ALASKA LEGISLATURE SPECIAL COMMITTEE/SUBJECT FILES 8672

2662 SCOMM 119 HOUSE SPECIAL COMMITTEE WORLD TRADE..., 1999-2000

Alaska State Legislature

HOUSE OF REPRESENTATIVES

Special Committee on World Trade and State/Federal Relations

Official Business

State Capitol
Juneau, AK 99801-1182

FOR IMMEDIATE RELEASE: April 19, 2000

CONTACT: Rep. Ramona L. Barnes (907) 465-3438

Legislators Offer Solution to Capitol Deadlock

Resolution Provides Analysis of Impacts on Businesses and Consumers

(JUNEAU) -- Representative Ramona L. Barnes (R-Anchorage), Chair of the House Committee on World Trade and State/Federal Relations, has announced her support for a proposed solution to the current legislative deadlock over environmental impacts of spills from nontank vessels and railroad tank cars.

Representative Gail Phillips (R-Homer), Chair of the House Committee on Economic Development and Tourism, will introduce a resolution establishing a 13-member task force, chaired by either the Commissioner or Deputy Commissioner of the Alaska Department of Environmental Conservation.

"The task force would be charged with evaluating the requirements of SB 273 to develop contingency plans for dealing with the effects of spills from railroad tank cars and nontank vessels," Phillips said. "The task force would be required to prepare a report in time for the first day of the First Session of the 22nd Alaska Legislature."

"As Senate Bill 273 has progressed rapidly through the legislature, implementation has become increasingly complex and a cause of greater concern," Barnes said. "There is a significant element missing from the overall equation. We need an analysis of the impact on Alaska businesses, on the continued viability of our exports, and of the effects on Alaska's residents and consumers."

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Official Business

MEMBER
Natural Resources
Committee

Alaska State Legislature

Vice-Chair, Legislative Council
Chair, World Trade
And
State/Federal Relations

REPRESENTATIVE
RAMONA L. BARNES
District 22

Anchorage

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(907) 269-0100
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Juneau, AK 99801-1182
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April 19, 2000

The Honorable Drue Pearce
President of the Senate
Alaska State Legislature

Dear President Pearce:

I understand your strong interest in passage of SB 273 and appreciate the environmental concerns that prompted the legislation. I believe most or all of us in the Legislature share those concerns.

However, you are asking that we pass legislation that brings with it many unanswered questions and issues. As you may recall, I have repeatedly requested an assessment of the economic impact of this legislation on the state, its businesses and especially, its residents.

There has developed a feeling that as the legislation has progressed, implementation becomes increasingly complex and of concern. Even the basic costs for tramper steamers, fish processors and cruise lines are bandied about in widely-ranging numbers.

I still see a significant element missing in the overall equation. Again, we need an analysis of the impact on businesses in our state, the continued viability of our exports and the effect on Alaska's residents and consumers. This is major legislation that has moved at a fast pace and with what appears to be reluctant support. I share this reluctance because I see us rushing into law something that needs considerable further evaluation and review.

Fortunately, existing federal regulations already provide significant regulation for spill response, cleanup and financial responsibility in Alaska waters. As I know you must be aware, many of the affected industries have for some time, suggested that rather than pass legislation this year a balanced, interim task force

be established to accomplish this necessary review. In this way, working closely with DEC, legislation could be crafted to meet the concerns of all those involved. For example, the environmental concerns SB 273 now attempts to address while in addition, it could address the economic concerns to which I refer above. Also, such lingering questions of redundancy (including the cost to businesses of such redundancy) and overlap with existing federal law could be thoroughly addressed. This could still effectively result in final regulations being in place by April, 2002, just as they would under SB 273 in its present form.

The government working together with interested parties is a time-honored process that certainly would seem preferable to putting this into law now and later seeking answers to the many questions that are sure to arise.

In the interests of time, I am including a draft of a resolution for your consideration to implement an interim task force.

Sincerely,

Ramona L. Barnes
Representative

Attachment

CC: House Speaker Brian Porter

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April 21, 2000

The Honorable Ramona Barnes
Alaska House of Representatives
State Capitol, Room 403
Juneau, Alaska 99801

Dear Representative Barnes:

Thank you for your continuing support of the Alaska Railroad, especially regarding recent oil spill contingency plan legislation. The ARRC supports the Senate President's initial legislation, and as we have advised Senator Pearce, we intend to continue on our path of improvements regardless of the disposition of this bill. However, we understand your valid concerns about cost and implementation. One of the reasons we moved quickly, before legislation was introduced, was because we were convinced that we could better manage costs of implementation if the decisions and schedule were kept in-house.

I also wanted to give you a quick synopsis of our efforts at both Gold Creek and Canyon, what the current situation is, and what the eventual outcomes are likely to be.

First, I would like to emphasize that last November's spill response at Canyon is nearly closed out. Of the 12,000 gallons spilled, the ARRC recovered more than 11,000 gallons, which is an unusually high recovery rate and quite a successful response effort. We have monitored the site over the winter and will recover any residual oil or emulsion from the underflow dams we put in place before winter closed in.

Gold Creek has been more problematic, but there has been no lack of effort. I believe that inflammatory statements from various sources and an adversarial press corps have generated a "folk history" of this response that differs greatly from the facts.

The spilled occurred in the middle of the night during one of the most intense winter storms Southcentral Alaska has seen in many years. The derailment and resulting spill

in the roadless area of the Alaska Railroad, coupled with the storm conditions, hampered immediate first response. Even the regulators in those first days were quoted widely about the fact that weather had "dealt us a bad hand," in the words of ADEC's lead response official. All of the highways in Southcentral and Interior Alaska were closed due to severe icing conditions, and the Alaska Railroad was blocked in numerous locations due to snow and mud slides across the track. The ARRC responded according to our extensive emergency response plan, which you may view on-line at **akrr.com/emeresp/erp.htm**.

Our initial hope was that snow would absorb much of the spilled fuel and that frozen ground would keep it from contaminating soil. However, as we removed damaged cars, transferred fuel to safe tankers, and got to the spill itself, it was clear that the warm fuel (about 50 degrees) went through the snow quickly and melted the thin layer of frozen soil beneath the snowpack. While some critics continued to hold to the theory that the fuel sat, accessible, for days, subsequent cleanup and sampling have shown that not to be the case.

Since January 10 (the date the wreck was cleared, all cars had been lightered, and all contaminated snow and overburden had been removed) we have been drilling recovery and monitoring wells, and using skimmer pumps and groundwater depression to recover fuel. There are more than 125 wells at the site. Recovery has averaged about 200 gallons per day and we have recovered almost 14,000 gallons total to date. (While this may seem low, it is comparable to a similar recovery effort that has been going on at Elmendorf Air Force Base for more than a year and a half; soil and groundwater recovery is a much more difficult task than conventional, above-ground recovery.)

We have maintained 24-hour operations, established an on-site mancamp, devoted special worktrains and train crews to the job, and have expended more than $6 million in Alaska Railroad revenues on this project to date. (I note that while indeed, this represents an expenditure of State of Alaska assets, there has been no cost to the General Fund. The ARRC funds all of its operations from earned revenue.)

While the media represent the decision to forego excavation of soils as a recent development, in fact this option was analyzed and rejected, from a technical standpoint, more than eight weeks ago. Excavation would involve huge amounts of material to be moved, and result in a massive crater within the Denali State Park. It was deemed to be fundamentally unsafe, because of the need to handle material with heavy equipment multiple times and the resulting hole created by the work. It was considered to be technically unsound because most of the contaminated soil is covered by more than 30 feet of clean soils, and because there was no practical way to treat the excavated soil.

ADEC's main concern has been a potential threat to the Susitna River. We shared that concern early on, but more than $1 million of scientific site work and the best professional judgment of more than half a dozen registered professional engineers and hydrologists (including both contractors we have used, and two of our staff civil engineers), has strongly suggested to us that the Susitna is not at risk. Indeed, in a recent Anchorage Daily News article, the ADEC project manager agreed that the analysis we have offered for more than 10 weeks appears to be well supported. The hydrologists agree that the most likely scenario is that the river will rise more quickly than the groundwater, further minimizing the likelihood that fuel and groundwater would flow towards the river. Most professional observers feel that the fuel remaining on top of the groundwater will be smeared through soils above it. While this produces more contamination vertically, it does not send a plume towards the river.

We intend to continue the steady recovery effort until skimming is no longer effective. At that point, we are likely to use standard *in situ* remediation such as air sparging or soil vapor extraction. These techniques are well proven and ADEC has approved many contaminated site workplans that depend on these bioventing techniques. (Essentially, the introduction of air into the system vents vapors and encourages biodegradation.) Further, we intend to leave in place the sentinel wells that could detect plume migration, continue to sample groundwater and Susitna River surface waters, and employ other monitoring techniques that will either confirm the stability of the site or let us know further action is necessary.

I estimate additional costs in the year 2000 of $2 million to $3 million, with expenditures of several hundred thousand dollars a year in out years. Again, I emphasize that the funding for this project comes directly out of operating and capital budgets based on earned revenue of the Alaska Railroad; if we were trying to avoid work and additional costs at Gold Creek, you would not see the kind of effort and expenditure we are putting in there. We are doing everything that is technically sound and logistically possible.

Again, thank you for your interest and support for this valuable, state-owned transportation system.

Very truly yours,

Governor Bill Sheffield
President and Chief Executive Officer

1-LS1464\Z
Chenoweth
4/25/00

HOUSE CS FOR CS FOR SENATE BILL NO. 273( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATOR PEARCE

A BILL

FOR AN ACT ENTITLED

"An Act regarding oil discharge prevention, and relating to contingency plans and proof of financial responsibility for all self-propelled nontank vessels exceeding 400 gross registered tonnage and for railroad tank cars; authorizing inspection of nontank vessels and trains; and providing for an effective date."

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

*** Section 1.** AS 46.04 is amended by adding a new section to read:

Sec. 46.04.055. Nontank vessels and railroad tank cars. (a) A person may not cause or permit the operation of a nontank vessel within the waters of the state or cause or permit the transfer of oil to or from a nontank vessel unless the person has furnished to the department and the department has approved proof of financial ability to respond to damages meeting the requirements of AS 46.04.040. Proof of financial responsibility required under this subsection is subject to adjustment of dollar amounts under AS 46.04.045 and is established, for a nontank vessel that carries

(1) predominantly persistent product, at $300 per incident for each

barrel of oil storage capacity on the vessel or $5,000,000, whichever is greater; and

(2) predominantly nonpersistent product, at $100 per incident for each barrel of oil storage capacity on the vessel or $1,000,000, whichever is greater.

(b) A person may not transport oil by railroad tank car or cause or permit the transfer of oil to or from a railroad tank car unless the person has furnished to the department and the department has approved proof of financial ability to respond to damages meeting the requirements of AS 46.04.040. Proof of financial responsibility required under this subsection is subject to adjustment of dollar amounts under AS 46.04.045 and is established at

(1) $300 per incident for each barrel of persistent product based on the maximum amount of persistent product storage capacity of any train on the railroad; and

(2) $100 per incident for each barrel of nonpersistent product based upon the maximum amount of nonpersistent product storage capacity of any train on the railroad or $1,000,000, whichever is greater.

(c) For purposes of AS 46.04.030(k), response planning standards apply to nontank vessels and railroad tank cars as follows:

(1) for a nontank vessel,

(A) containment and control of 15 percent of the maximum oil capacity of the nontank vessel within 48 hours; and

(B) cleanup of the discharge within the shortest possible time consistent with minimizing damage to the environment; and

(2) for a railroad tank car,

(A) containment and control of 15 percent of the maximum oil capacity of a train on the railroad within 48 hours; and

(B) cleanup of the discharge within the shortest possible time consistent with minimizing damage to the environment.

(d) Notwithstanding the requirements of AS 46.04.040(e) and (l) and 46.04.047, for purposes of (a) of this section, an applicant may provide evidence of financial responsibility by proof of entry of the nontank vessel in a protection and indemnity association or proof of coverage with another insurer that

(1) is financially solvent and has a favorable history of claim handling;

(2) provides coverage against pollution risks in at least the amount of the financial responsibility required under (a) of this section without any requirement for a special endorsement;

(3) does not agree to be subject to direct action in court or to appointment of an agent for service of process; and

(4) in the case of a protection and indemnity association or group of insureds, is not authorized by the Department of Community and Economic Development to sell insurance in the state so long as it is not listed by the Department of Community and Economic Development as being disapproved for use in the state.

(e) The requirements of (a) - (d) of this section do not apply to a nontank vessel operating in the waters of the state if the nontank vessel

(1) is engaged in innocent passage; for purposes of this paragraph, a nontank vessel is engaged in innocent passage if its operation in state waters, irrespective of whether it is a United States or foreign-flag vessel, would constitute innocent passage under the Convention on the Territorial Sea and the Contiguous Zone, April 29 1958, 15 U.S.T. 1606, or the United Nations Convention on the Law of the Sea 1982, December 10, 1982, U.N. Publication No. E 83.V.5, 21 I.L.M. 1261 (1982), were the vessel a foreign-flag vessel;

(2) enters state waters because of imminent danger to the crew, or in an effort to prevent an oil spill or other harm to public safety or the environment, and are inapplicable only until the vessel is able to leave state waters as soon as it may do so without imminent risk of harm to the crew, public safety, or the environment; or

(3) enters state waters after the United States Coast Guard has determined that the vessel is in distress, and are inapplicable only until the vessel is able to leave state waters as soon as it may do so without imminent risk of harm to the crew, public safety, or the environment.

* **Sec. 2.** AS 46.04.060 is amended to read:

Sec. 46.04.060. Inspections. (a) In addition to other rights of access or inspection conferred upon the department by law or otherwise, the department may at reasonable times and in a safe manner enter and inspect oil terminal facilities,

pipelines, exploration and production facilities, tank vessels, **nontank vessels, trains,** and oil barges in order to

(1) ensure compliance with the provisions of this chapter; or

(2) participate in an examination of the structural integrity and the operating and mechanical systems of those vessels, barges, **nontank vessels, trains,** pipelines, and facilities by federal and state agencies with jurisdiction.

(b) When the department determines that no federal or state agencies with jurisdiction are performing timely and adequate inspections of an oil terminal facility, pipeline, exploration or production facility, tank vessel, **nontank vessel, train,** or oil barge, it may perform its own inspection of the structural integrity and operating and mechanical systems of a facility, pipeline, tank vessel, **nontank vessel, train,** or oil barge by using personnel with qualifications in the areas being inspected.

*** Sec. 3.** AS 46.04.060 is amended by adding a new subsection to read:

(c) For purposes of this section, "train" includes tracks, associated facilities, and operations.

*** Sec. 4.** AS 46.04.900(12) is amended to read:

(12) "oil terminal facility" means an onshore or offshore facility of any kind, and related appurtenances, including but not limited to a deepwater port, bulk storage facility, or marina, located in, on, or under the surface of the land or waters of the state, including tide and submerged land, **that** [WHICH] is used for the purpose of transferring, processing, refining, or storing oil; a vessel, **other than a nontank vessel,** is considered an oil terminal facility only when it is used to make a ship-to-ship transfer of oil, and when it is traveling between the place of the ship-to-ship transfer of oil and an oil terminal facility;

*** Sec. 5.** AS 46.04.900(21) is amended to read:

(21) "vessel" includes tank vessels, [AND] oil barges, **and nontank vessels;**

*** Sec. 6.** AS 46.04.900 is amended to add new paragraphs to read:

(24) "nonpersistent product" has the meaning given to "non-persistent or Group I oil" in 33 C.F.R. 155.1020;

(25) "nontank vessel" means a self-propelled watercraft of more than

400 gross registered tons; in this paragraph, "watercraft" includes commercial fishing vessels, commercial fish processor vessels, passenger vessels, and cargo vessels, but does not include a tank vessel, oil barge, or public vessel;

(26) "persistent product" has the meaning given to "persistent oil" in 33 C.F.R. 155.1020;

(27) "public vessel" means a vessel that is operated by and is either owned or bareboat chartered by the United States, a state or a political subdivision of that state, or a foreign nation, except when the vessel is engaged in commerce;

(28) "railroad tank car" means rolling stock used to transport oil in bulk as cargo by rail;

(29) "train" means connected rolling stock operated as a single moving vehicle on rails; for purposes of this paragraph, "connected rolling stock" includes railroad tank cars.

*** Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TASK FORCE ON MOTORIZED OIL TRANSPORT. (a) There is established a Task Force on Motorized Oil Transport within the Department of Environmental Conservation.

(b) The Task Force on Motorized Oil Transport shall

(1) determine how to implement the response planning standards set out in AS 46.04.055(c), added by sec. 1 of this Act, for nontank vessel and railroad tank car contingency plans; and

(2) deliver a report to the Twenty-Second Alaska State Legislature on or before the first day the legislature convenes that contains its recommendations with respect to implementation of the response planning standards set out in AS 46.04.055.

*** Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section to read:

REGULATIONS. The Department of Environmental Conservation shall proceed to adopt regulations necessary to implement the changes made by this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the effective date of secs. 1 - 6 of this Act.

*** Sec. 9.** Sections 7 and 8 of this Act take effect immediately under AS 01.10.070(c).

* **Sec. 10.** Except as provided in sec. 9 of this Act, this Act takes effect September 1, 2000.

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. HCS CSSB 273 (WTR)

Revision Date/Time (Note if correction) _____ Dept. Affected: Environmental Conservation

Title "An Act requiring oil discharge prevention and contingency plans...for non-tank vessels and railroad... " BRU Spill Prevention & Response

Component Industry Preparedness & Pipeline Program

Sponsor Senator Pearce

Requester World Trade and State/Federal Relations. Component No. 1922

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services	58.5	58.5	58.5	58.5	58.5	58.5
Travel	18.6	6.6	6.6	6.6	6.6	6.6
Contractual	125.4	5.4	5.4	5.4	5.4	5.4
Supplies	1.6	1.1	1.1	1.1	1.1	1.1
Equipment	6.5	1.2	1.2	1.2	1.2	1.2
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	**210.6**	**72.8**	**72.8**	**72.8**	**72.8**	**72.8**
CAPITAL EXPENDITURES	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**
CHANGE IN REVENUES ( )	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type) 1052 Oil/Haz FD	**210.6**	**72.8**	**72.8**	**72.8**	**72.8**	**72.8**
TOTAL	**210.6**	**72.8**	**72.8**	**72.8**	**72.8**	**72.8**

Estimate of any current year (FY2000) cost: 0.0

POSITIONS

Full-time	1	1	1	1	1	1
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: *(Attach a separate page if necessary)*

Fiscal Impact: One Environmental Specialist III, in Juneau will initially assist with the Task Force on Motorized Oil Transport and will subsequen recieve and review financial responsibility documentation, maintain the associated database, and issue certificates of financial responsibility for nontank vessels and the railroad.

The Alaska Department of Environmental Conservation is tasked with managing, participating in, and staffing a Task Force on Motorized Oil Transport. The task force is directed to meet as frequently as needed to prepare a report to the Twenty-Second Alaska State Legislature. Contractual services will be for assistance with technical issues in applying the oil spill prevention and response rules to the Alaska Railroad and the various classes and categories of nontank vessels operating in the different areas of the state. The completed report will include recommendations on changes to the statutes and regulations. Additionally a facilitator will be retained to assist with the complexities in bringing together the divergent and often contentious views of the participating task force members. Travel and per diem is for Department staff to participate in task force meetings.

Prepared by: Larry Dietrick Phone 465-5250

Division SPAR Date/Time 4/25/00 12:05 PM

Approved by Agency: Commissioner Department of Environmental Conservation Date 4/25/00

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Personal Services New Position Detail

Department of Environmental Conservation

Scenario: FY2001 Legislative Fiscal Note Info
Component: Industry Preparedness and Pipeline Operations (1922)
BRU Name: Spill Prevention and Response

PCN	Job Class Title	Time Status	Retire Code	Barg Unit	Location	Salary Sched	Range & Steps	Budgeted Months	Split / Count	Annual Salary	COLA	Premium Pay	Annual Benefits	Total Costs
18-#005	Environmental Spec III	FT	A	GG	Juneau	1A	18 A	12.0		43,860	0	0	14,617	58,477

Justification:

Environmental Specialist II will initially assist in developing regulations and will subsequently review financial responsibility documentation and maintain associated database.

Funding Detail:

1052	Oil/Hazardous Response Fund	100.00%	58,477
	Total Funding:	100.00%	58,477

Component Summary:

Total New Positions: 1

Fund	Description	Fund Percent	Fund Amount
1052	Oil/Hazardous Response Fund	100.00%	58,477
	Total Funding:	100.00%	58,477

Note: If a position is split, an asterisk (*) will appear in the Split/Count column. If the split position is also counted in the component, two asterisks (**) will appear in this column.

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. SB 273

Revision Date/Time (Note if correction) _____ Dept. Affected _____
Title oil discharge prevention and contingency plans BRU _____
Component _____
Sponsor Senator Drue Pearce _____
Requester _____ Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ( )						

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2000) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*

SB 273 will create no fiscal impact to the state's general fund. However, the Alaska Railroad Corporation will incur a fiscal impact. Information attached

Prepared by: Wendy Lindskoog Phone 265-2498
Division _____ Date/Time 2/19/00 4:48 PM
Approved by Commissioner _____ Date _____
Agency _____

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SB 273: By Senator Drue Pearce

Alaska Railroad Corporation Financial Responsibility:

Over the last several years, the Alaska Railroad corporation has had in place two $10,000,000 lines of credit. One to meet self insurance requirements and one to meet operational requirements. These credit lines are with two separate national banks. They are currently for one year and are renewable annually. At this time, the lines of credit are whole and have not been drawn on.

The proposed legislation would require the Alaska Railroad to have proof of financial responsibility to respond to damages of approximately $5,450,000. This amount is derived from a maximum of 100 tank cars per train, multiplied by 545 barrels per tank car, multiplied by $100 per barrel. Typically, an Alaska Railroad fuel train pulls approximately 50 car loads of fuel.

It is the railroad's intent to use a portion of an existing line of credit as proof of financial ability.

The Alaska Railroad also estimates the following cost for oil discharge prevention and contingency plans:

1) Contingency plan development: $250,000
   Includes mapping, environmental assessment, response needs (personnel and equipment), public involvement, agency review

2) Risk assessment: $400,000
   Includes risk assessment and recommendations by consultants and public review

3) Contingency plan implementation: $1,000,000 – first year, $750,000 – subsequent years
   Assumes cost of equipment, personnel, training, drills annually

Backup for Railroad fiscal note

Category	Item	Number	Y2000	Y2001	Y2002	Y2003	Y2004
Equipment	40' Response Conexs	6	15	0	0		
	40' stock	6	180	10	10	10	10
	20' Yard containers	5	10	0	0	0	0
	20' stock	5	10	10	10	10	10
	Command center	5	150	75	10	10	10
	Vacuum unit	2	100	100	2.5	2.5	2.5
	Temporary fuel storage	10	30	25	2.5	2.5	2.5
	Locomotive kits	58	18	18	18	2.5	2.5
	Equip lease/rental		40	40	40	40	40
Contracts	ICS Management		65	70	75	80	85
	GIS/Mapping		125	45	15	15	15
	Response planning		35	10	10	10	10
	Risk assessment		225	45	5	5	5
	ADEC review/reimb.		65	15	15	65	15
Personnel	C-plan.resp mgmt		90	50	50	50	50
	Training		75	30	30	30	30
Admin	Logistics		75	75	75	75	75
	Drills		50	80	30	30	50
	Community involvemnt		35	15	15	35	15
	Overhead		104.64	49.44	29.44	32.6	29
	Totals		**1497.64**	**762.44**	**442.44**	**505.1**	**456.5**

Note: totals came in slightly lower than numbers reflected on 2/19 & 4/13 fiscal notes.

586 1585

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. SB 273

Revision Date/Time (Note if correction) 04/13/2000
Dept. Affect DCED
Title Spill response legislation
BRU ARRC
Component
Sponsor Senator Drue Pearce
Requester
Component No.

Expenditures/Revenues Thousands of Dollars

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services						
Travel						
Contractual		1,650.0	750.0	750.0	750.0	750.0
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	1,650.0	750.0	750.0	75 .0	750.0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ( )						

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Railroad		1,650.0	750.0	750.0	750.0	750.0
TOTAL	0.0	1,650.0	750.0	750.0	750.0	750.0

Estimate of any current year (FY2000) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*
Information attached outlines ARRC's proof of financial responsibility and provides estimates for oil discharge, prevention and contingency plans.

Prepared by: Wendy Lindskoog
Phone 265-2498
Division ARRC
Date/Time 4/13/00 9:53 AM
Approved by Commissioner
Date 4/13
Agency

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SB 273: By Senator Drue Pearce

Alaska Railroad Corporation Financial Responsibility:

Over the last several years, the Alaska Railroad corporation has had in place two $10,000,000 lines of credit. One to meet self insurance requirements and one to meet operational requirements. These credit lines are with two separate national banks. They are currently for one year and are renewable annually. At this time, the lines of credit are whole and have not been drawn on.

The proposed legislation would require the Alaska Railroad to have proof of financial responsibility to respond to damages of approximately $5,450,000. This amount is derived from a maximum of 100 tank cars per train, multiplied by 545 barrels per tank car, multiplied by $100 per barrel. Typically, an Alaska Railroad fuel train pulls approximately 50 car loads of fuel.

It is the railroad's intent to use a portion of an existing line of credit as proof of financial ability.

The Alaska Railroad also estimates the following cost for oil discharge prevention and contingency plans:

1) Contingency plan development: $250,000
   Includes mapping, environmental assessment, response needs (personnel and equipment), public involvement, agency review

2) Risk assessment: $400,000
   Includes risk assessment and recommendations by consultants and public review

3) Contingency plan implementation: $1,000,000 – first year, $750,000 – subsequent years
   Assumes cost of equipment, personnel, training, drills annually

FISCAL NOTE

No. 1

STATE OF ALASKA
2000 LEGISLATIVE SESSION

Bill Version: SB 273
(S) Publish Date: 3-21-00

Revision Date/Time (Note if correction) _____
Dept. Affected DOT&PF
Title "An Act requiring oil discharge prevention and contingency plans,..."
BRU Marine Highway System
Component Southeast & Southwest Vessel Operations
Sponsor Senator Pearce
Requester Senate Resources
Component Serial No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services						
Travel						
Contractual	125.0	125.0	125.0	125.0	125.0	125.0
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	**125.0**	**125.0**	**125.0**	**125.0**	**125.0**	**125.0**
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ( )						

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other: Oil Spill Response Fund	125.0	125.0	125.0	125.0	125.0	125.0
TOTAL	**125.0**	**125.0**	**125.0**	**125.0**	**125.0**	**125.0**

Estimate of any current year (FY00) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*

This represents the estimated cost to the Alaska Marine Highway System to contract for oil spill response services to meet the requirements of this bill.

Prepared by Dennis Poshard, Special Assistant to the Commissioner
Phone 465-3904
Division Office of the Commissioner
Date/Time 2/18/00 2:21 PM
Approved by Commissioner
Date _____
Agency For Joseph L. Perkins, DOT&RF

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(Rev 10/98) 99fnform.xls/OMB

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL No. 2
Bill Version: SB 273
(S) Publish Date: 3-21-00

Revision Date/Time (Note if correction) _____
Dept. Affected: Environmental Conservation

Title: "An Act requiring oil discharge prevention and contingency plans...for non-tank vessels and railroad... "
BRU: Spill Prevention & Response
Component: Industry Preparedness & Pipeline Program

Sponsor: Senator Pearce

Requester: Senate Resources
Component No.: 1922

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services	168.5	168.5	168.5	168.5	168.5	168.5
Travel	19.8	19.8	19.8	19.8	19.8	19.8
Contractual	127.7	37.7	37.7	37.7	37.7	37.7
Supplies	3.3	3.3	3.3	3.3	3.3	3.3
Equipment	19.5	3.7	3.7	3.7	3.7	3.7
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	338.8	233.0	233.0	233.0	233.0	233.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ( )	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type) 1052 Oil/Haz FD	338.8	233.0	233.0	233.0	233.0	233.0
TOTAL	338.8	233.0	233.0	233.0	233.0	233.0

Estimate of any current year (FY2000) cost: 0.0

POSITIONS

Full-time	3	3	3	3	3	3
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: *(Attach a separate page if necessary)*

Fiscal Impact: Three (3) full time positions will be required to draft and administer regulations for approximately 50 new nontank vessel operators and railroads. Two Environmental Specialists III will be located in Anchorage to initially develop regulations, and will then subsequently review and approve individual oil discharge prevention and contingency plans, inspect vessels and railroad facilities, and conduct and evaluate spill response drills. One Environmental Specialist II in Juneau will initially assist in developing regulations, and will subsequently review financial responsibility documentation and maintain the associated database, and conduct southeast vessel inspections. During the first year, $90.0 for professional services contracts is included to assist in the negotiated rule making process and technical issues associated with the regulations. Other contractual funds cover position support costs and technical assistance with inspections and spill response drills.

Economic Impact: This bill will require some operators to incur additional costs for oil spill response equipment, contracts with spill response organizations if they are not already voluntarily meeting the regulatory standard, and costs to obtain and demonstrate proof of financial responsibility.

Prepared by: Larry Dietrick
Phone 465-5250
Division: SPAR
Date/Time 2/18/00 5:35 PM
Approved by Agency: Commissioner Kurt Fredrich for
Department of Environmental Conservation
Date 2-19-00

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1-LS1464\Z.1
Chenoweth
4/25/00

AMENDMENT

OFFERED IN THE HOUSE

TO: HCS CSSB 273( ), Draft Version "Z"

Page 1, lines 3 and 4:

Delete "**authorizing inspection of nontank vessels and trains;**"

Page 3, line 28, through page 4, line 15:

Delete all material.

Renumber the following bill sections accordingly.

Page 5, line 30:

Delete "secs. 1 - 6"

Insert "secs. 1 - 4"

Page 5, line 31:

Delete "Sections 7 and 8"

Insert "Sections 5 and 6"

Page 6, line 1:

Delete "sec. 9"

Insert "sec. 7"

LEGAL SERVICES

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Juneau, Alaska 99801-1182
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MEMORANDUM April 25, 2000

SUBJECT: Draft HCS CSSB 273 ( )-- sectional analysis (Work Order No. 1-LS1464\U)

TO: Senator Drue Pearce
Attn: Pat Carter

FROM: Jack Chenoweth
Assistant Revisor of Statutes

The bill draft concerns the expansion of the state's spill prevention and response program by extending proof of financial responsibility requirements and general response planning standards to larger nontank vessels and to railroads transporting oil in bulk. The draft makes important changes to the version reported by the House Resources Committee as HCS CSSB 273(Res).

Bill section 1. This bill section, proposing AS 46.04.055, adds the bulk of the new material setting conditions on the operation of nontank vessels and railroad tank cars. The requirements are expressed in terms of demonstrating an ability to respond to damages in the event of loss or spillage of oil (using terms of art borrowed from federal law, "persistent product" and "nonpersistent product," for which definitions are provided later in the bill). The dollar requirements for the financial responsibility requirements are set in subsections (a) and (b) and are subject to adjustment in the same manner as for oil tanker financial responsibility limits. In addition to meeting financial responsibility requirements, subsection (c) spells out general response planning standards that an operator must be prepared to meet in the event of a spill. How an operator may demonstrate financial responsibility to respond to damages is set out in subsection (d). Subsection (e) spells out exceptions from the general requirements for nontank vessels engaged in innocent passage or entering Alaska waters during certain emergency circumstances.

Bill section 2 extends the existing "inspections" provision, AS 46.04.060, to cover nontank vessels and trains.

Bill section 3 supplies a definition for "train" for purposes of AS 46.04.060.

Bill section 4 limits the existing definition of "oil terminal facility" for AS 46.04 by taking transfers involving nontank vessels out from under the imputed definition of "tanker facility" as it applies to transfers involving certain vessels.

Bill section 5 extends an existing definition of "vessel" within AS 46.04 to add "nontank vessels."

Bill section 6 supplies definitions for terms added to AS 46.04 by section 1 of this bill. The definitions are significant in that they generally distinguish among the vessels to which the requirements of proposed AS 46.04.055 and AS 46.04.060, as amended, are to apply.

To assist in preparation of the initial response planning standards that would be required by AS 46.04.055(c), **bill section 7** authorizes establishment of a "Task Force on Motorized Transport" and generally defines its responsibilities. The task force expires with the start of the First Session of the next legislature.

Bill section 8 authorizes early opportunity to start to develop implementing program regulations.

Bill sections 9 and 10 are effective date provisions.

JBC:pl
00-159.plm

Tony Knowles, Governor

Alaska Department of Community and Economic Development

Office of the Commissioner
550 W. 7th Avenue, Suite 1770, Anchorage, AK 99501-3510
Telephone: (907) 269-8100 • Fax: (907) 269-8127 • Text Telephone: (907) 465-5437
Email: questions@dced.state.ak.us • Website: www.dced.state.ak.us/

April 24, 2000

The Honorable Ramona Barnes
Alaska House of Representatives
State Capitol, Room 403
Juneau, AK 99801-1182
Via fax: (907) 465-4565

Dear Representative Barnes:

You have requested information about the potential costs associated with SB 273. That bill, as we understand it, requires vessels over 400 gross tons to demonstrate proof of financial responsibility and to participate in Alaska's oil spill prevention and response safety net. Although we have not had time to fully research this issue, we have learned that the estimated costs associated with this legislation do not appear to be substantial and it does not appear that it will have any significant negative impact on the viability of our exports or the costs to Alaska residents and consumers.

The legislation establishes a process to have the requirements developed through a negotiated rulemaking that will be tasked with keeping the costs low and the requirements administratively simple. Because of the types of vessels involved and the realities of the markets for the vessels' commodities, the process was designed for the rules to be developed with the affected industries in order to accommodate their particular situations.

It is an underlying premise in the legislation that market forces, not state government regulation, is the best means for ensuring that the most cost efficient rates are established. This premise is based upon the current model which has evolved in Alaska over the past ten years for the vessels which carry oil as cargo traveling in the same waters as the vessels that would be covered by SB 273. That model is an existing network of nonprofit spill cooperatives that manage the response capability for their member companies. This is a private sector model that has evolved into the current backbone response system in Alaska. This backbone system provides response capabilities equal to or greater than what is required for nontank vessels under SB 273 and extends from Southeast Alaska to Nome, Dutch Harbor, Cook Inlet, and Prince William Sound.

Assuming that most nontank vessel operators will recognize the practicality and cost effectiveness of piggybacking onto the existing backbone system, it is only logical that the increased membership will spread the costs over a greater number of participants. This creates the circumstances by which the costs for all members would likely be lowered.

Although our department has not conducted an analysis of costs, preliminary cost estimates made by Senator Pearce's office suggests that costs to the industry would not be exorbitant. Additional work is anticipated to create a greater menu of fee structures for nontank vessels. Single trip transit fees, seasonal fees, and/or fleet rates are examples of the additional methods to participate to accommodate nontank vessels. The spill cooperatives have indicated a willingness to do this during the negotiated rule making process. Ultimately, the fees should be negotiated between the spill cooperatives and their member operators. Since they are nonprofit corporations, they serve their members unfettered by government involvement or intrusion into rate setting.

You have also inquired about potential conflicts with federal law. It is our understanding that the underlying insurance coverage used to satisfy the federal financial responsibility requirement can also be used to satisfy the state financial responsibility requirement under SB 273. Financial responsibility to the State of Alaska is essential to compensate the state for damages to state resources. There is no requirement for contingency plans for nontank vessels under the federal Oil Pollution Act.

In conclusion, the initial cost estimates for participation do not appear to be such as to negatively affect the companies involved and also appear consistent with costs in other states. The preferred method for ensuring efficiency in rates is to let private sector market forces drive their magnitude and to let the negotiated rule making process be the forum where more specific estimates and fee structures can be established so that the rules can be tailored to ensure that costs are kept low.

Sincerely,

Deborah B. Sedwick

Deborah B. Sedwick
Commissioner

cc: Senator Drue Pearce
Pat Pourchot, Office of the Governor
Commissioner Michelle Brown, DEC

Official Business

MEMBER
Natural Resources
Committee

Alaska State Legislature

Vice-Chair, Legislative Council
Chair, World Trade
And
State/Federal Relations

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RAMONA L. BARNES
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Juneau, AK 99801-1182
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April 19, 2000

The Honorable Drue Pearce
President of the Senate
Alaska State Legislature

Dear President Pearce:

I understand your strong interest in passage of SB 273 and appreciate the environmental concerns that prompted the legislation. I believe most or all of us in the Legislature share those concerns.

However, you are asking that we pass legislation that brings with it many unanswered questions and issues. As you may recall, I have repeatedly requested an assessment of the economic impact of this legislation on the state, its businesses and especially, its residents.

There has developed a feeling that as the legislation has progressed, implementation becomes increasingly complex and of concern. Even the basic costs for tramper steamers, fish processors and cruise lines are bandied about in widely-ranging numbers.

I still see a significant element missing in the overall equation. Again, we need an analysis of the impact on businesses in our state, the continued viability of our exports and the effect on Alaska's residents and consumers. This is major legislation that has moved at a fast pace and with what appears to be reluctant support. I share this reluctance because I see us rushing into law something that needs considerable further evaluation and review.

Fortunately, existing federal regulations already provide significant regulation for spill response, cleanup and financial responsibility in Alaska waters. As I know you must be aware, many of the affected industries have for some time, suggested that rather than pass legislation this year a balanced, interim task force

be established to accomplish this necessary review. In this way, working closely with DEC, legislation could be crafted to meet the concerns of all those involved. For example, the environmental concerns SB 273 now attempts to address while in addition, it could address the economic concerns to which I refer above. Also, such lingering questions of redundancy (including the cost to businesses of such redundancy) and overlap with existing federal law could be thoroughly addressed. This could still effectively result in final regulations being in place by April, 2002, just as they would under SB 273 in its present form.

The government working together with interested parties is a time-honored process that certainly would seem preferable to putting this into law now and later seeking answers to the many questions that are sure to arise.

In the interests of time, I am including a draft of a resolution for your consideration to implement an interim task force.

Sincerely,

Ramona L. Barnes
Representative

Attachment

CC: House Speaker Brian Porter

Alaska State Legislature

Official Business
Phone: (907)465-2689
Fax: (907)465-3472

State Capitol
Room 411
Juneau, Alaska 99801-1182

Representative Gail Phillips

MEMORANDUM

DATE: April 26, 2000

TO: Representative Ramona Barnes

FROM: Representative Gail Phillips

RE: SB 273

I would like for the Committee to consider the attached amendment for SB 273.

Senator Pearce's letter to you did not discuss the issue of Inspections, only the issue of Financial Responsibility and the creation of a task force.

I don't think that Inspection Authority is needed to check for a certificate of financial responsibility.

The issue of inspections should be something the task force sets up procedures for -- if anyone feels it is necessary for DEC to get involved in inspections.

Frankly, in my discussions with the Commissioner earlier in the Session, I expressed my concern over DEC's proposal to board ships to do inspections. This is already marine law under the authority of the Coast Guard. If we are going to insert a State agency into federal law, I believe this is something that needs much more discussion by the task force.

Thanks for the consideration. I have also requested the title change resolution.

GP:lm

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MEMORANDUM April 25, 2000

SUBJECT: Amendment Z.1 to HCS CSSB 273( ), draft version "Z" (Work Order No. 1-LS1464\Z.1)

TO: Representative Gail Phillips

FROM: Jack Chenoweth
Assistant Revisor of Statutes

The amendment proposes deletion of bill sections 2 and 3 of the draft of HCS CSSB 273( ), thereby eliminating all reference in the bill to exercise of inspection authority over nontank vessels and rail tank cars. The deletion necessitates removal of the second clause of the draft's bill title, and the amendment does this. This change of bill content by action taken in the second house requiring a bill title change should be attended by a concurrent resolution to waive the applicable Uniform Rule provisions that prohibit the change. If a committee adopts amendment Z.1, it should request a title change concurrent resolution.

JBC:pl
00-163.plm

This is the fiscal note that was not accepted. 4/26/00

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. HCS SCR 1 (RLS)

Revision Date/Time (Note if correction) 04/26/00 10a.m.
Dept. Affected Environmental Conservation
Title Relating to the Task Force on Motorized Oil
BRU Administration
Transport
Component Office of the Commissioner
Sponsor Senate Rules
Requester House Rules
Component No. 633

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services	0.0					
Travel	12.0					
Contractual	120.0					
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	132.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ( )	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type) 1052 Oil/Haz FD	132.0					
TOTAL	132.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2000) cost: 0.0

POSITIONS

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: *(Attach a separate page if necessary)*

Fiscal Impact: Under this resolution the Alaska Department of Environmental Conservation is tasked with managing, participating in, and staffing a 13 member Task Force on Motorized Oil Transport. The task force is directed to meet as frequently as needed to perform the work and prepare a report to the Twenty-Second Alaska State Legislature.

Contractual services will be for assistance with technical issues in applying the oil spill prevention and response rules to the Alaska Railroad and to the various classes and categories of nontank vessels operating in the different areas of the state. The completed report will also include recommendations on changes to the statutes and regulations. Additionally a facilitator will be retained to assist with the complexities in bring together the divergent and often contentious views of the 13 participating task force members. Travel is for two of the 3 required Department Task Force members to travel monthly to task force meetings held in Anchorage.

Prepared by: Barabara Frank
Phone 465-5250
Division Administration
Date/Time 4/26/00 9:54 AM
Approved by Commissioner [signature]
Date 4-26-00
Agency Department of Environmental Conservation

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Handed out by
Larry Dietrick - DEC
1-26-00

VI

PREVENTION OF OIL SPILLS

A. **Cooperative Implementation:** The Parties are coordinating their efforts to prevent oil spills in the marine environment.

To the extent permitted under applicable laws, the Parties agree to cooperate in the execution of their respective regulatory responsibilities to minimize duplication of effort. The Parties will also seek to identify opportunities for innovative implementation of vessel and facility prevention plans. Both Parties recognize the importance of encouraging cross-training in each other's regulations and rules including the areas of inspection and response.

B. **Vessel Inspections:** Each Party recognizes they may elect to independently exercise their respective examination responsibilities in accordance with applicable law, regulations and policies. The Coast Guard conducts inspection programs for the purpose of enforcing both international agreements and domestic law aboard United States and foreign-flagged vessels. The State has authority to conduct inspections for the purpose of ensuring compliance with state laws and regulations and can participate in joint examinations with federal agencies. Further, either Party may evaluate the inspection process and make recommendations for improvement or perform its own inspections in accordance with applicable laws.

1. The Parties agree to work together to avoid inconsistent requirements and to find ways to conduct vessel inspections in such a way that disruption to the industry is minimized and efficiency and safety maximized. To this end, the Parties will endeavor to exchange information and conduct joint inspections or may pursue agreements under which a single inspection may fulfill both state and federal requirements.

2. In implementing any State examination programs, the State agrees to avoid conflicts and unnecessary duplication in reviewing Federal inspection programs by on-going consultation with the Coast Guard.

3. Review of inspection records: The Parties each agree to make inspection records available to the other and to cooperatively review inspection results, subject to applicable laws, regulations, and procedures.

4. The State shall report recognized discrepancies in meeting the requirements of international agreements believed to exist aboard United States and foreign-flagged vessels to the responsible Officer in Charge, Marine Inspection (OCMI).

5. Requirements in State Waters: The Parties will cooperate to establish consistent pollution prevention requirements, and to cooperatively monitor, examine and exchange information relative to those requirements, for vessels to operate in State waters.

6. The State will promptly inform the cognizant OCMI and the Coast Guard will promptly inform the ADEC Industry Preparedness and Pipeline Program's Marine Vessel Section Manager of any situation or circumstance relative to a vessel whose condition or equipment may significantly increase the potential for an unauthorized discharge or create an unusual or an unacceptable risk to public health and safety, or the safety of navigation. Both Parties also agree to ensure joint notification when an initial report is received from Alyeska SERVS regarding any irregularity or indication of a problem which threatens a tanker or its cargo (including ballast water) as well as situations where a tanker leaves both the U.S. Coast Guard designated Prince William Sound and Valdez Arm traffic lanes (except when an outbound tanker leaves the lanes at the Hinchinbrook Entrance terminus).

7. Both Parties agree to share all applicable information obtained from their respective vessel inspections.

C. **Vessel Screening:** The Coast Guard, under federal law, through the District Commander and the Captain of the Port (COTP), has the authority to regulate the entry of vessels into the COTP zone, including those determined to be a threat to the environment. The State may establish the means by which it can determine whether tank vessels entering the waters of the State pose a substantial risk of harm to the public health and safety and the environment.

When the State determines that a particular vessel or vessels pose a substantial risk, that determination will be forwarded to the cognizant Captain of the Port (COTP). The COTP shall consider that information in making a determination under federal law as to appropriate action to be taken, if any, including the possibility of denial of entry.

D. **Tank Vessel Crewing:** The Coast Guard establishes and enforces requirements for crewing, competence, and documentation of personnel aboard vessels.

1. The Coast Guard will consult with the State, to the extent practicable, in its evaluation and implementation of additional requirements for crewing, training, and qualification requirements through the crewing standards process.

2. The Parties agree to actively promote and coordinate research projects to identify human factors which need to be regulated to prevent pollution incidents.

E. **Tank Vessel Transfer Operations:** Monitoring tank vessel transfer operations has been identified as an effective pollution prevention action.

The Parties will cooperate to monitor transfer operations involving tank vessels (as well as cruise ships, fish processors, fishing vessels, etc.), including, but not limited to, dockside transfer at facilities, lightering and bunkering operations. Each party will advise the other of violations observed.

TONY KNOWLES, GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

OFFICE OF THE COMMISSIONER

410 Willoughby Ave., Ste 10
Juneau, AK 99801-1795
PHONE: (907) 465-506
FAX: (907) 465-5070
http://www.state.ak.us/dec/

April 24, 2000

The Honorable Drue Pearce
Senate President
Alaska State Legislature
State Capitol, Room 111
Juneau, AK 99801

Dear Madam President:

Attached is a fiscal note for House CS for Senate Concurrent Resolution No. 1 (rls) establishing the Task Force on Motorized Oil Transport. This resolution has been forwarded from the House to the Senate for concurrence. Attaching a fiscal note to a resolution is not frequently done; however, passage of this resolution will result in significant costs to the Department of Environmental Conservation (DEC). The resolution directs the Commissioner of DEC and two of her staff to serve on the task force. Additionally, DEC is to provide staff support to the 13 members.

Determining how to apply oil spill prevention and response rules to such different entities as the railroad, cruise ships, seafood processors, and tramper ships is a challenging task. Professional service contracts will provide the department assistance in managing these complex issues, addressing technical matters and determining changes to statutes and regulations. The divergent interests and already demonstrated concern for these complicated issues require the use of a skilled facilitator. Contractual costs of $120.0 will provide for facilitation, technical assistance and report drafting.

The task force is directed to meet as frequently as needed to complete their report prior to the start of the Twenty Second Alaska State Legislature. Two of the three required Department task force

members will need travel and per diem to attend monthly meetings in Anchorage. That cost is estimated to be $12.0

If you have any questions or concerns, please do not hesitate to contact me 465-5199.

Sincerely,

Kurt Fredriksson,
Deputy Commissioner

Attachment

cc: Conference Committee Members
Senator Adams
Senator Parnell
Senator Torgerson
Representative Davies
Representative Mulder
Representative Therriault
Pat Pourchot, Governor's Office

G:\Allshare\Legislat\Senate 2000\HCS for CS Senate Resolution 1.doc

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. HCS SCR 1 (RLS)

Revision Date/Time (Note if correction) _____
Dept. Affected Environmental Conservation
Title Relating to the Task Force on Motorized Oil
BRU Administration
Transport
Component Office of the Commissioner
Sponsor Senate Rules
Requester House Rules
Component No. 633

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services	0.0					
Travel	12.0					
Contractual	120.0					
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	132.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ( )	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	132.0					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	132.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2000) cost: 0.0

POSITIONS

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: *(Attach a separate page if necessary)*

Fiscal Impact: Under this resolution the Alaska Department of Environmental Conservation is tasked with managing, participating in, and staffing a 13 member Task Force on Motorized Oil Transport. The task force is directed to meet as frequently as needed to perform the work and prepare a report to the Twenty-Second Alaska State Legislature.

Contractual services will be for assistance with technical issues in applying the oil spill prevention and response rules to the Alaska Railroad and to the various classes and categories of nontank vessels operating in the different areas of the state. The completed report will also include recommendations on changes to the statutes and regulations. Additionally a facilitator will be retained to assist with the complexities in bring together the divergent and often contentious views of the 13 participating task force members.

Travel is for two of the 3 required Department Task Force members to travel monthly to task force meetings held in Anchorage.

Prepared by: Barabara Frank
Phone 465-5250
Division Administration
Date/Time 4/24/00 2:02 PM
Approved by Commissioner
Date 4-24-00
Agency Department of Environmental Conservation

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SCOMM

119:19

ALASKA STATE DISTRICT COUNCIL OF LABORERS

Laborers International Union of North America, AFL-CIO

2501 Commercial Drive, Suite 140
Anchorage, Alaska 99501 • 907/276-1640

Public Employee Local 71
Don Valesko, Business Manager
Laborers Local 942
Joe Thomas, Business Manager
Laborers Local 341
Mano Frey, Business Manager

Don Valesko
President
Andrew J. "Bear" Piekarski
Business Manager/Secretary Treasurer

September 14, 1999

Dear Representative Barnes:

We are deeply grateful for your **personal support** and the **Alaska State Legislature's** *unanimous passage* of **SJR 21** 'Relating to workers and family members of workers exposed to radiation during the Amchitka nuclear tests', requesting Congress to fund a medical surveillance program; and the Department of Energy and its subcontractors to resolve pending workers compensation claims and litigation filed by injured workers form Amchitka and the surviving family members of deceased workers at Amchitka; and to amend the *RECA* Act to include *Amchitka Island*, Alaska within its coverage, which sent a strong message to Congress and the Department of Energy.

Having dealt for the past two years, with the Department of Energy [DOE's] numerous efforts to thwart the health issues concerning Amchitka's former Workers, we *finally* obtained a commitment at a meeting in Anchorage on April 6, 1999 with the DOE Deputy Assistant Secretary, Dr. Paul Seligman, that DOE would directly fund the first six months (FY-99) for the State of Alaska to conduct a long over-due Health Monitoring Study of former Amchitka Workers.

HEALTH SURVEILLANCE UPDATE

Health Surveillance of Former Workers at Amchitka Test Site: *Technical Proposal* has been accepted by DOE and we are concurrently requesting (FY-00) direct funding from Congress. The project is designed for three years, and requires continued funding. Dr. Knut Ringen will serve as our project director, who is also responsible for similar programs at Hanford and Savannah River. Boston University conducts a similar program for building trades workers at the Nevada Test Site, and The Center To Protect workers' Rights CPWR at Hanford and Savannah River, and the University of Cincinnati at Oak Ridge. Information that may be relevant to other programs will be shared promptly.

Alaska State Resources include: The Department of Labor, Department of Environmental Conservation, and Health and Social Services, and the UAA/ Institute for Circumpolar Health Studies, and *Alaska's numerous 'Building Trades' unions*, who published Amchitka worker notices in their news reports, and helped to collect many names of former Amchitka workers.

Alaska Native Outreach includes: A/PIA, who is presently conducting a survey of Aleut people affected by the Amchitka Tests, and assistance from numerous Native Organizations including the UAA/ Alaska Native Science Commission.

AMCHITKA FORM: Please find attached an "Amchitka Form" for copying and distribution to family members, friends, constituents (or their survivors), who worked at Amchitka during the 1960's through 1992. Please have the workers (or survivors) provide the inicated information and return to the 'District Council' in order to insure they are included in the Amchitka Health Surveillance Program.

The Alaska State District Council of Laborers and the Amchitka Technical Advisory Group [ATAG] thank you for your invaluable contribution to promote justice for Alaska's Amchitka workers. DOE has come to realize that Alaskan's are a TEAM that could not be put down, but must be reckoned with. On behalf of all the Amchitka Workers, thank you.

Sincerely,

Kevin Dougherty

Sincerely,

A. J. 'Bear' Piekarski

Sincerely,

Bev Aleck

Attachment:

RETURN TO: Local 341
2501 Commercial Dr.
Anchorage, Ak. 99501

-or- Fax to 274-0570

AMCHITKA FORM DATE:_____

NAME: _____

ADDRESS: _____

_____

City State - Zip

PHONE: _____

DATE OF BIRTH _____

S.S. # _____

When did you work in Amchitka? FROM:_____ TO _____

_____

What contractor or employer did you work for:_____

Which union if any:_____

Job Duties:_____

_____

_____

Did you wear a radiation monitor badge? YES_____ NO_____

Do you have any medical problems?_____

_____

_____

_____

Any Comments:

KODIAK OFFICE
112 MILL BAY ROAD
KODIAK, ALASKA 99615
(907) 486-4925
(907) 486-5264 (FAX)

ALASKA STATE LEGISLATURE

STATE CAPITOL
JUNEAU, ALASKA 99801-1182
(907) 465-4925
(800) 821-4925 (TOLL FREE)
(907) 465-3517 (FAX)

SENATOR JERRY MACKIE

SENATE MAJORITY LEADER

RECEIVED
APR 28 1999

April 27, 1999

To: Representative Ramona Barnes, Chair
World Trade and State/Federal Relations

From: Senator Jerry Mackie, Chair
Senate Labor & Commerce
Senate Majority Leader

Re: **SJR 21 – Relating to workers and family members of workers exposed to radiation during the Amchitka nuclear tests.**

I would appreciate your scheduling SJR 21 in the near future. Attached is a packet of materials that we put together on this important and timely issue in the Senate Labor and Commerce Committee.

This bill has been sponsored by the Senate Labor and Commerce Committee by request of the civilian workers and family members of these workers exposed to radiation during the Amchitka nuclear tests. Bev Alek, widow of Alaskan laborer Nick Alek, has been instrumental in bringing this issue to the forefront on a state and national level where it belongs. Bev is available to testify on this issue, as well as provide other names from Anchorage that may want to testify as well. Her phone number is (907) 276-1640.

Your consideration in scheduling this legislation is greatly appreciated.

SJR 21 – RELATING TO WORKERS AND FAMILY MEMBERS OF WORKERS EXPOSED TO RADIATION DURING THE AMCHITKA NUCLEAR TESTS.

(SPONSOR: SENATE LABOR AND COMMERCE COMMITTEE BY REQUEST

INDEX

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SENATOR JERRY MACKIE

ALASKA STATE LEGISLATURE

Press Release

For Immediate Release: April 21, 1999
Contact Person: Jeannie Smith, Legislative Assistant to Sen. Mackie (907) 465-3802

Senate Committee Seeks Benefits for Amchitka Island Workers and Families
Group was excluded from 1990 Radiation Exposure Compensation Act

(Juneau)—The Senate Labor and Commerce Committee Tuesday approved a measure designed to provide benefits to civilian workers and families on Amchitka Island who were exposed to nuclear radiation. Amchitka Island was the site of the largest underground nuclear testing ever conducted by the United States.

"While thousands of others workers exposed to nuclear radiation in other test sites were given benefits under the 1990 Radiation Exposure Compensation Act, this group of workers and their families on Amchitka Island were not," said Senator Jerry Mackie (R-Craig). Mackie chairs the Senate Labor and Commerce Committee, which sponsored Senate Joint Resolution 21. SJR 21 was introduced by the committee on behalf of Alaskan civilian workers, and the families of these workers, exposed to radiation on Amchitka.

"These civilian workers are requesting equal treatment that Atomic Energy Commission (AEC) workers based on Amchitka received. AEC workers and their family members received medical care and death benefits, funded by our tax dollars," said Mackie, noting these benefits were given with "no questions asked."

"Meanwhile, the civilian workers and their families have been all but ignored by our federal government," Mackie said. The U. S. Department of Energy has only recently agreed to check on the health of hundreds of people who were stationed on Amchitka. "The delay by the Department of Energy to recognize these workers must be remedied quickly," said Mackie. "Their health has been jeopardized unnecessarily. They should have been informed as to whether they were in a high risk category, and whether their health conditions were related to Amchitka. If so, they should have been helped to take preventive action."

Mackie publicly recognized and thanked Bev Alek, widow of Alaskan laborer, Nick Alek, for her efforts and success in bringing this issue to the forefront on a state and national level where it belongs.

"SJR 21 provides an opportunity for the Alaska State Legislature to send a strong message of support to our entire Congressional Delegation in their current efforts to seek justice for these Alaskan workers. SJR 21 puts these Alaskan workers on a level playing field with thousands of other workers from test sites around the U.S. who were included in the 1990 Radiation Exposure Compensation Act," said Mackie.

###

FISCAL NOTE No. 1

STATE OF ALASKA
1998 LEGISLATIVE SESSION

Bill Version: SJR 21
(S) Publish Date: 4/21/99

Revision Date (Note if correction)
Title: Wkrs. exposed to radiation/ Amchitka Island
Sponsor: L & C by Request
Requester: Senate L&C Cmte.

Dept. Affected: none
BRU
Component
Component Serial No.

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ( )						

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*

Prepared by: Senator Jerry Mackie, Chair L&C Cmte. Phone 465-3844
Division: Alaska State Legislature Date 4/20/99
Approved by Agency: Date 4/20/99

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REQUESTOR STATEMENT

SJR 21 – RELATING TO WORKERS AND FAMILY MEMBERS OF WORKERS EXPOSED TO RADIATION DURING THE AMCHITKA NUCLEAR TESTS.

SJR 21 HAS BEEN INTRODUCED ON BEHALF OF THE ALASKAN WORKERS AND THE FAMILY MEMBERS OF THESE WORKERS EXPOSED TO RADIATION DURING THE AMCHITKA NUCLEAR TESTS.

FOLLOWING THE DEATH OF ALASKAN LABORER NICK ALECK FROM MYELOGENOUS LEUKEMIA, HIS WIDOW, BEV ALECK, HAS FOUGHT FOR YEARS TO GET STRAIGHT ANSWERS ON HER HUSBAND'S DEATH AND THE HEALTH HAZARDS ALL WORKERS FACED FROM THE FEDERAL GOVERNMENT'S NUCLEAR TESTS. BEV ALECK HAS BEEN INSTRUMENTAL IN SECURING THE SUPPORT OF THE STATE'S CONGRESSIONAL DELEGATION AND GOVERNOR KNOWLES. THIS IS THE OPPORTUNITY FOR THE ALASKA STATE LEGISLATURE TO JOIN MRS. ALEK IN SUPPORT OF THESE WORKERS AND THEIR FAMILIES.

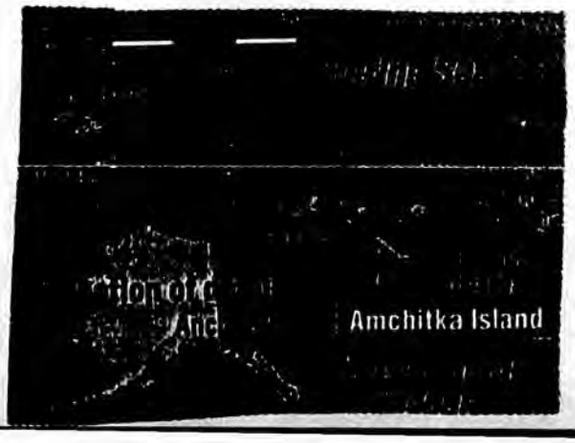
THREE UNDERGROUND NUCLEAR BLASTS WERE CONDUCTED ON AMCHITKA (NEAR THE END OF THE ALEUTIAN CHAIN) BEGINNING IN 1965. THE THIRD, A 5-MEGATON WARHEAD TEST CALLED "CANNICAN" IN 1971, WAS THE LARGEST UNDERGROUND ATOMIC EXPLOSION EVER CONDUCTED BY THE U.S.

ALASKAN WORKERS ARE REQUESTING EQUAL TREATMENT THAT ATOMIC ENERGY COMMISSION (AEC) FEDERAL WORKERS BASED ON AMCHITKA FOR A PERIOD OF TIME RECEIVED. THE AEC FEDERAL WORKERS ON AMCHITKA DEVELOPED RADIATION RELATED CANCERS, SOME ARE DECEASED; **THESE WORKERS AND THEIR FAMILIES RECEIVED MEDICAL CARE AND DEATH BENEFITS UNDER TITLE 5 U.S. CODE,** FUNDED BY OUR TAX DOLLARS, WITH NO QUESTIONS ASKED. AT THIS SAME TIME, THE ATOMIC ENERGY COMMISSION WITHHELD CLASSIFIED DOCUMENTS DENYING ALASKAN WORKERS THE OPPORTUNITY TO "PROVE" THEIR RADIATION EXPOSURE. **THIS IS NOT FAIR OR JUST AND THE AEC NEEDS TO MAKE AMENDS IMMEDIATELY.**

THE U.S. DEPARTMENT OF ENERGY HAS VERY RECENTLY AGREED TO CHECK ON THE HEALTH OF HUNDREDS OF PEOPLE WHO WORKED ON THIS UNDERGROUND NUCLEAR TESTING PROGRAM AT AMCHITKA THREE DECADES AGO. IT IS IMPORTANT FOR THE ALASKA STATE LEGISLATURE TO RECOGNIZE THESE WORKERS AND SUPPORT THEM IN THIS PROCESS. THE DELAY BY THE DEPARTMENT OF ENERGY TO RECOGNIZE THESE WORKERS IS INEXCUSABLE. THE HEALTH OF THESE WORKERS HAS BEEN JEOPARDIZED UNNECESSARILY; THEY SHOULD HAVE BEEN INFORMED SO THAT THEY COULD PROPERLY UNDERSTAND WHETHER THEY ARE IN A HIGH RISK CATEGORY, HAVE HEALTH EFFECTS FROM THEIR AMCHITKA WORK, AND IF SO, TAKE PREVENTIVE ACTION.

THE U.S. DEPARTMENT OF ENERGY AND THE DEPARTMENT'S SUBCONTRACTORS ARE REQUESTED TO RESOLVE THE PENDING WORKER COMPENSATION CLAIMS AND LITIGATION FILED BY INJURED WORKERS FROM AMCHITKA AND THE SURVIVING FAMILY MEMBERS OF DECEASED WORKERS. THE ALASKA STATE LEGISLATURE IS ALSO REQUESTING CONGRESS TO AMEND THE 1990 RADIATION EXPOSURE COMPENSATION ACT OF 1990 TO INCLUDE AMCHITKA ISLAND, ALASKA, WITHIN ITS COVERAGE.

SJR 21 PUTS ALASKAN WORKERS FROM THE AMCHITKA NUCLEAR TEST SITE ON A LEVEL PLAYING FIELD WITH THOUSANDS OF OTHER WORKERS FROM TEST SITES AROUND THE U.S. WHO WERE INCLUDED IN THE 1990 RADIATION EXPOSURE COMPENSATION ACT.



Attachment
Press Release

ALASKA STATE DISTRICT COUNCIL OF LABORERS

Laborers International Union of North America, AFL-CIO

2501 Commercial Drive, Suite 140
Anchorage, Alaska 99501 • 907/276-1640

Public Employee Local 71
Don Valesko, Business Manager

Laborers Local 942
Joe Thomas, Business Manager

Laborers Local 341
Mano Frey, Business Manager

Don Valesko
President

Andrew J. "Bear" Piekarski
Business Manager/Secretary Treasurer

Press Release
3-31-98

RADIATION EXPOSURE REPORT ON AMCHITKA WORKERS BACKS ALASKA LABORERS CALL FOR WORKER HEALTH MONITORING

Today, the Alaska Laborers released a report from world-renown Radiation expert Dr. Bertell[1] which documents the concerns that workers at the Amchitka Nuclear Test sites have potentially been exposed to health-threatening radionuclides. The report represents the workers own efforts to review their radiation exposure levels, since the government has failed to act yet on the workers concerns.

Following the unexpected death of Alaska laborer Nick Aleck from myelogenous leukemia, his widow Mrs. Bev Aleck has fought for years to get straight answers on her husbands death and the health hazards all workers faced from the federal government's nuclear tests, Long Shot, Milrow and Cannikin, 1965 - 1973. Other affected Amchitka workers (include those civilians employed on the the Navy's Over-The-Horizen Radar site in the 1980's - 1990's), and their widows have also been suspicious of the inordinately high rate of cancers associated with radiation exposure.

The Alaska Laborers are frustrated with the failure to date of the DOE, or anyone in the federal government, to take any constructive action to conduct a medical survey of the people, or

---

[1] Dr. Rosalie Bertell Ph. D. currently serves as President of the International Institute of Concern For Public Health since 1987. Dr. Bertell has also served as a consultant to U.S. Nuclear Regulatory Commission; the President's Committee on Three Mile Island, the Marshall Island's nuclear test review; and served on the Permanent People's Tribunal for the Bhopal India (Union Carbide disaster) in 1992 - 1994. She has also published over 90 public health articles including Worker exposure to Ionizing Radiation as well as the Chernobyl Nuclear disaster. Since 1951 she has been a member of the Grey Nuns of the Sacred Heart.

study the workers' health directly, or provide preventative medical care. Nothing helpful has been done.

***

For the Union A.J. Bear Piekarski said, " I worked in the Amchitka Cannikin shaft with Nick Aleck and others who have either died or now have cancers. I was the Job steward then and they told us there was no radiation-exposure -- now we know different from the feds own declassified documents! The government needs to come clean with Alaskans on this and remember these are People we're talking about. The feds are now studying Amchitka's (Atomic Tests) affect on the TUNDRA, how about the PEOPLE!"

The union's attorney Kevin Dougherty repeated the call for DOE to step forward and fund a medical survey of the workers health. "From the government's own documents we can see that a study of the workers is absolutely warranted so we may determine the level of health effects and precautions the people should take. We should not underreact or overreact, but must responsibly inform these workers about their health. Time is critical to human health so we can't have further delay. We need to get immediate review of these workers. And as the responsible party DOE must step forward."

Specifically, the Dr. Bertell Report reveals an exposure to Ionizing Radiation by Amchitka workers from:

* **Tritium Contaminated groundwater rained on the miners. [F-G]**

* **Cesium 137 vials "lost" in the shaft walls [470 mCi] in July 1969. [A-1]**

* **Neutron Tracer materials and Radionuclides stored and handled by workers on site and emplaced in Bomb cavity in August 1971. [A-3] [Fissionable material in the MeV Range]**

* **Krypton 85 & radionuclide gas released in 1972 drill back. [4000 cubic meters] [E]**

Most importantly, for verification purposes Dr. Bertell has relied on the government's own data from its reports and declassified documents.

Dr. Bertell's study concludes (p.8) with the finding that the Amchitka workers were exposed to ionizing radiation above normal background levels of 699 to 17,240 millerems (or more). This contrasts with the International Commission on Radiological Protection public safety level of 100 mrem per year or 5000 mrem worker level (currently 2000 mrem).

The serious health effects of radiation exposure has been codified in the Radiation Exposure Compensation Act of 1990 (and Radiation-Exposed Veteran's Compensation Act of 1988 which lists the "specified diseases" associated with Radiation exposure as:

A. Leukemia (other than chronic lymphocytic leukemia).

B. Cancer of the thyroid.

C. Cancer of the breast.

D. Cancer of the pharynx.

E. Cancer of the esophagus.

F. Cancer of the stomach.

G. Cancer of the small intestine.

H. Cancer of the pancreas.

I. Multiple myeloma.

J. Lymphomas (except Hodgkin's disease).

K. Cancer of the bile ducts.

L. Cancer of the gall bladder.

M. Primary liver cancer (except if cirrhosis or hepatitis B is indicated).

(Listing expanded since RECA enacted in 1990)

With this Report the Alaska Laborers call on DOE to finally take serious the need to get a Medical Surveillance study underway, and to do it promptly. Dougherty said, "Delay may jeopardize worker health and is inexcusable. We need to keep the workers informed so they can properly understand whether or not they have any health effects from their Amchitka work, and then take preventative action where necessary. The proposal submitted to DOE by Dr. Knut Ringen for The Center TO Protect Workers' Rights will develop a medical monitoring program of former Amchitka workers and research their death certificates. This study will be an add-on to the current Hanford and Oakridge nuclear worker's review.[9] Fortunately the Alaskans on the ATAG Committee have been strongly supportive of the workers' request for a Medical Surveillance review.[10] We thank them immensely. Now we trust DOE will finally get underway here."

The Bertell study was conducted at the request of the Alaska State District Council of Laborers, funded by the Laborer's International Union of North America, AFL-CIO, for the purpose of reconstructing radiation dose exposures to Cannikin miners,[a] and all Amchitka Workers during and after the three atomic bomb tests.

The Atomic Energy Commission, (AEC), and its contractors (generally) failed to monitor the radiation exposure of Amchitka union dispatched workers during the three atomic tests and clean up work conducted from 1965 to 1973, in violation of federal safety and health regulations, and Alaska State OSHA law.

(A bonafide epidemiology study cannot be conducted without ALL worker's radiatian exposure records.)

* They decided to monitor, the skiff (instead of the men)[b] to determine the amount of gamma radiation two locations of lost Cesium 137 (imbedded in the shaft) the workers were exposed to, during the cannikin cavity mining 1970-1971, and skiff stoppages.[c]

The workers have demanded these records. Now, DOE declares these monitoring records have been LOST.

* They were required to use special dosimeter devices, at the time Neutron capsule tracers, (or other devices) were emplaced in the bomb cavity during July - August, 1971.[d]

High tech federal personnel were monitored, and the special dosimeter union worker exposure records cannot be found.

* They ran into problems, during the drill-back in 1972, and released a large amount of Krypton 85 gas, without informing the general public or the union workers at the site.[e]

The workers have requested a complete analysis of ALL the elements contained in the 1972 KR-85 radioactive gas release.

* The "Cannikin Papers" classified in the early 1970's, prompted a lawsuit by Congress against the Government. (Patsy Mink v. U.S.)

The workers and ATAG members requested Declassification of the "Cannikin Papers"; and ALL of the elements in the Neutron Capsule Tracers emplaced in the Cannikin bomb cavity; and testing of the water[f,g] during the 1972 drill back, through the Alaska Department of Environmental Conservation (ADEC).[h]

NOTE

Alaska workers are requesting equal treatment. It is known that AEC federal workers based on Amchitka for a period of time, also developed radiation related cancers, or are deceased, but received medical care and death benefits under Title 5 U.S. Code, funded by our tax dollars, with no questions asked. While Alaska workers who were sick or deceased could not obtain their medical care or death benefits because they could not "PROVE" their radiation exposure, due to the AEC withholding classified documents. This is not fair or just, having two classes of American Citizens at the same work site, and DOE needs to make amends post haste.

INTERNATIONAL INSTITUTE OF CONCERN FOR PUBLIC HEALTH
710-264 Queens Quay West, Toronto Ontario M5J 1B5 CANADA
Tel: +1-416-260-0575; Fax: +1-416-260-3404; Email: IICPH@compuserve.com

Testimony Prepared by Rosalie Bertell, Ph. D., GNSH

Estimating the Exposure to Ionizing Radiation Incurred by the Workers at the Amchitka, Alaska Site of Canniken Nuclear Test

Enclosed:

Document 1: Summary of Data on Potential Worker Exposures to Ionizing Radiation, Amchitka, Alaska, 1968 to 1972.

Document 2: Special considerations relative to the former worker, Nick Aleck, who died in 1975 of leukemia.

Document 3: Curriculem Vitae of Rosalie Bertell

I declare that I have prepared these three documents myself, at the request of the Alaska State District Council of Laborers and Bev Aleck, widow of Nick Aleck.

Sworn before:

Robert Bruen

Date: February 13, 1998

Toronto, Ontario, Canada

Sworn by:

Rosalie Bertell

Date: 13 Feb. 1998

Toronto, Ontario, Canada

Summary of Data on Potential Worker Exposures to Ionizing Radiation Amchitka Island, Alaska

SOURCES OF EXPOSURE:

The worker exposures to ionizing radiation at Amchitka, above that due to normal cosmic and terrestrial exposures, were primarily due to:

1. Ground water transport of tritium from the underground nuclear test shot called Longshot.

2. Exposures associated with radioactive sources brought in, stored and moved out of the Birdwell storage structure or elsewhere on the site.

3. Exposures due to working in the shaft and cavity, including those from above normal levels from natural sources in the ground and those due to cesium sources embedded in the wall of the shaft.

4. Exposures related to subsurface diagnostic capsulated sources and the Radioisotope Thermoelectric Generators (RTG's).

5. Material released from the Canniken re-entry operations in 1972.

6. Exposures related to active and/or passive smoking of miners in the shaft and/or cavity.

Each of these potential exposures will be considered separately and then a maximum and minimum exposure estimate for a theoretical worker for one year will be estimated. Ionizing radiation exposures from special assignments and from the Canniken re-entry operation are also considered. It should be noted that exposure to residual radiation contamination of soil and surface water from the two prior nuclear tests on Amchitka was not well documented by managers of the Canniken shot in documents which I examined. Therefore, the estimate here calculated is likely to be conservative, i.e. less than the actual exposure of the Workers.

1. TRITIUM WATER CONTAMINATED FROM LONGSHOT IN SHAFT AND PIT.

Document 7-G, called Project PINOCCHIO, Seal Hunt II - Air and Water Sampling at the Long Shot Site, Amchitka, 13-24 November 1966, by Pierre E. Biscaye, noted significant radioactive krypton and tritiated methane in soil gas and dissolved in surface water near the Amchitka site attributable to Long Shot. Long Shot was an 80 kiloton nuclear device detonated at 2,300 feet depth one year before (1965). Test holes, including UA-1, the shaft for Canniken, were sampled above the 1525 feet depth. Some samples marked UAe were taken at different depths, but all were above 2000 feet deep. These

measurements must have been primarily of air fallout, since the ground water flow would likely be into the next lower aquifer at about 2300 feet. No actual measurements of this contamination were found among the papers I surveyed.

Table 5 "Tritium Content in Amchitka Test-Well Water (NVO-1229-113 Part I) - August and September 1967 - reports tritium in UAE-1 sample ranging from 12 to 97 TU, or equivalently, 39 to 313 pCi/L. This also appears to be surface water measurement

Table II, B. Long Shot Surveillance Network Land, (Document 7-E) measurements in WELL-WL1 for 19 and 27 October 1969, show 930 and 3700 TU respectively. This is equivalent to 3000 to 12,000 pCi/L. The depth at which this sample was collected is not given, but it was presumably below the nuclear explosion affected aquifer. The values for the MUDPIT-A3 were intermediate to these values.

Exhibit 7, "An Interim Summary of Tritium Data for STS "A", Amchitka Island, Alaska July 1,1970 through June 30, 1971" by E. H. Essington (NVO-1229-172, UC-41): It is clear from the data that the tritium measured is not "old water" with about 1 TU, but it has been contaminated with surface water and also, likely ground water, which has been contaminated from Long Shot. At the bottom of the printed part on page 22 there is a notation that tritium was measured at about 20,000 pCi per liter. "Old water", with I TU would be expected to have 3.23 pCi per liter.

Table III Tritium Content of Amchitka Island Water Samples, A. Background network - Land, reports measurements during October and December of 1970, including BC-TAP-WH2 and UA-1, around 30 pCi/L in BC-TAP-WH2, and 3 to 10 pCi in UA-1.

Document 7-L "Hydrogeologic Processes and Radionuclide Distribution in a Cavity and Chimney Produced by the Cannikin Nuclear Explosion, Amchitka Island, Alaska. Geological Survey Professional Paper 712-D, Prepared on behalf of the U.S. Energy Research and Development Administration WELL UAE-1, aquifer 3B, 5000 to 7000 feet depth, reports Gross Beta/gamma as 137 cesium equal to 18. This appears to be background levels before the Canniken shot, since the locations were sampled between 1964 and 1972 at Constantine Spring and between 1967 and 1972 at White Alice Creek. Since the background in UAE-1 was given at 282 cpm gamma (in Document 7-W), one can assume that the beta count was 5076 cpm, or about 85 counts per second. Assuming that this is tritium and the sample was one liter, this would imply about 2300 pCi per liter. I will make the assumption that the water at the bottom of the shaft in UAE-1 contained between 2300 and 20000 pCi/liter tritium. Because of the extreme heat in the pit (see exerpts from the tapes of Nick Aleck, May-August 1971: "It was sure hot down there. It must have been at least 140 degrees."), the tritium would have also been vaporized and inhaled. There is no indication that the men were tested for internal contamination. It would have been wise under the circumstances. Tritium has a relatively short biological half life. However, a fraction of the internal tritium is incorporated into organic molecules, said to be organically bound, and this has a biological half life of about three years.

Using the conversion factor from "Dose-rate conversion factors for external exposure to photon and electron radiation from radionuclides occuring in routine releases from nuclear fuel cycle facilities",

PM

by D.C. Kocher, Health Physics Journal 38: 543-621 (1980), namely immersion in water containing 1 microcurie of tritium per cubic centimeter (or 1 ml) is 5.26 X 10000 mrem per year (or 6 mrem per hour), one can estimate:

> At 2300 pCi or 0.0023 microcurrie tritium per liter, or equivalently, 0.0000023 microcurie tritium per cc, workers in the mine working in the dripping water would be exposed to 0.000014 mrem per hour. Working a ten hour day, seven days a week for three weeks, this would be 0.003 mrem per four week work period. There were 13 such work periods in a year, meaning a likely dose of about 0.038 mrem per year maximum from this source.
>
> At 20000 pCi per liter the exposure would be 0.33 mrem per year.

Certainly some of the tritium would be in the water vapor, and would be breathed or ingested. However, this does not seem to be a major pathway for the average worker's exposure.

2. STORED RADIONUCLIDES ON SITE

Most of the radionuclides used in the operation were stored in the Birdwell Storage Structure. In this structure, according to Document 6-B, Eberline Instrument Report dated 4 September 1968, were scandium 46 and cesium 137. Scandium 46 has an 84 day half-life, and gives of 0.889 MeV gamma. It is highly radioactive and dangerous. There were seven cesium sources: two 35 mCi, giving off about 500 mrem/hr at 5.5 inches; three 200 mCi sources, giving off 1000 mrem/hr at about 7 inches and two 800 mCi sources giving off 4000 mrem/hr at about 7 inches. These are very strong sources. There was, additionally Pu-Be, Radium and Krypton 85.

Certainly workers unloaded these source when they arrived, placed them in storage and removed them periodically for use. Some workers must have supervised the storage facility. It is not believable that personnel radiation badges (TLD's) "nearly all of the time" read zero. General levels of radiation in the storage structure were 5 to 10 mrem/hour. Worker badges were designed to give cummulative exposures over one to three month periods (different time periods for evaluation were given on different documents). Assuming that the workers were involved in activities at the storage structure for, on average, one hour per week, their yearly exposure from this source would be between 250 mrem/year and 500 mrem/year. The maximum weekly exposure according to document 2-B, was 100 mrem/week or 3900 mrem/year. Some of the TLD's were apparently evaluated monthly (21 days of work at 10 hrs a day), and had a minimum detection level of 30 mrem. Therefore 360 mrem dose per year could have occured without detection by using TLD's.

3. BACKGROUND LEVEL OF RADIATION EXPOSURE AND EXPOSURE DUE TO WORKING IN THE SHAFT AND PIT.

Document marked Exhibit 12, dated 3/11/72, notes that background on Amchitka was measured at 30 cpm. This higher count may be due to the high latitude. Generally in the United States the background measurement is 10 to 20 cpm. Background in the shaft as measured in Document 7-W, was noted as 282 cpm for both mud and water at all depths. This is not unusual since all hard rock miners working underground are exposed to uranium ore bearing rock, and higher than normal

exposure to ionizing radiation.

Workers averaged about 4 to 5 hours at a time in the shaft and/or pit at background radiation levels about ten times higher than they would have experienced from background radiation had they stayed on the surface of the island. The men worked ten to twelve hour shifts. My estimate would be that working on the surface of the Island exposed one to about 132 mrem per year background radiation. Working the shaft and/or pit added 0.135 mrem per hour. That is, to the 0.015 mrem/hour which would have been experienced in working on the surface, another 0.120 mrem-hour due the workplace being deep underground was added. At 10 hours per day, 21 days per work period, and 13 work periods per year, this adds 328 mrem/year above normal (surface) background to the worker's ionizing radiation exposure.

Another Document, dated 7/8/71 ODTL reported background radiation levels for the island at 2.3 mrem per week, or 120 mrem per year. This is close to the previous estimate, and using this for background would give 340 mrem per year added exposure due to underground mining environment.

There were two double cesium 137 sources in the wall of the shaft. At 64 feet above or below each of these sources, one embedded at 728 feet and the other embedded at 2341 feet depth, the radiation exposure was about 0.17 mrem/hour. The one foot area centered around the source measured above 3000 mrem/hour. A reasonable estimate of the dose average for the entire 128 feet vertical distance centered at one source would be 12 to 18 mrem per hour. One worker travelling in the man-cage down and up the shaft, once, would pass 4 X 128 feet or 512 feet affected by these two sources.

The entire round trip is 12,000 feet, so the contaminated portion is 4.3%. The total time for a round trip was given as 20 minutes, of which 4.3% or 0.86 minutes are spent in the cesium affected field. If this round trip occured at this rate, without stopping in the shaft, it would add between 0.17 and 0.26 mrem per trip to the worker's exposure. The average velocity of the man cage may have been much slower, based on worker experience of trips lasting one or two hours.

The average worker made two round trips per day (they surfaced for lunch), and they worker 10 hours a day for 21 days per work period, 13 work periods per year. Over the course of the year, the worker would have between 93 and 142 mrem additional exposure, if the round trips were actually accomplished in 20 minutes.

Allowance should be made for unexpected stopage while riding the man cage. Apparently workers did not always wear TLD's while working in the shaft or pit, and individual records of worker's exposures were not kept (or have been lost). About 64 men were employed as miners and they worked in the shaft and pit. The man-cage appeared able to carry 2 to 6 men at a time, usually carrying four or five in one trip. It made about 30 to 36 round trips a day, or 10,000 to 13,000 round trips a year. At a 10% failure rate, one can assume between 1,000 and 1,300 stopages in the shaft in a year, with about 32 to 40 stopages in the vicinity of the cesium sources. Assume also that when the man-cage stopped, it took an average of one hour to get it working again. Stoppage was apparently frequent enough that the radiation protection staff ordered that the eleven ampules of radioactivity to be emplaced in the shaft near the end of the excavation be sent down without a person in the man-cage

so that there was no danger of anyone being stopped in the shaft with these sources.

Just based on random stopage and random place of stopage, one would expect a worker making about 546 trips in the man cage per year, to have experienced 54 stopagges of which 2.3 (on average) were in the vicinity of the cesium sources. Such prolonged time near the sources could result in exposures between 28 and 41 mrem. There would be higher partial body exposure near the center of the radiation field generated by the cesium source. Partial body exposures, for example exposure of an arm or leg, or abdomen, may have been as high as 3000 mrem near the center of the field.

4. EXPOSURE RELATED TO SUBSURFACE DIAGNOSTIC CAPSULED SOURCES AND RADIOISOTOPE THERMOELECTRIC GENERATORS (RTG's)

On or before 15 July 1971, eleven radioactive sources, capsules to be placed in a spherical dodecahedral array in the UAE-1 cavity arrived at Amchitka. They were stored for about five weeks and emplaced the second week of August. Installation required 3 people, who were expected to take 3 hours for emplacing all eleven capsules. Each capsule gave off neutron and gamma radiation. There was no indication in the Document marked Exhibit 8, that a quality factor for neutrons had been used for conversion of mR, as measured, to mrem dose.. For gamma radiation, the mR per hour measured is converted directly into mrem per hour. Neutrons are highly effective at inducing cell transformations, the first step in causing cancers, and are therefore multiplied by 10 when converted into a mrem dose. They are much more cytotoxic and carcinogenic than are gamma rays. There is also evidence that the effectiveness of neutrons increases with a decrease in the dose rate, therefore they are most dangerous when the dose rate is slow or fractionated.(See BEIR V:143-144, US National Academy of Science). According to the testimony of Dr. Jim Corothers on 12 December 1997 (510) 422-7010[LLL] they were fast neutrons, "fast spontaneous fissionable material... in the MeV Range". According to Corothers, the "O ring/ 4" x 1 1/8 Cylinder est. 700 mR/hr neutron".

For assessing the dose from neutrons, a quality factor should be used as a multiplier of the mR dose measured. I will assume the error in the reporting of the neutron dose, given as 48 mrem, since there is no mention of this conversion factor having been used and since under the circumstances, the estimate may be orders of magnitude too low.

Each one of the eleven capsules had a ring, called the "O ring", by which it could be held. In close quarters, I would estimate that the person would hold it about 1 foot from his body, with the capsule coming at about the midline. This midline dose could have been about 3.5 mrem/hr gamma and between 480mrem/hr (48 mR X 10) and 7000 mrem/hour neutron. Over a three hour period about two hours could have been spent actually holding a source by the ring and attempting to place it on the pre-prepared hook. The exercise may have given a radiation dose of 960 to 14,000 mrem. No TLD records for this operation were found, although according to Document 8-E, F., "Personnel dosimeters (TLD) will be worn by all personnel during the downhole installation of the capsules". Personnel were warned to stay at least five feet from the paint can containing the capsules, however this must have been difficult in cramped quarters and with the task of emplacement of each of the eleven capsules on hooks on the shaft and cavity wall.

If the men were being measured against the maximum permissible radiation exposure for members of the public, namely, 500 mrem per year, this job clearly involved an over-exposure. Nuclear workers were at the time permitted a maximum of 5,000 mrem, a limit which also was likely exceeded.

5. MATERIAL RELEASED FROM THE CANNIKEN RE-ENTRY OPERATIONS IN 1972

Exhibits 11, and 11 A through 11 L, refer to measurements made after the Canniken shot. Between January 1 and December 31, 1972, 4000 cubic meters of radioactive gasses were released, in the cleanup. The composition and this gas, and the release timing is given by Eberline:

Exhibit 11. Eberline Instrument Corporation estimated 4000 cubic meters of gases were released during periods in 1972; containing 0.25 curies 85 Kr, 4.0 millicuries HTO, 1.0 curies HT and 0.3 millicuries 14C:

Periods (1972)	Gas Volume (M^3)	Days	Daily Gas Vol.(M^3)
1 Jan - 20 Feb	130	51	2.55
21 Feb - 8 April	630	48	13.13
9 April - 21 May	1100	43	25.58
22 May - 23 July	1710	63	27.14
24 July - 15 Oct	220	84	2.62
16 Oct - 31 Dec	210	77	2.73
TOTAL	4000	366	

The average release of this gas was 11 cubic meters per day. The number of curies of Tritium released, whether as water vapor or tritiated gas, was about 4 times the number of curies of Krypton 85 released. Curies of Krypton released were on average almost 1000 times the number of curies of Carbon 14 released. An assumption is made that the gaseous mixture remained homogeneous over the year. Both Krypton and Tritium would have contributed measurable doses to skin, however, Krypton would have provided the largest whole body dose.

Between 5/25/72 and 6/3/72, 150 cubic feet of gas, containing 1 millicurie of Kr 85 was released. Since 150 cubic feet is about 4.25 x 10E(6) cubic cm, and 1 millicurie is 1,000 microcuries of Krypton, the gas concentration was about 2.35 x 10E(-4) microcuries per cubic cm. According to D.C. Kocher (Health Physics Journal 38:543-621, 1980, page 555), the whole body dose received from immersion in radioactive gas, with this concentration of Krypton 85, would be 1.23 x 10E(7) mrem per microcurie per cubic cm per year. For the release in question, this would be 8 mrem per day (assuming that the workers were exposed over the whole 24 hour period). A worker who spent 30 days on Amchitka, working under these circumstances, would receive about 240 mrem dose.

The combined skin dose from Krypton 85 and Tritium, would have been considerably higher, as much as 66 mrem per hour. Hence workers may later experience skin cancer. Both Krypton and Tritium can be breathed, pass through the lungs to blood and circulated throughout the body. A small portion of the Tritium can be retained in the body, the organically bound fraction, with a half life of 300 days. Dose to

bone marrow from the Krypton, the significant dose in blood and bone disease etiology, would have been 10 mrem per day, or 300 mrem for a 30 day stay on the Island. Some workers may have stayed for as long as 90 days, and others may have stayed for only a few days. This radioactive gas would have been in both the work space and the living space of the Island. Krypton is a heavy gas, chemically inert but radioactive. It would stay close to the earth. It has a half-life of 10.72 years and eventually becomes distributed globally. Spasmodic releases would likely stay in the vicinity of the site for several days in calm weather. With a high wind, it might disperse quickly. I made the conservative assumption that there was no build up of Krypton, that is a complete air change in 24 hours. The doses to workers could have been higher in calm air, or if the gas contained radioactive particulates, and lower if there was a high wind.

Workers were also exposed to the contaminated waste at the cleanup site. There were nine 55 gallon drums measuring 0.57 mR/hour on contact, and five wooden boxes on skids, measuring 0.02 mR/hour. The documents state that: "All Birdwell sources are packaged in accordance with DOT regulations." Certainly the workers handled these sources and did the packaging. The date on 12 B is 16 March 1972, and there is a second Document 12 C which covers 16 July 1972 to 28 July 1972. I am estimating that the cleanup took place over two, two week periods, or over approximately 20 working days. I am also assuming that the handling and packaging of the Birdwell source materials and other miscellaneous cleanup of the contaminated site was at the 100 mrem per day level which was estimated for a workers maximum per week when this material was in storage. For twenty working days, the estimated exposure would be 2000 mrem, in addition to the exposure due to the Krypton gas.

Document 12 B contains a note written by L. O'Neill, relative to: "The Dowell sources (2 blending trucks with 50 mCi Cesium 137 sources) safely packaged, however, in my opinion the package does not meet DOT specifications." This would indicate that the package was physically secure but not properly sheilded. This would also pose a direct radiation exposure hazard for the workers. At about 18.6 cm (8 inches) from this source one would expect doses around 500 mrem per hour. Working around the trucks would have carried a risk of further exposure.

6. EXPOSURES RELATED TO ACTIVE AND/OR PASSIVE SMOKING OF MINERS IN THE SHAFT AND/OR PIT.

I considered the Document dated 1 May 1970, reporting a conversation with Ray Peters, a miner at Amchitka, in which he noted the fire hazard associated with working the shaft. I consider this incident to be a significant indication of poor safety practices at the shaft and pit. According to this dialogue, 110 gallons of oil had been pumped down the air pipe. It went to the bottom of the hole and was blown back up the casing where it mixed with the rust. This rust-oil mixture would burn if touched by a lighted cigarette. Apparently there was at least one fire at 4500 feet depth. This obvious fire hazard which went unchecked indicates an unacceptable level of safety consciousness.

It should be noted further, that there was a hazard for smokers resulting from the leaching of radon gas from the natural rock pierced by the shaft. Radon is about seven times heavier than air and would tend to settle near the bottom of the shaft. It was well known at the time that smokers in uranium and other hard rock mines experienced lung cancers at a higher rate and with a shorter latency period than did non-smokers. This excess for the miners was greater than could be accounted for by smoking alone.

to keep such records, was inexcusable since radiation protection formalities were well established by the late 1960's and early 1970's. The doses received by the men during special assignments and during the post-Canniken cleanup, exceeded the permissible quarterly dose of 1250 mrem and the maximum permissible yearly dose of 5000 mrem. In 1990, the ICRP recommended the reduction of worker exposures to ionizing radiation to below 2000 mrem per year.

Depending on how the doses were calculated, i.e., whether calendar year or work year was used, doses to workers may clearly have exceeded the 5000 mrem yearly maximum with the special assignments.

In my opinion these worker exposures can be expected to result in at least one or two excess radiation induced and radiation promoted cancers, and other ill health among the workers.

Rosalie Bertell

Rosalie Bertell, Ph.D., GNSH
President, International Institute of Concern for Public Health
710-264 Queens Quay West
Toronto ON M5J 1B5 CANADA
Date: 13 February 1998

Biography
Rosalie Bertell, Ph. D., GNSH

Dr. Rosalie Bertell Ph. D. currently serves as President of the International Institute of Concern for Public Health since 1987. Dr. Bertell has also served as a consultant to the U.S. Nuclear Commission; the President's Committee on Three Mile Island, the Marshall Island's nuclear test review; and served on the Permanent People's Tribunal for the Bhopal India (Union Carbide Disaster) in 1992-1994.

Dr. Bertell has also published over 90 public health articles including worker exposure to Ionizing Radiation as well as the Chernobyl Nuclear Disaster. Since 1951, she has been a member of the Grey Nuns of the Sacred Heart.

TONY KNOWLES
GOVERNOR

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

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February 19, 1998

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To ED FLANAGAN	From RON CLARKE
Co.	Co.
Dept.	Phone #
Fax #	Fax #

The Honorable Federico F. Peña
Secretary of Energy
U.S. Department of Energy
Office of the Secretary
Washington, DC 20585-1000

Dear Mr. Secretary:

On October 31, 1996, I wrote to then Secretary O'Leary to express my concerns regarding a number of issues associated with the former nuclear test site on Amchitka Island. Your department and our Department of Environmental Conservation (DEC) are addressing environmental concerns related to the test site and the surrounding area under an Agreement-in-Principle, but one serious issue which has not been addressed is my request for monitoring of the workers that participated in the actual tests.

These Alaska workers are concerned they suffer from an inordinately high rate of cancer. In fact, several have died of cancer or leukemia. For years, these workers were unable to obtain classified information on the tests in which they were involved. Based on conversations with the National Institute for Occupational Safety and Health (NIOSH), union representatives of the Amchitka workers, in coordination with the Center to Protect Workers Rights, submitted on May 5, 1997, a proposal to the Department of Energy (DOE) for a health study. My understanding is the DOE did not formally respond, declining to fund this proposal, until November 5, 1997. Considering the concerns of the surviving Amchitka workers and families of the deceased workers, the length of time the DOE took to respond was unacceptable.

Now I understand the DOE has completed a study of the workers' dosimetry records and other site records, and has passed this information and references along to NIOSH for review by health physicists. Given the workers' concern, time is of the essence; and I am requesting this review be completed as soon as possible. Immediately upon completion, I request the study be shared with the Amchitka workers and the State of Alaska. I will have the Alaska Department of Health and Social Services and DEC review the report and recommendations. A meeting should then be held in Anchorage, Alaska, with the

The Honorable Federico F. Peña
February 19, 1998
Page 2

Amchitka workers, the involved state agencies, DOE, and NIOSH to discuss the report and determine what additional studies may be warranted.

The DOE under the Clinton Administration has an exemplary record of forthrightly confronting problems from the past, and I appreciate the cooperation with which our other Amchitka concerns are being addressed.

If we need to discuss this further, please call me at (907) 465-3500 or have a member of your staff contact John Katz in my Washington, D.C., office at (202) 624-5858.

Thank you for your consideration of this matter.

Sincerely,

Tony Knowles
Governor

VIII

Aleutian/Pribilof Islands Association, Inc.

401 E. Fireweed Lane, Suite 201
Anchorage, Alaska 99503-2111
Phone (907) 276-2700

January 14, 1998

The Honorable Tony Knowles
Governor of the State of Alaska
PO BOX 110001
Juneau, AK 99811-0001

Dear Governor Knowles:

The Aleutian/Pribilof Islands Association, Inc., supports the Amchitka Alaska Workers and the Alaska State District Council of Laborers in their efforts to secure funding from the Department of Energy for a health surveillance study of State of Alaska laborers who worked at the three underground nuclear test sites on Amchitka Island, from 1965-1967. Though a formal health survey of the health conditions of Amchitka workers has yet to be completed, a partial listing of worker health problems has been collected solely by a word-of-mouth process. This list documents a statistically significant number of workers who currently suffer or have died from various forms of cancers associated with radiation poisoning.

In response to Dr. Knut Ringen's proposed health study of Amchitka workers, Ralph Lightner, Director of the Office of Southwestern Area Programs, Department of Energy, states, "a study of this type is not warranted at this time." This is indeed a tragic oversight; a medical study concerning the health of these workers is not only imperative, but long overdue. As a member of the Amchitka Technical Advisory Group (ATAG), and primary stakeholder in the Aleutian/Pribilof Islands Region, we strongly support the enactment of a legislative appropriation to lend justice to a group of dedicated workers who sacrificed greatly for purposes of national security.

Sincerely,

Dimitri Philemonof
Executive Director

DP/sd

cc: Bob King, Press
Tom Cashen, Labor Commissioner-Juneau
Al Dwyer, Labor Standards & Safety Director
Michele Brown, ADEC Commissioner-Juneau
John Katz, Gov. Knowles Washington D.C. Office
U.S. Senator Frank Murkowski
U.S Senator Ted Stevens
Congressman Don Young
State Senator Loren Leman
Dr. Knut Ringen, CPWR
Pam Miller, Greenpeace
Carl Hild, Institute for Circumpolar Health Studies, UAA
Rev Aleck, Alaska Workers
Andy Piekarski, AK State District Council of Laborers
[illegible], AK State District Council of Laborers

ADN 4-7-99 Study targets Amchitka workers

By DON HUNTER
Daily News reporter

The U.S. Department of Energy has agreed to check on the health of hundreds of people who worked on an underground nuclear testing program at Amchitka Island three decades ago.

Dr. Paul Seligman, deputy assistant secretary for DOE's Office of Health Studies, said Tuesday in Anchorage that the Amchitka medical surveillance program will be similar to studies already under way of former workers at other U.S. nuclear sites. It will aim to find out if the former workers have suffered diseases thought to be caused by radiation.

The study can begin as soon as agreements with state agencies are drafted and signed, Seligman and state officials said.

Three underground nuclear blasts were conducted on Amchitka, near the end of the Aleutian Chain, beginning in 1965. The last, a five-megaton warhead test called Cannikin in 1971, was the largest underground atomic explosion conducted by the United States.

Along with radioactive substances used in the tests, workers may have been exposed to radiation from nuclear-powered generators, according to a 1998 study performed for the union by Rosalie Bertell, a former consultant to the U.S. Nuclear Regulatory Commission.

Unions representing Amchitka workers have pressured the Energy Department to conduct the study. The state's congressional delegation and Gov. Tony Knowles added their weight last year.

Seligman said Energy Secretary Bill Richardson agrees it's important to respond to former test site employees who worry that work on the island may have lingering health effects.

"He made it clear to my boss that he wants the health concerns of those who worked for DOE to be fairly, appropriately and justly addressed," Seligman said after meeting with state and union officials and a representative from the Aleutian Pribilof Islands Association.

Seligman said attitudes and priorities at his agency have changed since the Amchitka tests were conducted in a Cold War climate.

"These were hazardous opera-

Please see Page B-3, STUDY

STUDY: Nuclear workers to be checked

Continued from Page B-1

ions," he said. "The hazards were well understood, but the priorities were ... weapons production and the defense of the nation."

Energy Department officials have said agency records indicate that Amchitka workers weren't exposed to unusually high levels of radiation. But a number of the workers later developed cancers, including some types often associated with radiation exposure.

Bev Aleck, whose husband, Nick, died of leukemia in 1975 after helping drill the pit for the Cannikin test, has battled to declassify records on the Alaska underground tests. She has worked with union attorneys to enlist political support for the health monitoring program. The attorneys say her efforts helped bring the issue to the attention of government officials.

Since the Alaska State District Council of Laborers called for the survey a year ago, about 200 Amchitka workers have contacted the union, Aleck and Laborers' attorney Kevin Dougherty said Tuesday. Many still live in Alaska, but others are scattered across the country.

No one has reliably calculated the number of miners, construction workers and scientists who worked on the island, digging pits for the underground blasts and installing equipment to monitor the explosions, but as many as 2,000 may have been involved.

"The (first) major task is getting together lists of who was at the site, and locating them," Dr. James Mellius, an occupational medicine specialist with the Laborers Health and Safety Fund. "Then interviewing them: How long were they there? .... What did they do?"

Union officials plan to comb pension rolls for members who worked on the island. Aleck said Amchitka workers had to receive security clearances before getting jobs, so the Energy Department should have those names somewhere.

The effort to locate Amchitka workers can begin as soon as an "agreement in principle" is reached between the Energy Department and the state, said Doug Dasher, environmental radiation program manager for the Alaska Department of Environmental Conservation. Legislative action to accept and appropriate the federal funding also is necessary.

Everything should be ready and the survey in progress by mid-summer, or at the latest by September, Dasher said.

Reporter Don Hunter can be reached at dhunter@adn.com.

ACAT

Alaska Community Action on Toxics

May 6, 1999

Thank you for the opportunity to testify today. I also want to thank members of the HOUSE SPECIAL COMMITTEE ON WORLD TRADE & STATE/FEDERAL RELATIONS for holding this hearing on Joint Resolution No. 21. I strongly support passage of SJR 21. My name is Pamela K. Miller, Program Director of Alaska Community Action on Toxics and biologist.

As a member of the Amchitka Technical Advisory Group (ATAG), I am familiar with the great difficulties the workers and their families have had in finding the truth about radiation hazards at Amchitka in the years during and following the nuclear tests. I have personally received many calls from Amchitka workers and their family members who express concerns about the high incidence of cancers and other health problems that arose among workers after their employment on the island. I have reviewed over 20,000 documents in my research concerning the nuclear tests at Amchitka and have found documentation of radioactive sources and leakage that workers were likely exposed to. Department of Energy still withholds classified documents which would provide additional and much needed information for assessing environmental and human health threats.

A worker medical surveillance program will provide workers and their families with information essential to understanding the health impacts of the nuclear tests at Amchitka. I also voice my support for the amendment to the Radiation Exposure Compensation Act of 1990 that will include Amchitka Island within its coverage. Finally, I ask that members of the Legislature work diligently to resolve worker compensation claims and litigation relating to Amchitka workers and their families. This Resolution provides a measure of justice that is long overdue to the workers and their families. Thank you for your support.

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COVER SHEET

Anchorage Legislative Information Office
Office - (907) 269-0111 Fax - (907) 269-0229

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SJR 21	KEVIN	DOUGHERTY	AK LABORERS	TESTIFY
SJR 21	BEV	ALECK	AKA WORKERS	TESTIFY
SJR 21	PAMELA	MILLER	ACAT	TESTIFY