

**Congress of the United States**  
**Washington, DC 20515**

July 23, 2021

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

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

Dear Secretary Buttigieg and Acting Administrator Brown:

We write to request the immediate attention and engagement of the Pipeline and Hazardous Materials Safety Administration (PHMSA) concerning the safe operation of the Algonquin Pipelines, which traverses the Hudson River near the Indian Point Nuclear Power Plant in Buchanan, New York. Specifically, following last year's disturbing Nuclear Regulatory Commission (NRC) Office of the Inspector General (OIG) report calling into question the accuracy of the Algonquin Incremental Market (AIM) Project's safety assessments, we urge you to work with our Lower Hudson Valley constituents to immediately evaluate the AIM Project to address community concerns regarding safety of ongoing operations. In addition to our request for an independent, comprehensive analysis of the safety risks posed by the AIM Project, we also ask that you reassess and review all past FERC, PHMSA, and NRC assessments related to the safety of the 26-inch and 30-inch pipelines nearby Indian Point's Unit 3.

On March 3, 2015, the Federal Energy Regulatory Commission (FERC) approved the construction of the AIM Project indicating that the pipeline owner, now Enbridge, had to take part in pipeline safety and mitigation measures as outlined in FERC's Final Environmental Impact Statement. It is our understanding that PHMSA fully participated in FERC's environmental review. At the time, we [urged](#) FERC to ensure that the environmental, safety, and public health concerns of our Lower Hudson Valley constituents were addressed before any final determination was issued. We also [asked FERC](#) to suspend action on the AIM Project until independent health and safety reviews of the project were complete. Residents, advocates, experts, and elected officials at every level also called on the federal government to provide this independent risk assessment.

Despite these concerns, FERC relied on the findings of safety assessments and hazard analyses conducted by Entergy, Indian Point's then owner and operator, from August of 2014 in its determination to move forward in approving the construction of the AIM pipeline. NRC later confirmed Entergy's findings through its own flawed analysis. Last year, roughly six years after FERC first approved the construction of the AIM pipeline, OIG investigated the community's growing concerns regarding Entergy's safety assessment, finding that the NRC staff lacked a

formal process to conduct quality assurance or peer reviews of safety assessments. Moreover, OIG found that this safety evaluation and hazards analysis contained various misrepresentations and inaccuracies, utilized incorrect methodologies and models, employed invalid assumptions related to key data points such as the pipeline's capability to shut off within a certain timeframe, and failed to use the proper regulatory guidance. This disturbing report has greatly impacted our Lower Hudson Valley constituents' peace of mind, with many now questioning the certainty of whether or not the pipeline operates safely.

In short, the project was approved based on a dangerously flawed report produced by a private company, and the NRC OIG later confirmed that the NRC, and by extension FERC, should have never relied on the flawed report by Entergy. The federal government needs to start again and conduct a true safety assessment for a project that does not have one. Anything less is unacceptable.

For these reasons, we ask you to provide a comprehensive, independent analysis of the safety risks posed by the AIM Project and ask that you meet with our constituents in the communities surrounding Indian Point to communicate the results of this analysis with all due speed. We ask that this review provides detailed information regarding potential impacts to spent fuel pools and the Independent Spent Fuel Storage Installation. Pipeline safety experts must be involved in assessing the current risk profile of the AIM Project pipeline given its proximity to Indian Point.

With the recent cybersecurity attacks on pipelines, the issues of pipeline safety, security, and integrity are becoming increasingly important. The federal government's top priority must be protecting the health and safety of all 20 million people who live within the 50-mile radius of Indian Point.

Please reach out to our offices to schedule this meeting with the community. Thank you for your time and attention to this urgent matter.

Sincerely,



Charles E. Schumer  
United States Senator



Kirsten Gillibrand  
United States Senator



Mondaire Jones  
Member of Congress

CC: NRC Chairman, Chris Hanson  
FERC Chairman, Richard Glick