Alleged Violations[1] of Federal Regulations Related to the Design, Construction, and Operation of the AIM Gas Transmission Pipeline

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Regulation	Responsible Agency	Requirement[2]	Notes
49 U.S.C. §§ 60105-60106	State of NY PSC	State of NY responsible for assuring compliance with 49 CFR 192 "Transportation of natural and other gas by pipeline: minimum federal safety standards"	State has not been able to supply any records or documentation demonstrating compliance with 49 CFR 192 including inspections, risk assessment, emergency plans and public awareness as requested under FOIL
10 CFR 2.206	NRC	"Petition for enforcement action"	NRC failed to comply with its Management Directive (MD 8.11)
10 CFR 50.5	NRC	"Deliberate misconduct"	Entergy violated this provision by deliberately misleading the NRC with respect to potential dangers from the AIM pipeline
10 CFR 50.9	NRC	"Completeness and accuracy of information"	Entergy provided material false information to the NRC
10 CFR 100 Subpart B	NRC	"100.20 Factors to be considered when evaluating sites."	The NRC failed to consider this requirement prior to providing approval to FERC

[1] Written documentation exists from the NRC and PHMSA that there is no verified compliance with these regulations.

[2] Actual Title of Regulation from Code of Federal Regulations or from ASME B 31.8(s) incorporated by reference (ICR) into 49 CFR 192

10 CFR 50.49	NRC	"Environmental qualification of electric equipment important to safety for nuclear power plants"	Safety related electrical equipment will be exposed to potential fire and blasts waves and have not been analyzed
10 CFR Appendix R	NRC	"Fire Protection"	Indian Point has no provisions for responding to a fire caused by a pipeline rupture or leak with resulting fire
10 CFR 50.72	NRC	"Immediate notification requirements for operating nuclear power reactors"	Indian Point has been operating in an unanalyzed condition and has not reported this to the NRC as required
10 CFR 50.47	NRC	"Emergency plans"	Indian Point has no emergency plans to respond to a gas line event
49 CFR 192.609	PHMSA	"Change in class location: Required study"	No study has been made available for review
49 CFR 192.614	PHMSA	"Damage prevention program"	No study has been made available for review
49 CFR 192	FERC/PHMSA	"Transportation of natural and other gas by pipeline: minimum federal safety standards"	Spectra certified compliance with all 49 CFR 192 requirements without exception
49 CFR 192.7	PHMSA	"What documents are incorporated by reference partly or wholly in this part?"	Incorporates ASME/ANSI B31.8-2007, "Gas Transmission and Distribution Piping Systems," by direct reference
49 CFR 192.615	PHMSA	"Emergency plans"	No emergency plans have been enacted by

			local responders or Indian Point fire brigade as required also by 10 CFR 50 Appendix R
49 CFR 192.616	PHMSA	"Public awareness"	No members of the potentially impacted residents have been formally aware of risks or evacuation plans as required by this regulation and API Recommended Practice 1162 (ICR)
ASME B31.8(s)	PHMSA Section 2	"Integrity Management Program Overview"	Provides overall requirements to address the integrity of gas transmission lines
ASME B31.8(s)	PHMSA Section 2	"2.2 Integrity Threat Classification"	"The first step in managing integrity is identifying potential threats to integrity. All threats to pipeline integrity shall be considered." Identifies 22 different threats to pipeline integrity including vandalism
ASME B31.8(s)	PHMSA Section 2	"2.3.3 Risk assessment"	"Risk assessments are required in order to rank the segments for integrity assessments."

ASME B31.8(s)	PHMSA Section 2	"2.3.1 Identify Potential Pipeline Impact by Threat"	Each identified pipeline segment shall have the threats considered individually or by the nine categories including vandalism and terrorism
ASME B31.8(s)	PHMSA Section 2	"2.4.3 Communications Plan"	Requires communication plan with public, local emergency responders, and public officials.
ASME B31.8(s)	PHMSA Section 5	"Risk Assessment"	PHMSA stated in writing that they did not have a copy but have the ability to review the document at any time.
ASME B31.8(s)	PHMSA Section 5.6.1	"Risk Analysis for Prescriptive Integrity Management Programs"	Needed to identify High Consequence areas (HCA)

ASME B31.8(s) Table 8*	PHMSA	"Performance Metrics for Prescriptive Programs"	Discussed potential threats to pipelines including "Number of leaks or failures caused by vandalism" or terrorism
ASME B31.8(s) Section 10.1	PHMSA	"Communications Plan"	Requires "the public [be]informed about their integrity management efforts and the results of their integrity management activities."
API Recommended Practice 1162 (ICR)	PHMSA	"Public Awareness Programs for Pipeline Operators"	Provides details of what the public needs to know about the risk and response to pipeline events.