

January 12, 2007

Marion C. Blakey
Administrator, Federal Aviation Administration
U.S. Department of Transportation
800 Independence Ave., S.W.
Washington, D.C. 20591

Dear Administrator Blakey:

I strongly urge the Federal Aviation Administration (FAA) to notify the Federal Energy Regulatory Commission (FERC) that an aircraft restriction zone must be established for the proposed Broadwater Energy project.

A draft Environment Impact Statement is currently under review by FERC for a proposal by Broadwater Energy L.L.C. to site a huge floating liquefied natural gas (LNG) facility in Long Island Sound. This facility would include a floating storage and regasification unit (FSRU) over 1200 feet long, 200 feet wide and 100 feet tall that would be anchored to the seafloor. The FSRU would be supplied by one of a fleet of new LNG mega tankers almost twice the size of the largest current ships. As much as 8 billion cubic feet of natural gas could be stored at any given time.

The draft report contains a fatal, critical omission: It has no assessment of air security threat, or measures to address air security. Completely absent is any reasoned or informed evaluation of potential accident or attack from overhead.

At water level, a fixed security zone would be required according to a recommendation made by the U.S. Coast Guard. In its Waterways Safety Report, released September 21, 2006 (WSR), the Coast Guard recommends that the Broadwater project, if approved, should be surrounded by such a fixed security zone with a radius of 1210 yards from the anchoring point. No ships or boats of any type could enter the exclusion zone without permission. A similar, but larger, security zone would be employed to protect the LNG super tanker carriers -- extending 2 miles ahead, 1 mile astern, and 750 yards on either side of each carrier.

Neither the Coast Guard nor FERC has addressed the issue of potential dangers to this project from the air. Natural gas is a highly flammable and dangerous product. A number of fatal accidents and fires involving LNG facilities have occurred. The airways above the Sound are heavily used by private and commercial aircraft, and traffic is increasing. Many commercial and private aircraft flights using New York area airports -- Kennedy, LaGuardia, Westchester,

Tweed, MacArthur and others -- are directed over the Sound to avoid populated areas and address noise or other environmental factors.

In protecting public safety and property, various types of temporary flight restrictions (TFRs) have been established by the FAA over the years. Since 9/11, there has been a significant increase in the use of TFRs to protect sites and facilities of national importance. For example, 14 CFR Section 91.137 authorizes the FAA to create restriction zones around defense installations, chemical storage facilities, and high-profile terrorist targets. Further, 14 CFR Section 99.7 allows the FAA to issue specific flight restrictions in the interest of national security. In this regard, TFRs have been used around cities such as Chicago, and to protect military sites, space shuttle launches, sporting events such as the World Series, and national landmarks, including the White House, the St. Louis Arch, the Statue of Liberty, Disney World and Mount Rushmore.

As we all know, terrorists have repeatedly expressed intentions to launch attacks against the United States, and particularly its energy infrastructure. A large, stationary, and highly flammable energy facility is an obvious target.

The environmental impact statement (EIS), mandated by the National Environmental Policy Act, 42 U.S.C. § 4321, *et seq.*, is intended to require relevant federal agencies to take a "hard look" at the potential environmental and other impacts of a given project before giving approval. Clearly, an accident or attack on the proposed Broadwater project would have a major impact on public health and safety as well as the environment.

There may well be additional negative environmental impacts as a result of air restrictions -- which would require consideration in the FERC's environmental assessment and report. Any steps redirecting air traffic over densely populated land areas -- instead of the Sound -- would be extraordinarily problematic in creating air and noise pollution. The environmental consequences may be significant and severe -- another critical factor that FERC must consider.

I urge the Federal Aviation Administration to determine what additional flight restriction measures will be required to protect the area around the proposed FSRU and the LNG carriers similar to the air restriction zones already established at other locations. At a minimum, the FAA should promptly initiate a careful study, with expert and public input, on the safety implications raised by the proposal. Such a study and proposed flight path restrictions are a profoundly important precondition to completion of the Environmental Impact Statement. The FAA's comments are vital to securing this mammoth project from the known threat of terrorism.

Comments are due by January 23, 2007, but an extension could well be made for the FAA, in light of the obvious omission relating to FAA input.

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I urge FAA to inform FERC before January 23, 2007, that it intends to evaluate the need for and extent of an aircraft restriction zone for the proposed Broadwater project.

Thank you for your consideration of this important issue.

Very truly yours,

RICHARD BLUMENTHAL

RB/pas