

Congress of the United States
Washington, DC 20510

November 5, 2021

The Honorable Pete Buttigieg
Secretary
United States Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Tristan Brown
Acting Administrator
Pipeline and Hazardous Materials Safety Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Secretary Buttigieg and Acting Administrator Brown,

We appreciate the Pipeline and Hazardous Materials Safety Administration's (PHMSA) engagement at the September 30, 2021, in-person public meeting with the community and local elected officials, to discuss the operation of the Algonquin Incremental (AIM) Pipeline during the Indian Point Energy Center (IPEC) decommissioning process, which resulted from our letter dated July 23, 2021. At that meeting, PHMSA announced its pledge to conduct an independent, comprehensive re-analysis of potential safety risks posed by the AIM Project. Consequently, we write to communicate further requests that the citizen community advocacy group believes should be addressed by the study.

As PHMSA has stated, the third-party investigation by Oak Ridge National Laboratory (ORNL) must be a careful examination of the safety and risk of the AIM pipeline segment. We reiterate the importance of including the information presented and shared by the community at the September 30, 2021, meeting in the ORNL study and have attached their requests to this letter. The community's concerns must be heard by PHMSA and the individuals performing the independent analysis on the pipeline. Additionally, as requested in our July 23, 2021, letter, we ask that you work in conjunction with the Federal Energy Regulatory Commission (FERC), the Nuclear Regulatory Commission (NRC), and the New York State Public Service Commission (NYSPSC), your in-state agent, to ensure that all technical information is included for consideration.

We stand firm that the ORNL study must include a reassessment and review of all past FERC, PHMSA, NRC, and NYSPSC assessments related to the safety of the 26-inch and 30-inch pipelines near IPEC's Unit 3 as well. Additionally, we support the community's request for PHMSA to exercise its oversight responsibilities by directing the owner of the Algonquin pipelines, Enbridge, to make available to ORNL all inspection reports related to the existing pipelines - including tests on structural aging management and pipeline integrity, and any hazard

or seismic studies. Finally, we ask that PHMSA works with ORNL to provide our constituents with a firm timeline for a completed, thorough re-analysis.

As you know, both legacy gas pipelines, which were installed in 1952 and 1965 before IPEC's reactors were licensed to operate, traverse directly under the power plant's property and are in closer proximity than the AIM pipeline to IPEC's non-working reactors and waste storage facilities. According to the NRC's letter dated May 27, 2020, to the NYS Public Service Commission, although the AIM line is larger at 42-inches and transports higher pressured gas, the legacy lines still have significant potential impact radii that includes critical IPEC infrastructure.

In light of the significant concerns raised by the NRC Office of Inspector General's February 2020 report confirming that FERC relied heavily on flawed safety risk analyses when it granted approval for the siting and construction of the AIM Project, we cannot overstate the value and benefit of taking into consideration the potential for seismic and accident risk from the legacy pipelines when doing any reviews of pipeline safety at IPEC in order to protect human life and the environment. Anything less would be insufficient.

Thank you for your attention to these matters, and we hope that you will take actions to address these concerns. Should you or your staff wish to further discuss these issues, please do not hesitate to contact our offices.

Sincerely,



Charles E. Schumer
United States Senator



Kirsten Gillibrand
United States Senator



Mondaire Jones
Member of Congress

CC: Chairman Christopher T. Hansen, Nuclear Regulatory Commission
Chairman Richard Glick, Federal Energy Regulatory Commission
Chair and CEO Rory A. Christian, NYS Public Service Commission