March 15, 2018

Dr. Patricia Sanders
Chair
NASA Aerospace Safety Advisory Panel
Washington, DC 20546

Dear Dr. Sanders:


NASA appreciates the Panel’s suggested alternative framework for investigations that involve NASA missions where there is loss of life or loss of human-carrying spacecraft. Our team reviewed your Alternative Standing Mishap Investigation Board suggestion, and we agree that it is an improvement over the current approach/framework. It also addresses, to some extent, some of the issues that were described in NASA’s original response to the Panel.

As stated in your letter: “It is clear to us that Congress intends to demand independent investigations, i.e., investigations that are free of any perceived, NASA-direct influence.” We concur. However, even with the changes recommended by the ASAP for the Alternative Standing Mishap Investigation Board, there are still a number of areas where there is close interaction between the Alternative Standing Mishap Investigation Board and NASA, which may not meet Congressional concerns about Board independence. Examples include: NASA funds the Board; the NASA Administrator activates the Board; there is a NASA Board member (NASA Field Center Director or NASA Non-HEOMD or Non-Mission-Related Associate Administrator); the NASA Chief Engineer is the Board Executive Secretary; the NASA Chief Safety Officer is an Ex Officio Board member; and the NASA Administrator serves as final authority for acceptance or rejection of the investigation report.

Also, the alternative framework suggested by the ASAP would establish duplicative, inconsistent mishap investigation approaches for NASA and non-NASA commercial crew missions. Our strategy for the Commercial Crew Program (CCP), since the inception of the program, was to align the processes for NASA and non-NASA missions as much as possible. This is the primary reason the Federal Aviation Administration, Office of Commercial Space Transportation, will license CCP missions for public safety – so this process is the same for NASA CCP and non-NASA crew missions.
We continue to feel that the optimal changes to the current language in the NASA Authorization Act of 2005 requiring a Presidential Commission include: 1) that the Presidential Commission be discretionary, not mandatory; and 2) that the National Transportation Safety Board (NTSB) investigate mishaps involving loss of life for commercial human missions (i.e., non-NASA), and NASA CCP missions. The NTSB has investigated hundreds of transportation-related accidents, many involving unique transportation systems and many involving other Government agencies. We believe the NTSB can successfully execute this function while providing an independent investigative body that reports to Congress. For Orion and ISS missions, because of NASA involvement in the design and the potential location of the mishap, NTSB would add minimal value to these investigations. Thus, a process featuring an Alternative Standing Mishap Investigation Board, such as you suggested, may be more appropriate for those missions.

NASA would be happy to dialogue with the Panel about this option so we can work together on obtaining a legislative solution to the issues associated with the current mishap investigation paradigm.

Mr. Phil McAlister is the NASA point of contact on this issue. If additional information is needed, Mr. McAlister can be reached via e-mail at philip.mcalister@nasa.gov and via phone at (202) 358-0712.

Please do not hesitate to contact me if you or the Panel would like further background on the response. I look forward to receiving continued advice from the ASAP that results from your important Quarterly and Insight fact-finding meetings.

Sincerely,

Robert M. Lightfoot, Jr.
Administrator (Acting)