

By email only:

May 21, 2020

The Honorable John Rhodes, Chair,
New York State Public Service Commission
Empire State Plaza
Agency Building 3
Albany, New York 12223-1350

Re: Public Service Commission Notifications to the Pipeline Hazardous Materials Safety Administration

Dear Chairman Rhodes,

We are writing to you as we have not yet received a response from you to our enclosed letter of April 21, 2020 concerning the status of the Public Service Commission's critical Notification to the Pipeline Hazardous Materials Safety Administration (PHMSA) regarding "a violation or probable violation of an applicable safety standard" under 49 U.S.C. 60106(c) of the Algonquin pipelines traversing the Indian Point nuclear power facility and the request for immediate issuance of a Corrective Action Order by PHMSA as mandated pursuant to 49 U.S.C. 60112, "to protect the public, property, and the environment from potential hazards." Conclusions by experts affirming the catastrophic risk of a potential pipeline rupture at the site and confirmed by the recent reports from the Office of the Inspector General at the Nuclear Regulatory Commission and the Sandia National Laboratories demonstrate that the continued operation of the Algonquin pipelines at the Indian Point facility without immediate corrective measures may "likely result in serious harm to life, property and the environment." These violations warrant the shutdown and purge of the pipelines until the corrective actions are fully addressed and rectified.

We respectfully request a timely response to the following as previously outlined in our letter of April 21, 2020:

1. Please provide the PSC's action plan and timeline for Notification to PHMSA.
2. Please describe timeline and other specific details regarding request for immediate issuance of a Corrective Action Order that includes shutdown and purge of the pipelines at the Indian Point nuclear facility until these corrective actions are fully addressed and rectified.
3. New York State has the explicit authority to seek an emergency injunction to halt the operation of the Algonquin pipelines at the Indian Point nuclear facility until corrective actions are fully addressed and rectified. Such an application for this injunctive relief qualifies as an "essential matter" pursuant to the order of Chief Administrative Judge Lawrence K. Marks. Please provide timeline and other specific details of this time sensitive process.

We along with public officials, first responders, medical, nuclear and pipeline experts as well as millions of New Yorkers remain gravely concerned about a potential pipeline explosion at Indian Point damaging critical safety infrastructure and triggering a spent fuel fire resulting in massive radioactive releases that would have a disastrous impact across New York State and the Eastern Seaboard.

Thank you for your prompt action to this matter of utmost urgency.

Sincerely,

Tina Bongar
United for Clean Energy
Resist Spectra

Amy Rosmarin
Stop the Algonquin Pipeline Expansion

Ellen Weininger
Grassroots Environmental Education

Courtney Williams
Safe Energy Rights Group

CC:

Governor Andrew Cuomo
Mr. Tom Congdon
Mr. John Sipos
Mr. Thomas DiNapoli
Mr. Lemuel Srolovic
Mr. Jeremy Magliaro
Ms. Lisa Burianek
Senator Charles Schumer
Senator Kirsten Gillibrand
Congresswoman Nita Lowey
Congressman Elliot Engel
Congressman Patrick Maloney
State Senator Andrea Stewart-Cousins
State Senator Peter Harekham
State Senator Leroy Comrie
Assemblyman David Buchwald
Assemblywoman Sandy Galef
Assemblywoman Amy Paulin
Assemblyman Steven Otis