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July 14, 2010

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2010 JUL 20 A 9:55

FEDERAL ENERGY
REGULATORY COMMISSIONJohn C. Keppel
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Fall River, MA 02720Michael L. Miozza
84 Holland Street
Fall River, MA 02720Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, DC 20426**RE: 2005 FERC Approval of Weaver's Cove Energy Land Based Facility**
Docket Number CP04-36-000

Dear Ms. Bose,

As FERC is aware, Hess LNG/Weaver's Cove used SOURCE5 to determine their vapor dispersion exclusion zone for their proposed LNG terminal in Fall River, Massachusetts. We have written to FERC about this issue in the past and have received no response. Please find a letter attached from the DOT Pipeline and Hazardous Materials Safety Administration which specifically states, *"While our regulations do not mandate the use of a particular source term model, we conclude that SOURCE5 can no longer be used to comply with our vapor dispersion exclusion zone requirements."* It is clear from the U.S. Department of Transportation interpretation that Hess LNG may NOT use the SOURCE5 vapor dispersion consequence model that was used to calculate the safety exclusion zone for the Weaver's Cove land based import regasification facility approved by FERC in 2005. The SOURCE5 consequence model understates safety exclusion zones and in the case of the 2005 FERC approval for Weaver's Cove, allows the zone to conveniently fit on company owned property. Use of scientifically accepted models will expand the zone. The DOT rejected SOURCE5 as an acceptable model in 2000 as FERC should have known in 2005 and we believe Weaver's Cove did know. Since the 2005 FERC approval was based on inappropriate use of scientific modeling for public safety, **it is time that FERC Commissioners rescind that 2005 approval.**

In addition to the use of a scientifically discredited model, FERC should rescind the approval for the following reasons.

First, federal law, specifically the Pipeline Safety Act of 1979 and Energy Policy Act of 2005, "recommend" remote siting of LNG facilities to ensure public safety. Since public safety is the primary reason for the recommendation, if FERC considers a non-remotely

sited proposal, as in the case of Weaver's Cove, the viability of an evacuation plan should be assessed by FERC prior to considering a full proposal. Given the close proximity of the proposed LNG terminal to the community in the Weaver's Cove proposal, large numbers of people may have to evacuate in a short period of time and many live on dead end streets that egress only toward the facility. Evacuation cannot be conducted on an ad hoc basis.

Currently FERC allows an ERP with an evacuation plan to be finalized six months before a facility begins operation. That is backwards and does not follow standard process safety protocol. In order to prevent mass casualties from a LNG accident, FERC must ensure that mass evacuation of the public can be accomplished prior to the construction of a facility. In addition, the current FERC process does not require that an evacuation plan be viable, only that the plan identify evacuation routes.

A viable plan should be assessed as part of the pre-filing process to fulfill the intent of assuring public safety through remote siting. A "viable plan" is more than identification of evacuation routes. In the case of Weaver's Cove, the Massachusetts Executive Office of Public Safety has clearly stated that an incident could create chaos, with gridlock between the public trying to egress and emergency personnel/vehicles trying to get to an emergency. Citizens are genuinely concerned about accidents at the land based Weaver's Cove facility and question the ability to safely evacuate the area. The current FERC protocol, allowing a facility to be built before final evacuation plans are developed does not place public safety as the primary consideration intended by federal law.

Secondly, the thermal radiation standards set by the NFPA are exceedingly high when compared to other national and international organizations. Please reference our letter dated January 30, 2010 for comparisons of thermal radiation standards across industries, safety organizations, government agencies, and international regulations. The NFPA 59A committee is made up predominantly of LNG companies, gas companies, and their constituent industries. Because there is disproportionate representation on the committee, the gas industry basically is setting its own standards. We believe this is a not only a conflict of interest, but demonstrated in the arrogance of their statements in a 2005 NFPA white paper that in the event of an emergency, "*people can run in the other direction,*" and "*second degree burns are reversible.*" FERC has the power to mitigate injury in the event of an emergency at an LNG facility and fulfill its mandate by requiring reasonable thermal radiation standards that are consistent with the other national and international standards cited.

There is no excuse for compromising public safety, as the current British Petroleum debacle demonstrates. The use of a scientifically disproven consequence model to establish a vapor dispersion safety zone, the lack of appropriate process safety protocol to assure safe evacuation in the event of an emergency, and inappropriately high thermal

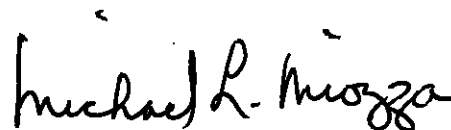
radiation standards established by industry dominance of a safety committee charged with regulating that industry are three reasons to rescind the 2005 approval.

Sincerely,



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