

NOMINATIONS OF STEVEN CHEALANDER TO
BE A MEMBER OF THE NATIONAL
TRANSPORTATION SAFETY BOARD AND
CHARLES DORKEY III TO BE A MEMBER OF
THE ADVISORY BOARD OF THE SAINT
LAWRENCE SEAWAY DEVELOPMENT
CORPORATION

HEARING

BEFORE THE

COMMITTEE ON COMMERCE,
SCIENCE, AND TRANSPORTATION
UNITED STATES SENATE

ONE HUNDRED NINTH CONGRESS

SECOND SESSION

DECEMBER 5, 2006

Printed for the use of the Committee on Commerce, Science, and Transportation



U.S. GOVERNMENT PRINTING OFFICE

34-711 PDF

WASHINGTON : 2007

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512-1800; DC area (202) 512-1800
Fax: (202) 512-2250 Mail: Stop SSOP, Washington, DC 20402-0001

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED NINTH CONGRESS

SECOND SESSION

TED STEVENS, Alaska, *Chairman*

JOHN McCAIN, Arizona	DANIEL K. INOUE, Hawaii, <i>Co-Chairman</i>
CONRAD BURNS, Montana	JOHN D. ROCKEFELLER IV, West Virginia
TRENT LOTT, Mississippi	JOHN F. KERRY, Massachusetts
KAY BAILEY HUTCHISON, Texas	BYRON L. DORGAN, North Dakota
OLYMPIA J. SNOWE, Maine	BARBARA BOXER, California
GORDON H. SMITH, Oregon	BILL NELSON, Florida
JOHN ENSIGN, Nevada	MARIA CANTWELL, Washington
GEORGE ALLEN, Virginia	FRANK R. LAUTENBERG, New Jersey
JOHN E. SUNUNU, New Hampshire	E. BENJAMIN NELSON, Nebraska
JIM DEMINT, South Carolina	MARK PRYOR, Arkansas
DAVID VITTER, Louisiana	

LISA J. SUTHERLAND, *Republican Staff Director*

CHRISTINE DRAGER KURTH, *Republican Deputy Staff Director*

KENNETH R. NAHIGIAN, *Republican Chief Counsel*

MARGARET L. CUMMISKY, *Democratic Staff Director and Chief Counsel*

SAMUEL E. WHITEHORN, *Democratic Deputy Staff Director and General Counsel*

LILA HARPER HELMS, *Democratic Policy Director*

CONTENTS

Hearing held on December 5, 2006	Page 1
Statement of Senator Inouye	11
Prepared statement	2
Statement of Senator Stevens	1

WITNESSES

Chealander, Steven R., Nominee to be a Member of the National Transportation Safety Board	2
Prepared statement	3
Biographical information	5
Dorkey III, Charles E., Nominee to be a Member of the Advisory Board of the Saint Lawrence Seaway Development Corporation	7
Prepared statement	8
Biographical information	9

APPENDIX

Hutchison, Hon. Kay Bailey, U.S. Senator from Texas, prepared statement	15
Snowe, Hon. Olympia J., U.S. Senator from Maine, prepared statement	15
Response to written questions submitted by Hon. Hillary Rodham Clinton to Charles E. Dorkey III	17
Response to written questions submitted by Hon. Daniel K. Inouye to:	
Steven R. Chealander	16
Charles E. Dorkey III	17

**NOMINATIONS OF STEVEN CHEALANDER TO
BE A MEMBER OF THE NATIONAL
TRANSPORTATION SAFETY BOARD AND
CHARLES DORKEY III TO BE A MEMBER OF
THE ADVISORY BOARD OF THE SAINT
LAWRENCE SEAWAY DEVELOPMENT
CORPORATION**

TUESDAY, DECEMBER 5, 2006

U.S. SENATE,
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,
Washington, DC.

The Committee met, pursuant to notice, at 10:10 a.m. in room SR-253, Russell Senate Office Building, Hon. Ted Stevens, Chairman of the Committee, presiding.

**OPENING STATEMENT OF HON. TED STEVENS,
U.S. SENATOR FROM ALASKA**

The CHAIRMAN. Good morning. Senator Inouye sent word he's stuck in traffic and asked us to proceed with the hearing, and I'm delighted to have that clearance from him.

This probably is the last meeting of this Committee during this Congress, and this morning we will hear from nominees to serve on the National Transportation Safety Board and the Saint Lawrence Seaway Development Corporation. We welcome you. Other Members are all represented here by staff and they welcome your willingness to serve us at this time.

Steven Chealander has been nominated to be a Member of the National Transportation Safety Board. The investigations into the recent school bus accident in Alabama, the plane crash in Lexington, Kentucky, and I can tell you about the one that I personally was involved in and survived. The other was the Alaska Airlines crash that my great friend, former head of the BIA, Morris Thompson, his wife Thelma and members of his family were killed. We have seen the work of the NTSB, and I think it's one of the fine agencies of our Federal Government. I look forward to Mr. Chealander's comments about what he thinks can be done to improve this vital agency.

Senator Hutchison has submitted a statement for the record in support of your nomination, Mr. Chealander, and it will be included in the record.

Mr. Charles Dorkey has been nominated to be a Member of the Advisory Board of the Saint Lawrence Seaway Development Cor-

poration. Mr. Dorkey has been an active and dedicated resident of the State of New York, serving in positions with the Hudson River Park Trust, the Empire State Development Corporation, and the New York Park and Conservation Association, among other things.

I have personally gone through both of the FBI investigations of your qualifications and your background, and I'm very pleased to say that we're happy to have you join the Federal Government with such distinguished careers behind you. I understand some of the members of your family are here. I hope that you will introduce your family or friends who are here with you today before you make your statement.

Senator Inouye's statement will appear in the record at this place if he gets here. If he doesn't get here, it will be inserted in the record.

[The prepared statement of Senator Inouye follows:]

PREPARED STATEMENT OF HON. DANIEL K. INOUE, U.S. SENATOR FROM HAWAII

I would like to welcome Mr. Chealander and Mr. Dorkey for appearing before the Senate Commerce Committee.

The work of the National Transportation Safety Board (NTSB) is vital to the safety and integrity of the Nation's transportation infrastructure. Having the full five-member Board in place is crucial for addressing new challenges that arise regularly, and for continuing the high-level investigative work for which the NTSB is known.

The Saint Lawrence Seaway remains one of the critical port systems for the U.S. transportation system, and provides a critical link to mid-America. Mr. Dorkey, as a nominee to serve on the Saint Lawrence Seaway Development Corporation (SLSDC), I am hopeful that, if confirmed, your background and experience will assist with the work that is being done to ensure the flow of commerce on this vital infrastructure.

I thank you both for your commitment to public service and I look forward to hearing your views as we consider your nominations.

The CHAIRMAN. Let me first call on you, Mr. Chealander. You are a resident of Texas, I understand, to be a Member of the National Transportation Safety Board. I'd be pleased if you would introduce your family or friends.

STATEMENT OF STEVEN R. CHEALANDER, NOMINEE TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD

Mr. CHEALANDER. Yes, and good morning, and thank you, Mr. Chairman. I am pleased and honored to appear before you today as you consider my nomination to be a Member of the National Transportation Safety Board. I am grateful to President Bush for this nomination, and especially for his confidence in my ability to continue to serve our great nation in this vitally important position, should I be confirmed.

Good morning, Mr. Inouye.

I would also like to recognize and thank Chairman Rosenker and the other current and former board members, many of whom are present here today, for their support. If confirmed, I intend to work diligently to contribute to the Safety Board's mission of preventing transportation accidents and maintaining the trust and confidence of the traveling public in our transportation system.

I would also like to thank Senator Kay Bailey Hutchison from my home State of Texas for her kind introduction, support, and for her leadership on this Committee.

As a career military officer, I would also like to add my personal thanks for the record you, Senator Stevens, Senator Inouye, and the distinguished Members of this Committee, for your military and government service to our country. I look fondly back on my own active military tours, and appreciate others who answered the call to public service, particularly those who began their careers with service in the military and then accepted a further call to public service in the Congress.

And with your permission I would like to introduce my long-time best friend and the wind beneath my wings, my wife, Rebecca. I am so glad that she was able to be here today with me, as she has walked alongside me in countless other professional endeavors over our 34 years of marriage. For those of you who don't know, we were in Washington many years ago when I had the privilege of serving as military aide to President Reagan. We are honored to have the opportunity to serve the country as a team once more. My wife, Rebecca.

The CHAIRMAN. Good morning, Rebecca.

Mr. CHEALANDER. As I'm sure you will agree, America's extensive transportation industry is one of our most important economic sectors and can easily be characterized as the lifeblood of our economy and a national treasure. Therefore, it is essential that we nurture that sector by ensuring the safe movement of people and products. It was with that idea in mind that Congress saw fit to establish the National Transportation Safety Board with the goal of enhancing transportation safety.

If confirmed, I pledge to you my commitment to making a meaningful contribution to the NTSB and helping it perform the role Congress intended. While working diligently to maintain the independence of the Board, which has remained the desire of Congress since the Board's creation, I also pledge that I will work to ensure the Board and this Committee have a cooperative, productive, and active working relationship, one which results in enhanced safety for the American traveling public.

I am humbled by the prospect of serving our country as a board member of the NTSB. I believe there is no higher honor or greater opportunity for one who has spent two careers in which safety has been the highest priority, than to hold a position of trust in an organization dedicated to safety of the American public.

I look forward, if confirmed, to making contributions toward safety of our transportation system and thereby the public's confidence in that transportation system. Through those contributions, I hope to help strengthen an industry vital to America's overall economic and national security. Also, I restate my pledge to you, Mr. Chairman, and each Member of this Committee, of my unfaltering commitment to the safety of our Nation's traveling public.

Sir, I look forward to answering your questions.

[The prepared statement and biographical information of Mr. Chealander follow:]

PREPARED STATEMENT OF STEVEN R. CHEALANDER, NOMINEE TO BE A MEMBER OF
THE NATIONAL TRANSPORTATION SAFETY BOARD

Good morning and thank you, Mr. Chairman, Mr. Co-Chairman and distinguished Members of the Committee. I am pleased and honored to appear before you today

as you consider my nomination to be a Member of the National Transportation Safety Board (NTSB). I am grateful to President Bush for this nomination and especially for his confidence in my ability to continue to serve our great nation in this vitally important position, should I be confirmed. I would also like to recognize and thank Chairman Rosenker and the other current and former Board Members, many of whom are present here today, for their support. If confirmed, I intend to work diligently to contribute to the Safety Board's mission of preventing transportation accidents and maintaining the trust and confidence of the traveling public in our transportation system.

I would also like to thank Senator Kay Bailey Hutchison from my home State of Texas for her kind introduction, support and for her leadership on this Committee. As a career military officer I would also like to add my personal thanks for the record, to you, Senator Stevens, Senator Inouye and the distinguished Members of this Committee for their military and government service to our country. I look fondly back on my own active duty military tours and appreciate others who answered a call to public service, particularly those who began their careers with service in the military, and then accepted a further call to public service in Congress.

With your permission I would like to introduce my long-time best friend and the wind beneath my wings, my wife, Rebecca. I am so glad that she was able to be here with me today, as she has walked alongside me in countless other professional endeavors over our 34 years of marriage. For those who don't know, we were in Washington many years ago when I had the privilege of serving as the Military Aide to President Reagan. We are honored to have the opportunity to serve the country as a team once more.

As I am sure you will agree, America's extensive transportation industry is one of our most important economic sectors and can easily be characterized as the lifeblood of our economy and a national treasure. Therefore, it is essential that we nurture that sector by ensuring the safe movement of people and products. It was with that idea in mind that Congress saw fit to establish the National Transportation Safety Board with the goal of enhancing transportation safety. If confirmed, I pledge to you my commitment to making a meaningful contribution to the NTSB and to helping it perform the role Congress intended. While working diligently to maintain the independence of the Board, which has remained the desire of Congress since the Board's creation, I also pledge that I will work to ensure that the Board and this Committee have a cooperative, productive, and active working relationship which results in enhanced safety for the American traveling public.

For nearly forty years, the National Transportation Safety Board has been at the forefront of transportation safety issues and has been the conscience of America's transportation network. The NTSB is renowned as our Nation's premier accident investigation agency, but is also recognized as the most authoritative, independent safety body in the world. That reputation, and by extension that credibility, is the product of a team of safety professionals committed to excellence in its conduct of unbiased investigations into transportation accidents. It is also a result of the foresight exhibited by Congress to ensure the organizational independence of the NTSB when it reasoned "no Federal agency can properly perform such [investigatory] functions unless it is totally separate and independent from any other . . . agency of the United States." The dedicated men and women who make up the staff of the NTSB have made tremendous strides in making each one of our Nation's transportation modes safer and thus stronger.

I am humbled by the prospect of serving our country as a board member of the NTSB. I believe there is no higher honor or greater opportunity for one who has spent two careers in which safety has been of the highest priority, than to hold a position of trust in an organization dedicated to the safety of the American public. I am energized by the possibility, if confirmed, of being part of the leadership of this incredibly competent team of safety experts and advocates. I believe that my diverse operational and management experiences in aviation, both military and commercial, give me an excellent background with which to serve as a board member on the NTSB.

Mr. Chairman, my background includes a combination of experience in aviation, aviation management, accident and incident investigation, teaching human factors and its relationship to transportation safety, and leading pilots in safe flight operations. I have been an active aviator for almost 33 years now, and know full well that safety in flight operations, and in all modes of transportation operations, is in some significant part a product of recommendations and lessons learned passed on from investigative bodies such as the NTSB.

I look forward, if confirmed, to making contributions toward the safety of our transportation system, and thereby the public's confidence in that transportation system. Through those contributions, I hope to help strengthen an industry vital to

America's overall economic and national security. Also, I restate my pledge to you, Mr. Chairman, and each Member of this Committee, of my unfaltering commitment to the safety of our Nation's traveling public.

Sir, I look forward to answering any questions.

A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used): Steven R. Chealander.
2. Position to which Nominated: Board Member, NTSB.
3. Date of Nomination: September 21, 2006.
4. Address (List current place of residence and office addresses):
 Residence: information not released to the public.
 Office: American Airlines Flight Academy, DFW Airport, TX 75261.
5. Date and Place of Birth: November 14, 1946, Los Angeles, CA.
6. Provide the name, position, and place of employment for your spouse (if married) and the names and ages of your children (including stepchildren and children by a previous marriage).
 Wife: Rebecca Chealander, not employed.
 Daughter: Ann Lapinsky, 29 years old.
 Daughter: Lael Chealander, 27 years old.
7. List all college and graduate degrees. Provide year and school attended: Bachelor of Science, 1973, University of Southern California.
8. List all management-level jobs held and any non-managerial jobs that relate to the position for which you are nominated.
 Manager, Flight Operations Efficiency, American Airlines, June, 2003–present.
 Manager, Flight Safety—Internal Evaluation and Compliance, American Airlines, January–June 2003.
 F-16 Tactical Fighter Squadron Commander, USAF, 1989–1991.
 F-5 Tactical Fighter Squadron Commander, USAF, 1988–1989.
9. List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above, within the last 5 years: None.
10. List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business, enterprise, educational or other institution within the last 5 years: Director on the Board of Directors, Thunderbirds Alumni Association, November 2005–present.
11. Please list each membership you have had during the past 10 years or currently hold with any civic, social, charitable, educational, political, professional, fraternal, benevolent or religious organization, private club, or other membership organization. Include dates of membership and any positions you have held with any organization. Please note whether any such club or organization restricts membership on the basis of sex, race, color, religion, national origin, age or handicap: Member of Trophy Club Country Club, Trophy Club, TX, April 1, 2005–present; (Trophy Club has no restrictive membership policies).
12. Have you ever been a candidate for public office? No.
13. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$500 or more for the past 10 years: None.
14. List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals and any other special recognition for outstanding service or achievements.
 Defense Superior Service Medal, July 1988.
 Distinguished Flying Cross, 1984.
 Air Medal, 1984.
15. Please list each book, article, column, or publication you have authored, individually or with others, and any speeches that you have given on topics relevant to the position for which you have been nominated. Do not attach copies of these publications unless otherwise instructed: None.
16. Please identify each instance in which you have testified orally or in writing before Congress in a nongovernmental capacity and specify the subject matter of each testimony: None.

B. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers: None.

2. Do you have any commitments or agreements, formal or informal, to maintain employment, affiliation or practice with any business, association or other organization during your appointment? If so, please explain.

No, I am presently employed by American Airlines, and, if confirmed as a Member of the Board of the NTSB, will retire after more than 15 years of service. I have no commitment or agreement of any type to maintain employment, affiliation or practice with American Airlines or any other business, association or organization during my appointment as a Board Member.

3. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.

All potential conflicts of interest have been identified on my Public Financial Disclosure Report (SF 278) and have been discussed in my Ethics Agreement letter, dated September 22, 2006, which I have previously provided to the Designated Agency Ethics Official (DAEO) of the National Transportation Safety Board. The potential sources of conflict are summarized as follows; vested American Airlines (AMR) Stock Options, Preferred Stock in Pacific Gas and Electric (PGE) and General Electric Company (GE). Additionally, pursuant to my service with American Airlines, upon retirement, I will be entitled to the provision, by American Airlines, of payment for medical insurance benefits for my spouse and myself. Finally, my spouse and I will be entitled to flight benefits with American Airlines, which will involve flying stand-by.

4. Describe any business relationship, dealing, or financial transaction which you have had during the last 5 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated: None.

5. Describe any activity during the past 5 years in which you have been engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy: None.

6. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items.

If I am confirmed as a Member of the Board, within 90 days of the date of that confirmation, I will divest my preferred stock in GE and PGE and will exercise my vested stock options in American Airlines and, in turn, will divest the stock in American Airlines. In view of the continuing relationship that I will have with American Airlines because of my entitlement to the payment of insurance benefits and flight benefits, as I have indicated in my ethics agreement, I will recuse myself from investigations or other matters before the Board in which American Airlines is or represents a party.

C. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? No.

2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority of any Federal, State, county, or municipal entity, other than for a minor traffic offense? If so, please explain: DUI 1972, California Highway Patrol, Los Angeles County Municipal Court, Malibu, California. The final disposition was a \$182 fine.

3. Have you or any business of which you are or were an officer ever been involved as a party in an administrative agency proceeding or civil litigation? No.

4. Have you ever been convicted (including pleas of guilty or *nolo contendere*) of any criminal violation other than a minor traffic offense? If so, please explain: (See Question 2, above).

5. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be disclosed in connection with your nomination: None.

6. Have you ever been accused, formally or informally, of sexual harassment or discrimination on the basis of sex, race, religion or any other basis? No.

D. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines for information set by Congressional committees?

Yes. The importance of a sound relationship between the National Transportation Safety Board and Congress cannot be overstated, and I will do my utmost to ensure the Safety Board is responsive to Congress and those committees with which the Safety Board routinely has a relationship.

2. Will you ensure that your department/agency does whatever it can to protect Congressional witnesses and whistle blowers from reprisal for their testimony and disclosures?

Yes, to the best of my ability, and always when during the performance of my duties as a Member of the Safety Board I participate in management activities affecting the rights and benefits of Safety Board employees.

3. Will you cooperate in providing the Committee with requested witnesses, including technical experts and career employees, with firsthand knowledge of matters of interest to the Committee?

Yes, If I am confirmed, I will do my part to ensure that the Safety Board provides that cooperation and support to the best of my ability. The Safety Board, as the first Federal agency on scene in many instances, and with the charge from Congress to independently determine the probable cause of accidents and make meaningful recommendations to avoid further accidents, will have transportation-related expertise residing in its investigators, scientists and engineers. Congress will often need to access this expertise as it contemplates legislation. I fully recognize that Congress needs the cooperation and support of the Safety Board as Congress seeks to fashion meaningful remedies from Safety Board findings and recommendations. Again, I will do my best to provide that support.

4. Are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so?

Yes. It is my opinion that such appearances and testimony will be a significant part of my responsibilities as a Board Member. Also, in my opinion, an open and thorough dialogue between the Safety Board and Congress is essential in advancing transportation safety in the United States, and around the globe.

The CHAIRMAN. Thank you very much.

Mr. Dorkey, I would be happy to have your comments, and introduce your family if you will.

STATEMENT OF CHARLES E. DORKEY III, NOMINEE TO BE A MEMBER OF THE ADVISORY BOARD OF THE SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

Mr. DORKEY. Yes, sir. Before proceeding I'd like to introduce my girlfriend, Carolyn Pilkington, who is right behind me here, Senator. Thank you.

The CHAIRMAN. Good morning.

Mr. DORKEY. Chairman Stevens, Co-Chairman Inouye, and Members of the Committee, it is an honor for me to appear before you today as President Bush's nominee to serve as a member of the Advisory Board of the Saint Lawrence Seaway Development Corporation. If confirmed, I look forward to working closely with the Committee on issues related to the vital work performed by the Seaway Corporation.

I am humbled to be asked to serve as a public member of this board. As a lawyer in private practice, I believe it is essential for one to give back to society and to assist in the administration of government. I am flattered and pleased that I will be able to do so for this wholly-owned government corporation. My past experience, I respectfully submit, has prepared me for this board.

For the last 10 years, I have served as a board member of the New York State Economic Development Corporation, and know how essential it is to help the economy of New York's north coun-

try, where the Seaway has its operations. For the last 4 years, I have served as Chairman of the Hudson River Park Trust, and have gotten to learn how important waterways are for business and recreational interests of our citizens.

As someone who has worked as a public member of government entities and corporations, I also know how important it is that there be communications with all stakeholders, that decisions affecting people and interests be principled, explained, and transparent, and that the public interest always comes first.

And, as a partner in a U.S.-Canadian law firm, I have learned a great deal about the society and culture of our important neighbor to the north, and believe that this experience will give me a deep and sensitive understanding of shared cross-border issues.

In closing, let me assure you and all Members of Congress that I will do everything in my power and within my ability to ensure that the Saint Lawrence Seaway Development Corporation continues to operate in a cost-effective and transparent manner, and that it continues to serve as an environmentally responsible impetus to trade and the economic well-being of not only the Great Lakes region it directly serves, but the entire United States.

Thank you, Senators.

[The prepared statement and biographical information of Mr. Dorkey follow:]

PREPARED STATEMENT OF CHARLES E. DORKEY III, NOMINEE TO BE A MEMBER OF
THE ADVISORY BOARD OF THE SAINT LAWRENCE SEAWAY DEVELOPMENT
CORPORATION

Chairman Stevens, Co-Chairman Inouye and Members of the Committee, it is an honor for me to appear before you today as President Bush's nominee to serve as a Member of the Advisory Board at the Saint Lawrence Seaway Development Corporation. If confirmed, I look forward to working closely with the Committee on issues related to the vital work performed by the Seaway Corporation.

I am humbled to be asked to serve as a public member of this board. As a lawyer in private practice, I believe that it is essential for one to give back to society and to assist in the administration of government. I am flattered and pleased that I will be able to do so for this wholly-owned government corporation. My past experience has prepared me for this board.

For the last 10 years, I have served as a board member of the New York State Economic Development Corporation and know how essential it is to help the economy of New York's North Country—where the Seaway has its operations. For the last 4 years, I have served as Chairman of the Hudson River Park Trust and have gotten to learn how important waterways are for business and recreational interests of our citizens. As someone who has worked as a public member of government entities and corporations, I know how important it is that there be communication with all stakeholders, that decisions affecting people and interests be principled, explained and transparent and that the public interest always comes first.

As a partner in a U.S.-Canadian law firm, I have learned a great deal about the society and culture about our important neighbor to the north and believe that this experience will give me a deep and sensitive understanding of shared cross-border issues.

In closing, let me assure you that I will do everything in my power and within my ability to ensure that the Saint Lawrence Seaway Development Corporation continues to operate in a cost-effective and transparent manner and that it continues to serve as an environmentally-responsible impetus to trade and the economic well-being of not only to the Great Lakes region it directly serves, but the entire United States.

A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used): Charles E. Dorkey III, nickname "Trip."

2. Position to which Nominated: Member of Advisory Board of St. Lawrence Seaway Development Corporation.

3. Date of Nomination: November 13, 2006.

4. Address (List current place of residence and office addresses):

Residence: information not released to the public.

Office: Torys LLP, 237 Park Avenue, 20th Floor New York, New York 10017.

5. Date and Place of Birth: June 23, 1948, Philadelphia, Pennsylvania.

6. Provide the name, position, and place of employment for your spouse (if married) and the names and ages of your children (including stepchildren and children by a previous marriage).

Charles E. Dorkey IV (29).

John H. Dorkey (24).

Margaret L. Dorkey (22).

7. List all college and graduate degrees. provide year and school attended.

J.D., 1973, University of Pennsylvania Law School.

A.B. (*cum laude*), 1970, Dartmouth College.

8. List all management-level jobs held and any non-managerial jobs that relate to the position for which you are nominated: Managing Partner, Torys LLP, Chairman, Hudson River Park Trust.

9. List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above, within the last 5 years: See resume.*

10. List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business, enterprise, educational or other institution within the last 5 years: See resume.*

11. Please list each membership you have had during the past 10 years or currently hold with any civic, social, charitable, educational, political, professional, fraternal, benevolent or religious organization, private club, or other membership organization. Include dates of membership and any positions you have held with any organization. Please note whether any such club or organization restricts membership on the basis of sex, race, color, religion, national origin, age or handicap.

Fraternal:

Theta Delta Chi, 1967–present.

Holland Lodge No. 8F. & A.M., 2006–present.

The Pilgrims, 2005–present.

The Pennsylvania Society, 1981(?)–present.

(Both Holland Lodge and Theta Delta Chi are male fraternities).

Private Clubs:

Dartmouth (Yale) Club, 1975–present.

New York Athletic Club, 1992–present.

University Club (Admission Pending).

Penn Club, 1988–mid-1990s.

Heights Casino, 1994–late-1990s.

Political:

Committeeman, New York County Republican Party, 1993–1995.

12. Have you ever been a candidate for public office? No.

13. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$500 or more for the past 10 years.

See schedule A13 A.* To the best of my research, Schedule A13 reflects my political contributions. In order to be complete, I caused a search to be made not only of my and my firm's check registers but also of various websites.

*The information referred to has been retained in Committee files.

14. List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals and any other special recognition for outstanding service or achievements: See resume.*

15. Please list each book, article, column, or publication you have authored, individually or with others, and any speeches that you have given on topics relevant to the position for which you have been nominated. Do not attach copies of these publications unless otherwise instructed: None.

16. Please identify each instance in which you have testified orally or in writing before Congress in a non-governmental capacity and specify the subject matter of each testimony: None.

B. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers: I will continue as a partner of Torys LLP.

2. Do you have any commitments or agreements, formal or informal, to maintain employment, affiliation or practice with any business, association or other organization during your appointment? If so, please explain: I will continue as a partner of Torys LLP.

3. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.

To my knowledge, none. Please refer to the Deputy General Counsel, Department of Transportation opinion letter.*

4. Describe any business relationship, dealing, or financial transaction which you have had during the last 5 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated: To my knowledge, none.

5. Describe any activity during the past 5 years in which you have been engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy.

As I understand the question, none. In my work in various non-paying government positions, I have acted to affect the administration and execution of law and public policy.

6. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items.

Generally, the way to resolve a potential conflict of interest would be to recuse oneself from the matter at issue. I would be guided by the advice of the senior ethics official, Department of Transportation. Please refer to the Deputy General Counsel, Department of Transportation opinion letter.*

C. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, please explain.

In 1983, my adversary complained to the First Department Disciplinary Committee that I had spoken to her outside the presence of her counsel. After an investigation, the matter was dismissed as groundless.

2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority of any Federal, State, county, or municipal entity, other than for a minor traffic offense? If so, please explain.

None after the age of 18. I have twice been taken into custody, once when I was 15 for mischief and once when I was 17 for shoplifting. On neither occasion was I charged and on both I was released in the custody of my parents.

3. Have you or any business of which you are or were an officer ever been involved as a party in an administrative agency proceeding or civil litigation? No.

4. Have you ever been convicted (including pleas of guilty or *nolo contendere*) of any criminal violation other than a minor traffic offense? No.

5. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be disclosed in connection with your nomination: Nothing unfavorable.

6. Have you ever been accused, formally or informally, of sexual harassment or discrimination on the basis of sex, race, religion or any other basis? No.

*The information referred to has been retained in Committee files.

D. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines for information set by Congressional committees? Yes.
2. Will you ensure that your department/agency does whatever it can to protect Congressional witnesses and whistle blowers from reprisal for their testimony and disclosures? Yes.
3. Will you cooperate in providing the Committee with requested witnesses, including technical experts and career employees, with firsthand knowledge of matters of interest to the Committee? Yes.
4. Are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so? Yes.

The CHAIRMAN. Thank you very much.
Senator Inouye?

**STATEMENT OF HON. DANIEL K. INOUE,
U.S. SENATOR FROM HAWAII**

Senator INOUE. Mr. Chairman, I thank you very much.

Mr. Chealander, I'm impressed by your aviation background. As you are well aware, when the NTSB was originally formed, it was on the mission of investigating aviation accidents. However, since then accidents and deaths occurring in other modes of transportation have more than doubled. In fact, they're much more than aviation. And yet we find that your agency has more than twice the number of investigators for aviation than for all other modes combined. Do you believe that there should be some consideration of changing the authorization law so that other modes of transportation would be given equal consideration?

Mr. CHEALANDER. Well, based on my limited knowledge of how it works, I realize that aviation is the major part of the investigating body. NTSB was chartered to investigate all aviation accidents, and other modes of transportation.

And I will commit to you, as I said in my opening statement, Senator, that I will do everything in my power to learn about the other modes of transportation and determine whether or not down the line the authorization should be changed. I'm not in a position to make that statement at this time.

Senator INOUE. I thank you. No other questions.

The CHAIRMAN. Well, thank you.

Mr. Chealander, I think that the Board ought to go further, go out ahead of the curve and see what we're doing as far as safety is concerned. Do you, as a Member of the Board, have any feelings about that? You understand what I'm saying?

Mr. CHEALANDER. No, sir.

The CHAIRMAN. Well, the Board traditionally just investigates accidents after they happen.

Mr. CHEALANDER. Yes.

The CHAIRMAN. I have a feeling that in some instances particularly a man with your background, and other members of the Board, could sort of oversee a lot of other things and maybe come up with some ideas about prevention. To my knowledge it has not in the past, but I think it's within the scope of your charter, so to speak, of the Board.

Mr. CHEALANDER. I absolutely agree, and I believe the NTSB at the present time has what they call their "most wanted" list that they come out with each year. Those are preventative-type meas-

ures. I just happen to have, I pulled it up on the Internet and I got a copy of that myself, and there are several issues on the "most wanted" list that are preventative-type activities.

But I do agree with you very much that we should be looking at preventative safety measures. That's part of the education process. I believe very strongly in education and training in aviation in particular, and all modes of transportation, but I do agree that preventative measures when you're talking safety are very, very important.

The CHAIRMAN. When I went out and met with members of the board following the Alaska Airlines crash in which my two friends and their family were killed, we had the indication then that it quite possibly was the jackscrew that was in the tail of the aircraft, that gave it the ability to have its ailerons move. I think they came up with some great recommendations about future maintenance in order to prevent that type of accident.

But I just wonder if the Board does in fact involve itself in looking into the basic concepts of maintenance and safety measures that the airlines should take. You've been with American Airlines, as I understand it.

Mr. CHEALANDER. Yes, sir.

The CHAIRMAN. Maybe I shouldn't even ask you, but does that board have a policy of looking into safety and prevention?

Mr. CHEALANDER. The NTSB?

The CHAIRMAN. Your American Airlines board.

Mr. CHEALANDER. Yes, we do, and we follow very closely the recommendations of the NTSB in forming our policies and procedures to go forward. But yes, safety and prevention is a very large part of what we do at American Airlines, and all the airlines. All the airlines are very concerned with safety and what we can do to prevent any type of mishap or accident.

The CHAIRMAN. Well, you're looking at the two Senators who have flown more than any Senators in history, and we both believe that God doesn't charge against our time on Earth the time we spend in the air. But at the same time we're very conscious of the problems of aviation and the aging of our aircraft. I think that the Board ought to reach out ahead and really look into the scope of prevention in the American airlines.

Mr. Dorkey, the Saint Lawrence Seaway Development Corporation really has some monstrous responsibilities with regard to access to the Great Lakes. Are you familiar with the history of that organization?

Mr. DORKEY. Yes, sir. Well, I'm not sure I'm as familiar as I will be, but yes, I've studied the history and the importance it is to the economy of the Great Lakes region.

The CHAIRMAN. I think, you know, it is basically a board to develop, but it also has some safety factors, too. Have you studied their methods of trying to assure safety in the operation of those systems they've got, the locks and the access through the Saint Lawrence down into the Great Lakes?

Mr. DORKEY. Yes, Senator. I think it's a very important part of the responsibility of the Corporation, for the safety of the ships and the safety of the homeland in terms of overall security, to make sure the locks are well-maintained.

The CHAIRMAN. Thank you.

Senator, do you have any questions?

Senator INOUE. I'd just like to commend you for taking on this public service. Public service is never easy, and both of you, I congratulate you.

Mr. DORKEY. Thank you, Senator.

Mr. CHEALANDER. Thank you, Senator.

The CHAIRMAN. We congratulate you. Men with your background and obvious ability, from the records you've had in the past, we're delighted to have you join these two organizations.

I want to state for the record we do have some, I hate to use the word "routine," but the basic nominations for commissions and advancement in the Coast Guard and others, as I understand it, and it would be my request that we discharge the Committee from those so they can get to the calendar before the end of the year.

Senator INOUE. I so move.

The CHAIRMAN. That will be the policy of the Committee, unless we hear from the Committee Members through their staffs that there is any objection to any of those. To my knowledge there's no objection to any of them.

We thank you very much, and thank you for your families. We will also do our best to get your two nominations discharged so that we can consider them before we adjourn. Thank you.

Mr. DORKEY. Thank you, Chairman.

Mr. CHEALANDER. Thank you, Mr. Chairman, Mr. Co-Chairman.
[Whereupon, at 10:25 a.m., the Committee was adjourned.]

A P P E N D I X

PREPARED STATEMENT OF HON. KAY BAILEY HUTCHISON, U.S. SENATOR FROM TEXAS

Mr. Chairman, it gives me great pleasure to introduce Steven Chealander before this Committee to be a Member of the National Transportation Safety Board.

Today, Mr. Chealander is accompanied by his wife, Rebecca Chealander. He is also supported by his daughters, Ann Lapinsky and Lael Chealander.

Throughout his twenty-two years of military service in the United States Air Force where he achieved the rank of Colonel, Mr. Chealander demonstrated proven leadership skills.

Mr. Chealander has been awarded the Defense Superior Service Medal, the Legion of Merit, the Distinguished Flying Cross, and the Air Medal.

A two-time Squadron Commander of 36 fighter aircraft squadrons, fighter pilots, and associated support personnel, Mr. Chealander also managed the process of reconstituting the United States Air Force Thunderbirds following the 1982 tragic accident where they were practicing the four plane diamond loop. As manager, Mr. Chealander was involved in the safety investigation of the accident, the transitioning to the F-16 aircraft, as well as developed new training procedures for the Thunderbirds.

Mr. Chealander is clearly no stranger to safety. He served as the Manager of American Airlines' Flight Safety—Internal Evaluation and Compliance, where he worked with the FAA, labor unions, and representatives from all departments within the airline performing regulatory safety audits and investigations.

He is currently the Manager of American Airline's Flight Operations Efficiency, a position he has held since 2003.

Mr. Chairman, Mr. Chealander possesses in-depth knowledge of safety as it relates to aviation, and he has expressed that he is willing to work very closely with Congress on all safety issues.

Mr. Chairman, I urge this Committee to act favorably on Mr. Chealander's nomination, and expedite his confirmation to be a Board member on the National Transportation Safety Board.

PREPARED STATEMENT OF HON. OLYMPIA J. SNOWE, U.S. SENATOR FROM MAINE

Thank you, Mr. Chairman for holding this hearing today to help the Members of the Committee get to know the nominees. I would like to welcome the nominees to the Committee.

One issue that is, in my opinion, very significant is transportation security. The National Transportation Safety Board is an entity that serves a vital role in protecting travelers across all modes of transportation, and is relentlessly vigilant in seeking out means to improve the safety of America's traveling public. Its continuous efforts ensure safety improvements of aviation, rail, and waterborne transportation are to be applauded, and their exhaustive examinations or tragic incidents permit us to discuss methods to prevent such incidents from happening again. From events as earthshaking as the 9/11 attacks on the World Trade Center Towers to the urgent weather warnings to motorists facing winter storms, the National Transportation Safety Board has a role to play in protecting our citizens, one that is too often overlooked.

There can be no "acceptable" level of injuries or fatalities. The very positive news that transportation deaths declined in 2005 is sadly balanced by the realization that we need to do more.

On another front, I would like to take the opportunity to congratulate Mr. Charles Dorkey, a gentleman who has a sterling reputation for serving his community, preserving critical historic landmarks and working diligently to provide recreational opportunities for his fellow New Yorkers. As a prominent graduate of Dartmouth College, a successful and skilled lawyer, a strong proponent of community development, and an advocate for public lands and clean water, Mr. Dorkey is a well-rounded and

knowledgeable individual who will work with our Canadian neighbors to guarantee the continued utilization and protection of the Saint Lawrence Seaway.

In his new role as a member of the Saint Lawrence Seaway Development Corporation, I feel he will perform admirably in this position, bringing his skills to bear to aid in balancing the integral commercial access provided by the Saint Lawrence, while being mindful of the delicate environmental impacts that this major waterway has on the Northeast United States.

I am encouraged by the qualifications of both nominees, and look forward to working with them in their new positions.

Thank you, Mr. Chairman.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. DANIEL K. INOUE TO
STEVEN R. CHEALANDER

Question 1. You have an impressive safety background within the aviation industry. Do you have any specific areas that you would like to see the NTSB focus on if you are appointed to the Board?

Answer. If confirmed, I will join the National Transportation Safety Board with an open mind and no predetermined agenda. I have served over 33 years in the aviation community, first as a military pilot in the Air Force and then as a civilian airline pilot—throughout that time, safety was of the highest priority. If I come to the Safety Board with any predisposition, it is with a focus on, and absolute belief in, the importance of proactive safety programs in transportation operations. I come to the NTSB with a “safety first” mindset.

With that background in mind, I would characterize my greatest interest, and where I might encourage the NTSB to focus, to be operational safety programs, for example, pilot orientation and training programs (such as new-hire training programs) and the methods by which companies instill a culture of safety throughout the organization. I am also very interested in how the NTSB, through forums, conferences, symposia, and safety studies, might serve a role in encouraging proactive and preventative activity on the part of operators in all modes of transportation.

Lastly, I would like to assure the Committee that my background as an airline pilot in the most recent 15 years of my aviation career will not interfere with my objectivity as I view each accident investigation that staff brings before the Board.

Question 2. Do you have any experience with other modes of transportation?

Answer. Even though I have a predominantly aviation background, I pledge to the Committee my commitment to diligently studying the issues in the other transportation modes, actively familiarizing myself with operational aspects of those other modes of transportation, and carefully reviewing the facts and issues on each investigation report brought before the Board, regardless of mode.

I also understand that my most significant contributions to the NTSB will not necessarily involve the operational experience I bring to the Board, but more importantly, the experience I have with how organizations manage effective programs such as an operational risk management program, safety training, loss prevention, and very important, how leadership emphasizes a “safety first” culture, articulated from the top down. I hope to bring this experience to discussions with NTSB staff and deliberations with my colleagues, in all modes of transportation accident investigation.

Question 3. Given the importance of ensuring that safety is made the highest priority in all of our modes of transportation, it is absolutely critical that the NTSB function in a completely independent manner and stays above the political fray. What qualities will you bring to the board that will aid in the effectiveness of its mission?

Answer. I fully understand the importance of the NTSB’s independence in conducting accident investigations. That independence has given the NTSB the credibility and reputation it now holds around the world. I see from my preliminary research that Congress ensured this independence by separating the NTSB from the Department of Transportation in 1975. I believe the judgment of Congress was correct in taking that step.

My experience with independent safety investigations began in the Air Force, when I was associated with the tragic accident in which four Air Force Thunderbirds pilots were killed in a training accident near Nellis Air Force Base in 1982. I was then a member of that flying team, and learned full well not to jump to conclusions, not to make premature statements, and the importance of an investigative body maintaining its professional objectivity throughout the course of an accident safety investigation. I firmly believe that independence, objectivity, and precision are paramount attributes of effective accident investigations. Thus, the qualities

that I bring to the Board that will help me contribute to the effectiveness of the NTSB team and its mission include more than my experiences with flying operations and transportation enterprises. They also include my personal experiences with the tragic consequences of things going wrong—and the importance of a proper safety investigation in identifying the cause.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. DANIEL K. INOUE TO
CHARLES E. DORKEY III

Question 1. What will be your priority mission at the Saint Lawrence Seaway Development Corporation?

Answer. If confirmed, my primary mission will be to bring my experience and judgment as a public board member to further the mission of the SLSDC, which I understand to be to operate and maintain the U.S. infrastructure and waters of the Seaway while performing trade development activities focused on economic development for the Great Lakes and St. Lawrence Seaway system.

Question 2. Do you believe there are specific ways to enhance the trade development functions of the Great Lakes/St. Lawrence Seaway System?

Answer. If confirmed, I will commit myself to learning how best to enhance the trade development function consistent with the views of all stakeholders.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. HILLARY RODHAM CLINTON
TO CHARLES E. DORKEY III

Question 1. The U.S. Army Corps of Engineers has been examining the feasibility of spending billions of dollars to physically expand the Seaway in its Great Lakes Navigation Study. I strongly believe that such a plan would waste taxpayer dollars and pose an unacceptable threat to the health of the St. Lawrence River. I have been pushing the Corps to complete the current phase of the study and to hold public meetings in New York and throughout the Great Lakes before any additional study is initiated. Do you support public hearings on the Great Lakes Navigation Study and what are your views about Seaway expansion?

Answer. As a matter of good government, I believe that it is important to solicit the views of all stakeholders in making decisions. Accordingly, if confirmed, I would support public hearings on the Great Lakes Navigation Study. On the merits of the issue, I will promise to study carefully the issues of Seaway expansion and seek to understand the balance between any possible benefit to the public, and the cost and potential burden to the public.

Question 2. The SLSDC has traditionally worked primarily with the shipping industry, yet its regulations and programs have a direct impact on the communities along the St. Lawrence River. I believe that SLSDC should better involve local communities in SLSDC decisionmaking. Will you pledge to work to increase the transparency of the Seaway's decisionmaking and programs?

Answer. As I stated in my testimony, "I have worked as a public member of government entities and corporations, and know how important it is that there be communication with all stakeholders, that decisions affecting people and interests be principled, explained, and transparent, and that the public interest always comes first." If confirmed as a board member of the SLSDC, I pledge to apply these basic principles.

Question 3. Ballast water discharge from ships transiting the Seaway is the principle vector for invasive species introductions into the Great Lakes. Would you support swift development and implementation of tough ballast water regulations to reduce this threat to the ecology of the Great Lakes?

Answer. Introduction of invasive species through ballast water is a serious problem that needs to be resolved. I believe the SLSDC should take a pro-active role in solving this problem, and, if confirmed, I pledge to work with Congress, the Administration and the shipping industry to address this critical issue.

Question 4. It looks as though the proposal to privatize the Seaway by creating a "bi-national authority" to manage the Seaway is again being discussed. Do you support privatizing the Seaway system?

Answer. At this point, I do not have enough information to either support or oppose privatization of the Seaway system. The privatization of a transportation system is a significant undertaking that would require careful study and analysis after

input from all relevant stakeholders. If confirmed, I pledge to work with all stakeholders to determine the effects of privatization proposals.

