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Testimony of Paul M. Blanch
Peoples Hearing Investigating FERC Abuses and Power

National Press Club
December 2, 2016

**FERC REFUSES TO REQUIRE ENFORCEMENT
OF FEDERAL REGULATIONS**

Good morning:

My name is Paul Blanch and I am a PE with more than 50 years of experience with nuclear safety and regulatory issues.

For the past 10 years¹ I have been attempting to address pipeline dangers in the vicinity of the Indian Point nuclear power plants.

Most industrial accidents in the world can be attributed to failure to comply with established regulations. This includes Fukushima, Chernobyl, TMI, Bhopal, BP oil, Exxon Valdez, etc. Without any regulatory enforcement by FERC, we are sitting on a nuclear time bomb capable of destroying the Hudson Valley.

Spectra has certified compliance with all regulations. However, FERC makes no attempt² to even question or inspect to verify regulatory compliance. They blindly accept certification without verification.

The major shortcoming is that the regulations³ specifically require a risk assessment, which is vital given the proximity of the AIM pipeline to the nuclear plants. FERC, PHMSA and the NRC have all refused⁴ to provide any documentation of a risk assessment for the impact on Indian Point.

¹ More than two years ago I was requested to assist in the evaluation of Spectra Energy's new 42-inch pipeline, the AIM, to be located within 105 feet of the nuclear plant's vital structures. Today I am representing the positions of SAPE and Riverkeeper

² All formal communication, letters, petitions, FOIA requests, with FERC, PHMSA and the NRC are available by contracting pmlanch@comcast.net

³ 49 CFR 192.917, 922 & 935

⁴ Numerous FOIA requests and letters have refused to provide this information. PHMSA

1 The NRC claims they conducted a risk assessment and state the blast
2 radius is 1100 feet. Three professional engineers, myself included,
3 independently calculated⁵ the blast radius using the same NRC data and
4 equations and determined it would be more than 4000 feet within 30
5 minutes. This encompasses the entire nuclear site and would likely
6 destroy the all safety and backup safety systems of the nuclear plants.

7 The NRC Chairman misrepresented to members of Congress about its
8 risk analysis and Spectra falsely stated in its AIM application that it was
9 in compliance with all the Federal Requirements of 49 CFR 192⁶
10 without exception.

11 Should an accident occur, the consequences are unimaginable and would
12 likely result in the permanent evacuation of NYC and surrounding areas
13 with social and economic damage in the trillions of dollars, impacting 20
14 million residents and workers.

15 FERC is not requiring adherence to safety regulations⁷ that require that a
16 risk assessment and evaluation of consequences. FERC is not
17 addressing⁸ its other important requirements including public awareness,

⁵ Calculations available upon request. Calculated blast radius graph included.

⁶We have documented communications including FOIA requests, petitions, allegations, conference calls, letters to and from the FERC and PHMSA Chairman and meetings with the NRC Chairman and technical staff. We have determined that FERC has not reviewed any of the design or construction to assure compliance with Spectra's certification of regulatory compliance and is taking the position of "Regulatory Infallibility."

⁷ **From FERC Website**

Gas Pipelines

Under section 7 of the Natural Gas Act, the Commission reviews applications for the construction and operation of natural gas pipelines. **In its application review, the Commission ensures that the applicant has certified that it will comply with Department of Transportation safety standards. The Commission has no jurisdiction over pipeline safety or security, but actively works with other agencies with safety and security responsibilities.** To meet the growing demand for natural gas, the Commission must continue to respond quickly when companies propose to expand and construct needed pipelines and related facilities. The Commission has expedited the certification of natural gas pipelines by having Commission staff actively participate in projects that were using the pre-filing process to engage stakeholders in the identification and resolution of stakeholder concerns prior to the filing of a certificate application with the Commission. The staff's participation and initiative in these efforts will allow for the filing of better certificate applications enabling more efficient and expeditious licensing actions by the Commission.

⁸ **DOT Office of Inspector General Audit Report**
"PHMSA'S STATE PIPELINE SAFETY PROGRAM LACKS EFFECTIVE MANAGEMENT AND OVERSIGHT"
Pipeline and Hazardous Materials Safety Administration
Report Number: AV-2014-041
Date Issued: May 7, 2014

1 emergency response, pipeline integrity, protection from terrorism and 21
2 additional pipe failure mechanisms.

3 A FOIA request was submitted to both FERC and PHMSA requesting a
4 copy of the risk analysis and the response was that they did not have a
5 copy of the risk assessment. All agencies⁹ have refused to provide this
6 information.

7 We are faced with a dire situation. FERC refuses to provide any
8 assurance that the public is protected from a gas explosion and a
9 probable nuclear catastrophe.

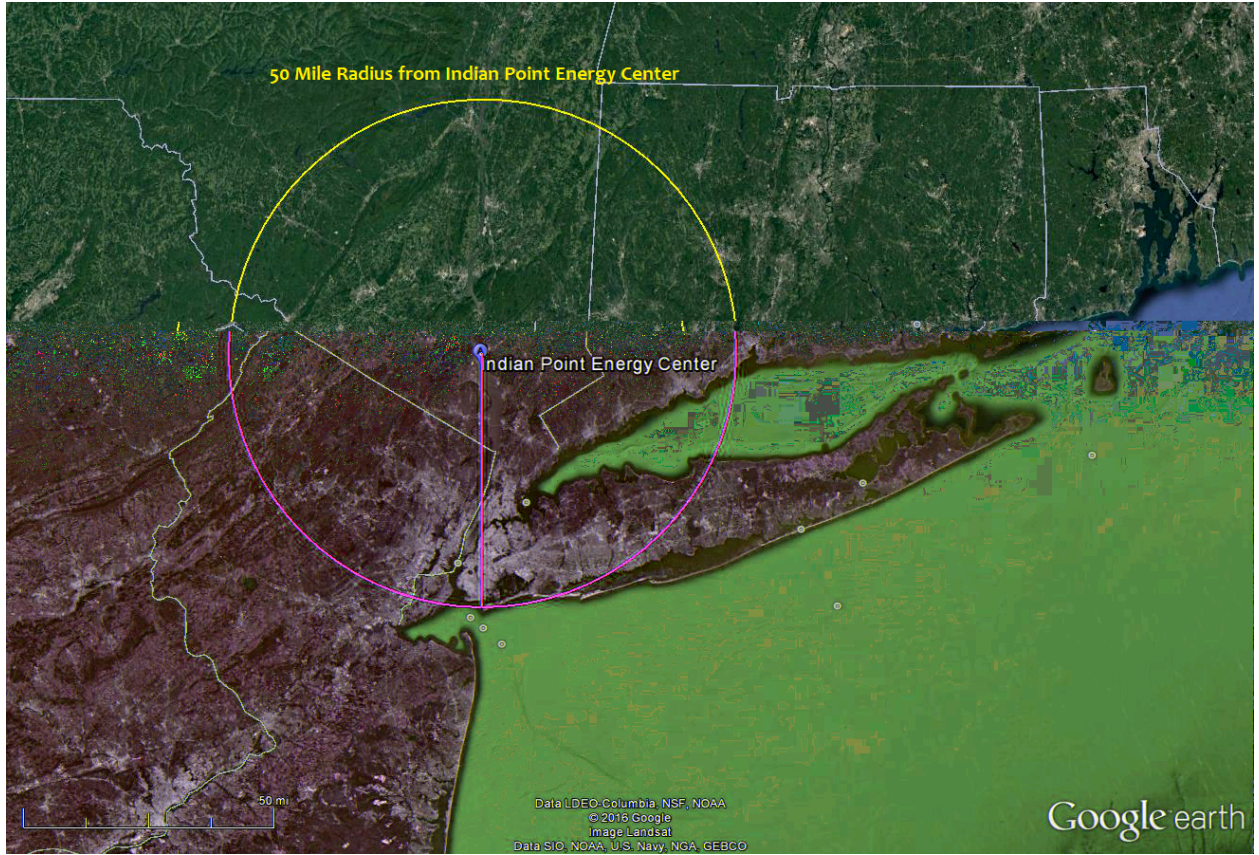
10 Based on all of our communications it clearly appears that neither FERC
11 nor PHMSA have any intention of enforcing critical regulations until
12 after a major accident. This practice is commonly referred to as
13 “Tombstone Regulation” --regulations are only enforced after the
14 tombstones are counted.

15 No gas pipeline application should ever be approved by FERC until all
16 of the requirements of the regulations are addressed providing future
17 continued compliance and enforcement.

18 In order to protect Americans, we MUST stop this “Regulatory
19 Infallibility” and “Tombstone Regulation” not with new regulations but
20 enforcement of existing regulations.—NOW!

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⁹ FERC, PHMSA, DOT and the NRC



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