiks

SUBJECT: CS Senate Bill 277 - Commission to Investigate the Valdez
Oil Discharge

CS Senate Bill 277 (Finance) received unanimous approval by the Senate last Saturday. It has been referred to the House Resources Committee for its consideration. I would appreciate the opportunity to discuss the legislation with the committee at its earliest convenience.

The bill is modeled after the executive order which established the Presidential Commission on the Space Shuttle Challenger Accident. It is my hope that by establishing a similar mechanism, Alaskans will be able to examine the facts and circumstances leading to the spill as well as develop recommendations on steps which can be taken to minimize the possibility of a similar accident occurring again in the future.

For your reference, attached is a sectional analysis of the bill, as well as a copy of the Presidential Commission's executive order and summary of the commission's report on the Challenger accident.

Members

Mike Szymanski, Vice-Chairman • Rick Halford • Drue Pearce • Pat Rodey

Out of Session

3111 C Street, Anchorage, Alaska 99503 • (907) 561-7610

Alaska State Legislature

JUDICIARY
CHAIRMAN
907-465-4523



JAN FAIKS
POST OFFICE BOX V
JUNEAU, ALASKA 99811

Senate

CS Senate Bill 277 (Finance) Sectional Analysis

Establishing a commission to investigate the Exxon Valdez oil spill disaster and to recommend changes needed to minimize the possibility and effects of similar oil spills; and providing for an effective date

Section 1. VALDEZ OIL DIASTER REVIEW COMMISSION.

(a) The 7 member commission is established in the Office of the Governor.

(b) Members, appointed by the Governor, must include:

(1) a distinguished Alaskan committed to impartial fact finding and who is not a state or federal employee or an employee of a company that is part of the oil industry to serve as chair; and

(2) 6 persons not affiliated with any party directly related to the disaster, including one wit relevant scientific and technical knowledge and one with business experience involving petroleum production or transportation.

(c) The panel may hire staff to perform its duties.

(d) Non-governmental commission members are entitled to \$150 per day while on commission business in addition to per diem and travel expenses.

Section 2. DUTIES OF THE PANEL.

OUT OF SESSION

3111 C STREET ANCHORAGE, ALASKA 99503 907-561-7610

(a) The panel shall gather information relating to:

- (1) events leading up to the Valdez spill
- (2) efforts to contain and clean up the oil discharged
- (3) short and long term effects of the spill on the natural resources and the economy of the state.

(b) The panel's report shall be submitted by March 1, 1990 and will include findings and recommendations on:

- (1) factual chain of events preceding the grounding of the Exxon Valdez and the extent oil industry and governmental practices or law should be changed to minimize the potential for future similar events;
- (2) containment and clean up actions, the extent to which current technology was available and used, and ways to improve spill response;
- (3) environmental and economic effects of the oil discharge;
- (4) recommendations on steps to be taken to ensure proper management, handling, and transportation of crude oil in the future

Section 3. INVESTIGATIONS; HEARINGS.

(a) - (c) The panel may issue subpoenas, administer oaths, hold hearings and conduct investigations related to its duties.

(d) State agencies shall, to the extent permitted by law, cooperate with the panel and provide information requested.

(e) Meetings of the commission are governed by the Open Meetings Act.

Section 4. Panel Termination

The panel sunsets twenty days after submission of its report (March 21, 1990).

Section 5. Effective Date

Immediate effective date.

January 29, 1986, which established
the Presidential Commission on the Space Shuttle Challenger Accident

EXECUTIVE ORDER

PRESIDENTIAL COMMISSION ON THE
SPACE SHUTTLE CHALLENGER ACCIDENT

By the authority vested in me as President by the Constitution and statutes of the United States of America, including the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), and in order to establish a commission of distinguished Americans to investigate the accident to the Space Shuttle Challenger, it is hereby ordered as follows:

Section 1. Establishment. (a) There is established the Presidential Commission on the Space Shuttle Challenger Accident. The Commission shall be composed of not more than 20 members appointed or designated by the President. The members shall be drawn from among distinguished leaders of the government, and the scientific, technical, and management communities.

(b) The President shall designate a Chairman and a Vice Chairman from among the members of the Commission.

Sec. 2. Functions. (a) The Commission shall investigate the accident to the Space Shuttle Challenger, which occurred on January 28, 1986.

(b) The Commission shall:

- (1) Review the circumstances surrounding the accident to establish the probable cause or causes of the accident; and
- (2) Develop recommendations for corrective or other action based upon the Commission's findings and determinations.

(c) The Commission shall submit its final report to the President and the Administrator of the National Aeronautics and Space Administration within one hundred and twenty days of the date of this Order.

sec. 3. Administration. (a) The heads of Executive departments and agencies shall, to the extent permitted by law, provide the Commission with such information as it may require for purposes of carrying out its functions.

(b) Members of the Commission shall serve without compensation for their work on the Commission. However, members appointed from among private citizens of the United States may be allowed travel expenses, including per diem in lieu of subsistence, to the extent permitted by law for persons serving intermittently in the government service (5 U.S.C. 5701-5707).

(c) To the extent permitted by law, and subject to the availability of appropriations, the Administrator of the National Aeronautics and Space Administration shall provide the Commission with such administrative services, funds, facilities, staff, and other support services as may be necessary for the performance of its functions.

Sec. 4. General Provisions. (a) Notwithstanding the provisions of any other Executive Order, the functions of the President under the Federal Advisory Committee Act which are applicable to the Commission, except that of reporting annually to the Congress, shall be performed by the Administrator of the National Aeronautics and Space Administration, in accordance with guidelines and procedures established by the Administrator of General Services.

(b) The Commission shall terminate 60 days after submitting its final report.

Ronald Reagan

THE WHITE HOUSE,

February 3, 1986.

Report to the President

By The
**PRESIDENTIAL
COMMISSION**
*on the Space Shuttle
Challenger Accident*

June 6th, 1986
Washington, D.C.

Presidential Commission on the Space Shuttle Challenger Accident

William P. Rogers, Chairman

Former Secretary of State under President Nixon (1969-1973), and Attorney General under President Eisenhower (1957-1961), currently a practicing attorney and senior partner in the law firm of Rogers & Wells. Born in Norfolk, New York, he was awarded the Medal of Freedom in 1973. He holds a J.D. from Cornell University (1937) and served as LCDR, U.S. Navy (1942-1946).

Neil A. Armstrong, Vice Chairman

Former astronaut, currently Chairman of the Board of Computing Technologies for Aviation, Inc. Born in Wapakoneta, Ohio, Mr. Armstrong was spacecraft commander for Apollo 11, July 16-24, 1969, the first manned lunar landing mission. He was Professor of Aeronautical Engineering at the University of Cincinnati from 1971 to 1980 and was appointed to the National Commission on Space in 1985.

David C. Acheson

Former Senior Vice President and General Counsel, Communications Satellite Corporation (1967-1974), currently a partner in the law firm of Drinker Biddle & Reath. Born in Washington, DC, he previously served as an attorney with the U.S. Atomic Energy Commission (1948-1950) and was U.S. Attorney for the District of Columbia (1961-1965). He holds an LL.B. from Harvard University (1948) and served as LT, U.S. Navy (1942-1946).

Dr. Eugene E. Covert

Educator and engineer. Born in Rapid City, South Dakota, he is currently Professor and

Head, Department of Aeronautics and Astronautics, at Massachusetts Institute of Technology. Member of the National Academy of Engineering, he was a recipient of the Exceptional Civilian Service Award, USAF, in 1973 and the NASA Public Service Award in 1980. He holds a Doctorate in Science from Massachusetts Institute of Technology.

Dr. Richard P. Feynman

Physicist. Born in New York City, he is Professor of Theoretical Physics at California Institute of Technology. Nobel Prize winner in Physics, 1965, he also received the Einstein Award in 1954, the Oersted Medal in 1972 and the Niels Bohr International Gold Medal in 1973. He holds a Doctorate in Physics from Princeton (1942).

Robert B. Hotz

Editor, publisher. Born in Milwaukee, Wisconsin. He is a graduate of Northwestern University. He was the editor-in-chief of *Aviation Week & Space Technology* magazine (1953-1960). He served in the Air Force in World War II and was awarded the Air Medal with Oak Leaf Cluster. Since 1982, he has been a member of the General Advisory Committee to the Arms Control and Disarmament Agency.

Major General Donald J. Kutyna, USAF

Director of Space Systems and Command Control, Communications. Born in Chicago, Illinois, and graduate of the U.S. Military Academy, he holds a Master of Science degree from Massachusetts Institute of Technology (1965). A command pilot with over 4,000 flight

hours, he is a recipient of the Distinguished Service Medal, Distinguished Flying Cross, Legion of Merit and nine air medals.

Dr. Sally K. Ride

Astronaut. Born in Los Angeles, California, she was a mission specialist on STS-7, launched on June 18, 1983, becoming the first American woman in space. She also flew on mission +1-G launched October 5, 1984. She holds a Doctorate in Physics from Stanford University (1978) and is still an active astronaut.

Robert W. Rummel

Space expert and aerospace engineer. Born in Dakota, Illinois, and former Vice President of Trans World Airlines, he is currently President of Robert W. Rummel Associates, Inc., of Mesa, Arizona. He is a member of the National Academy of Engineering and is holder of the NASA Distinguished Public Service Medal.

Joseph F. Sutter

Aeronautical engineer. Currently Executive Vice President of the Boeing Commercial Airplane Company. Born in Seattle, he has been with Boeing since 1945 and was a principal figure in the development of three generations of jet aircraft. In 1984, he was elected to the National Academy of Engineering. In 1985, President Reagan conferred on him the U.S. National Medal of Technology.

Dr. Arthur B. C. Walker, Jr.

Astronomer. Born in Cleveland, Ohio, he is currently Professor of Applied Physics and was formerly Associate Dean of the Graduate Divi-

sion at Stanford University. Consultant to Aerospace Corporation, Rand Corporation and the National Science Foundation, he is a member of the American Physical Society, American Geophysical Union, and the American Astronomy Society. He holds a Doctorate in Physics from the University of Illinois (1962).

Dr. Albert D. Wheelon

Physicist. Born in Moline, Illinois, he is currently Executive Vice President, Hughes Aircraft Company. Also a member of the President's Foreign Intelligence Advisory Board, he served as a consultant to the President's Science Advisory Council from 1961 to 1974. He holds a Doctorate in Physics from Massachusetts Institute of Technology (1952).

Brigadier General Charles Yeager, USAF (Retired)

Former experimental test pilot. Born in Myra, West Virginia, he was appointed in 1985 as a member of the National Commission on Space. He was the first person to penetrate the sound barrier and the first to fly at a speed of more than 1,600 miles an hour.

Dr. Alton G. Keel, Jr., Executive Director

Detailed to the Commission from his position in the Executive Office of the President, Office of Management and Budget, as Associate Director for National Security and International Affairs; formerly Assistant Secretary of the Air Force for Research, Development and Logistics; and Senate Staff. Born in Newport News, Virginia, he holds a Doctorate in Engineering Physics from the University of Virginia (1970).

	Executive Secretary	White House MAJ, USA/OMB
Special Assistants		
Marie C. Hunter	Executive Assistant to the Chairman	Rogers & Wells
M. M. Black	Personal Secretary to Vice Chairman & Executive Director	OMB
Mark D. Weinberg	Media Relations	White House
Herb Hetu	Media Relations	Consultant
John T. Shepherd	NASA Tasking Coordination	CAPT, USN (Ret)/Atty.

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Patt Sullivan	Administrative Assistant	NASA
Marilyn Stumpf	Travel Coordination	NASA
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Brewster Shaw	Investigator, Pre-Launch Activities	LTC, USAF/NASA Astronaut
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Ron Waite	Investigator, Accident Analysis	Engineering Consultant
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Patrick J. Maley	Investigator	Special Agent, FBI
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Laddie E. Dufka	Aero space Corp	Pro Bono
Mohan Aswani	Aero space Corp	Pro Bono
Michael L. Marx	Metallurgist	NTSB

An Overview

President Reagan, seeking to ensure a thorough and unbiased investigation of the Challenger accident, announced the formation of the Commission on February 3, 1986. The mandate given by the President, contained in Executive Order 12546, required Commission members to:

- (1) Review the circumstances surrounding the accident to establish the probable cause or causes of the accident; and
- (2) Develop recommendations for corrective or other action based upon the Commission's findings and determinations.

Following their swearing in by Chairman Rogers on February 6th, Commission members immediately began a series of hearings during which NASA officials outlined agency procedures covering the Shuttle program and the status of NASA's investigation of the accident.

Shortly thereafter, on February 10th, Dr. Alton G. Keel, Jr., Associate Director of the Office of Management and Budget, was appointed Executive Director. Dr. Keel began gathering a staff of 15 experienced investigators from various government agencies and the military services, and administrative personnel to support Commission activities.

During a closed session on February 10, 1986, the Commission began to learn of the troubled history of the Solid Rocket Motor joint and seals. Moreover, it discovered the first indication that the contractor, Morton Thiokol, initially recommended against launch on January 27, 1986, the night before the launch of 51-L, because of con-

cerns regarding low temperature effects on the joint and seal. To investigate this disturbing development, additional closed sessions were scheduled for February 13th and 14th at Kennedy. The February 13, 1986, session was an extensive presentation of film, video and telemetry data relating to the Challenger accident. It provided the Commission the first evidence that the Solid Rocket Motor joint and seal may have malfunctioned, initiating the accident.

The session on February 14th included NASA and contractor participants involved in the discussion on January 27, 1986, not to launch 51-L. After testimony was received, an executive session of the Commission was convened. The following statement was subsequently issued by the Chairman on February 15, 1986, reflecting the conclusion and view of the Commission:

"In recent days, the Commission has been investigating all aspects of the decision making process leading up to the launch of the Challenger and has found that the process may have been flawed. The President has been so advised.

"Dr. William Graham, Acting Administrator of NASA, has been asked not to include on the internal investigating teams at NASA, persons involved in that process.

"The Commission will, of course, continue its investigation and will make a full report to the President within 120 days."

The role of the Commissioners thus changed from that of overseers to that of active investigators and analysts of data presented by NASA and its contractors.

The Commission itself divided into four investigative panels:

1. Development and Production, responsible for investigating the acquisition and test and evaluation processes for the Space Shuttle elements;
2. Pre-Launch Activities, responsible for assessing the Shuttle system processing, launch readiness process and pre-launch security;
3. Mission Planning and Operations, responsible for investigating mission planning and operations, schedule pressures and crew safety areas; and
4. Accident Analysis, charged with analyzing the accident data and developing both an anomaly tree and accident scenarios.

By February 17th, the panel organization had been finalized and, on February 18th, Chairman Rogers described the Commission's new approach before Congress. Working groups were sent to Marshall, Kennedy and Thiokol to analyze data relating to the accident and to redirect efforts. NASA's investigation was also reorganized to reflect the structure of the Commission's panels.

A series of public hearings were planned on February 25th, 26th and 27th to assure an orderly and fair presentation of all the facts that the Commission had discovered concerning the launch decision making process for flight 51-L. At these hearings, additional information about the launch decision was obtained from the testimony of Thiokol, Rockwell and NASA officials. Details about the history of problems with the then suspect Solid Rocket Motor joints and seals also began emerging and served to focus the Commission's attention on a need to document fully the extent of knowledge and awareness about the problems within both Thiokol and NASA.

Following these hearings, a substantial portion of the investigative efforts of the Commission was conducted by the separate panels in parallel with full Commission hearings.

The Accident Analysis Panel, chaired by Major General Donald Kutyna, made several trips to both Kennedy and Marshall and traveled to Thiokol facilities in Utah to review photographic and telemetric evidence as well as the results of the salvage operation and to oversee the tests being conducted by NASA and Thiokol engineers.

The Accident Analysis Panel followed standard investigative procedures. An extensive effort

was needed to establish the design, manufacturing and processing baseline configuration of the Shuttle vehicle for STS 51-L. A data base was established for the examination and analysis of information related to all flight elements and segments. From these data and a compilation of possible and observed deviations from the norm, scenarios that might have led to the accident were developed. Tests and analyses were then performed to determine the specific scenarios most likely to have caused loss of Challenger.

Early in March, at the request of the Chairman, this group assembled and directed the Commission's independent team of technical observers with extensive experience in Solid Rocket Motor technology and accident investigation to validate and interpret the tests and analyses performed on the Thiokol motor by NASA and Thiokol.

The Development and Production Panel, chaired by Joseph Sutter, centered its investigation on the production and testing activities of the Shuttle element contractors. Starting at Johnson, the panel and staff investigators looked at how these contractors and their NASA counterparts interact.

They next traveled to the Wasatch plant of Thiokol in Promontory, Utah. Thiokol personnel briefed the group on the details of the design, manufacturing, verification and certification of the Solid Rocket Motors. Similar sessions took place in April in Downey, California, at the headquarters of Rocketdyne, Inc., the Shuttle main engine contractor; in Canoga Park, California, at the facilities of Rockwell International, the Orbiter contractor; in Michoud, Louisiana, at the plant of Martin Marietta, the External Tank contractor; and in Berea, Kentucky, at the facilities of Parker Seal Company, the manufacturers of the O-ring seals of the Thiokol Solid Rocket Motors.

In addition, the panel traveled to Marshall to learn about Marshall's interaction with Thiokol and to discuss issues that had been raised during the visits to the contractors' plants.

The Pre-Launch Activities Panel, chaired by David Acheson, centered its investigation at Kennedy where the Shuttle elements are assembled and all other final launch preparations are completed. This panel, in conjunction with the Mission Planning and Operations Panel, chaired by Dr. Sally Ride, met with its NASA counterparts in early March. This series of meetings identified for the Commission the various aspects of the pre-

launch process that required thorough review, not only for the purpose of the Challenger accident investigation but also to increase safety margins for the future.

Later in March the Pre-Launch Panel again met at Kennedy to receive the NASA Team's preliminary reports and to focus on the spare parts issue and Solid Rocket Booster assembly operations. Panel members also met with contractor personnel involved in Shuttle processing and Kennedy security work.

After the joint meeting at Kennedy with the Pre-Launch Activities Panel, the Mission Planning and Operations Panel traveled to Johnson to begin working with its NASA counterparts and to initiate its own investigative efforts. A specific focus of its work was the mission planning and crew preparation for STS 51-L and details of NASA's safety, reliability and quality assurance programs. Later meetings at both Johnson and Marshall dealt with range safety, weather criteria for launch, flight delays and hardware testing.

While the work of the individual panels and their investigative staffs was ongoing, a general investigative staff began a series of individual interviews to document fully the factual background of various areas of the Commission's interest, including the telecon between NASA and Thiokol officials the night before the launch; the history of joint design and O-ring problems; NASA safe-

ty, reliability and quality assurance functions; and the assembly of the right Solid Rocket Booster for STS 51-L. Subsequent investigative efforts by this group were directed in the area of the effectiveness of NASA's organizational structure, particularly the Shuttle program structure, and allegations that there had been external pressure on NASA to launch on January 28th.

More than 160 individuals were interviewed and more than 35 formal panel investigative sessions were held generating almost 12,000 pages of transcript (Table 1 and Table 2). Almost 6,300 documents, totaling more than 122,000 pages, and hundreds of photographs were examined and made a part of the Commission's permanent data base and archives. These sessions and all the data gathered added to the 2,800 pages of hearing transcript generated by the Commission in both closed and open sessions.

In addition to the work of the Commission and the Commission staff, NASA personnel expended a vast effort in the investigation. More than 1,300 employees from all NASA facilities were involved and were supported by more than 1,600 people from other government agencies and over 3,100 from NASA's contractor organizations. Particularly significant were the activities of the military, the Coast Guard and the NTSB in the salvage and analysis of the Shuttle wreckage.

Table 1

Commission Investigative Interviews

Interviews of January 27, 1986
Teleconference (8:15 PM EST)

Participants

Ben Powers	John Schell	William Macbeth	Jerry E. Mason
Frank Adams	Keith Coates	Brian Russeil	Robert Lund
Larry Wear	George Hardy	Jack Kapp	Joseph Kilminster
James Smith	Jud Lovingood	Ron Ebeling	Roger Boisjoly
Boyd Brinton	Jack Buchanan	Calvin Wiggins	Arnold Thompson
Robert Schwinghamer	Allan McDonald	Larry Sayer	Jerry Peoples
William Reihl	Carver Kennedy	Joel Maw	James Kingsourv
Wayne Little	Cecil Houston	Kyle Speas	
John Q. Miller	Lawrence Mullov	Jerry Burn	
John McCarty	Stanley Reinartz	Don Keener	

Doug Bailly April 27

Senator Faiks -

The problem is the dual
appointment procedure. -

By the Governor & the Legislature
which may well (and probably
does) violate separation of
power. While this problem is
often "overlooked" - here, where
the panel has the subpoena
power there will likely be
efforts to block the investigation.
I expect, if challenged, the
Commission in this form will
be declared invalid.

RECEIVED

APR 28 1989

CS SB 277

JAN FAIKS

6-1209M
Lauterbach
5/4/89

Original sponsors: Faiks, Halford,
Kelly, et al.

1 IN THE SENATE BY THE RESOURCES COMMITTEE
2 HOUSE CS FOR CS FOR SENATE BILL NO. 277 (Resources)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act establishing a commission to investigate the
7 Exxon Valdez oil spill disaster and to recommend
8 changes needed to minimize the possibility and ef-
9 fects of similar oil spills; and providing for an
10 effective date."

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

12 * Section 1. ALASKA OIL SPILL COMMISSION. (a) There is established in
13 the Department of Administration the Alaska Oil Spill Commission consisting
14 of seven distinguished members appointed by the governor.

15 (b) The members must include

16 (1) five state residents with broad experience or expertise in
17 one or more of the following areas: physical or biological science, oil
18 transportation, fisheries, economics, sociology, or law; these members may
19 not be federal or state employees or employees of a political subdivision
20 of the state or ^{an employee or contractor of the oil industry} ~~be~~ employees or independent contractors of any corporation
21 directly involved in the Exxon Valdez oil spill disaster;

22 (2) two persons who are recognized nationally for their exper-
23 tise in science, technology, or management and are not employees of a
24 governmental entity.

25 (c) The commission members shall elect from among themselves a chair
26 and vice-chair.

27 (d) The commission may hire staff it considers necessary to perform
28 its duties, including legal counsel.

29 (e) Members of the commission serve without compensation, but are

1 entitled to ²⁰⁰⁰~~\$300~~ a day while on commission business plus per diem and
2 travel expenses authorized for boards and commissions under AS 39.20.180.

3 (f) The commission shall meet regularly to direct its investigation,
4 hold hearings, review progress, and draft final recommendations.

5 * Sec. 2. DUTIES OF THE COMMISSION. (a) The commission shall gather
6 information relating to

7 (1) the series of events that allowed the Exxon Valdez oil
8 discharge on March 24, 1989, to occur; and

9 (2) the ensuing efforts to contain and clean up the oil dis-
10 charged.

11 (b) By December ¹⁵~~15~~, 1989, the commission shall submit a report to the
12 governor and to the legislature containing its findings and recommendations
13 on

14 (1) the containment and cleanup actions that were taken or not
15 taken after the discharge, the extent to which current technology was
16 available and used, and ways to improve oil spill response technology and
17 procedures;

18 (2) steps that should be taken by all levels of government and
19 by the oil industry to ensure proper management, handling, and transporta-
20 tion of crude and refined oil and to improve the statewide ability of
21 industry and governmental agencies to respond to oil discharges;

22 (3) the extent to which oil industry practices and governmental
23 practices or laws should be changed to minimize the potential for future
24 events similar to the grounding of the Exxon Valdez; and

25 (4) legislative proposals to encourage and fund prevention,
26 response, cleanup, and mitigation of all future discharges of oil.

27 * Sec. 3. INVESTIGATIONS; HEARINGS. (a) The commission may issue
28 subpoenas, administer oaths, hold hearings, and conduct investigations
29 related to its duties.

1 (b) The commission may compel the attendance of witnesses and produc-
2 tion of papers, books, records, accounts, documents, and testimony, and may
3 have the deposition of witnesses taken in a manner prescribed by court rule
4 or law for the taking of depositions in civil actions when consistent with
5 the duties assigned to the commission.

6 (c) On a majority vote of the commission, subpoenas and subpoenas
7 duces tecum may be issued and served in the manner prescribed by AS 44.62.-
8 430(b) and (c) and court rule. The failure, refusal, or neglect to obey a
9 subpoena is punishable as contempt in the manner prescribed by law or court
10 rule. The superior court may compel obedience to the commission's subpoena
11 in the same manner as prescribed for obedience to a subpoena issued by the
12 court.

13 (d) State agencies shall, to the extent permitted by law, cooperate
14 with the commission and provide it with information it requests for carry-
15 ing out its duties.

16 (e) The commission is subject to AS 44.62.

17 * Sec. 4. This Act is repealed January 30, 1990.

18 * Sec. 5. This Act takes effect immediately under AS 01.10.070(c).
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