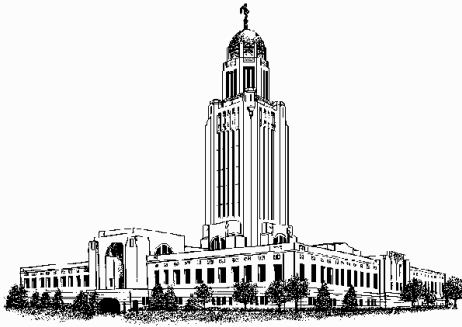


# Nebraska State Legislature

**SENATOR TONY FULTON**

District 29  
6100 South 31st Street  
Lincoln, Nebraska 68516

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**COMMITTEES**

**Appropriations**

August 23, 2010

Ms. Elizabeth Orlando  
United States Department of State  
OES/ENV  
State Department  
Washington, D.C. 20520

RE: Keystone XL Pipeline Project

Dear Ms. Orlando:

I and many Nebraskans are thankful for the economic opportunity presented by the TransCanada XL pipeline project. That being true, I write to express my concerns and raise questions regarding the project. In my professional life, I am a mechanical engineer, and as part of my public capacity I serve as chairman of the Nebraska Legislature's Sportsmen Forum. My concerns arise within the context of these roles. As you are aware, the proposed path of the Keystone XL pipeline will pass through an area of high porosity, the Nebraska Sandhills, thus increasing the likelihood of contamination of the Ogallala Aquifer in the event of a leak. Further, passing through the Sandhills presents some increased risk to the wildlife habitat of the Sandhills and other areas surrounding the pipeline.

As federal agencies continue to study this matter, it is important that the concerns shared by many Nebraskans are sufficiently assuaged.

1. A lesser schedule of pipe is being considered by TransCanada, which will decrease the calculable Safety Factor for the design of the pipe itself. What is this calculated Safety Factor, and does it fall within acceptable standards?
2. TransCanada had originally proposed a higher than normal operating pressure but has since relented. Was the decreased Safety Factor associated with higher pressure a concern in relenting?
3. What are the Safety Factors for pipeline connections and bends (flanges, elbows, angles, etc.) existing in Nebraska, and do these fall within acceptable standards?

4. Does compaction of soil affect the path chosen for the pipeline or is it simply a matter of overall material usage (straightest line) when choosing to pass through the Nebraska Sandhills? Is there a feasible alternative contemplated by TransCanada which would allow the pipeline to be moved eastward so as to bypass the porous Sandhills and take advantage of right-of-way associated with existing pipeline?

5. In the event of a leak, has TransCanada set aside some provision to make Nebraska whole? If so, would this be directly through TransCanada or its insurance company or some other fiduciary?

On behalf of my fellow Nebraskans, I greatly appreciate your attention to these concerns and look forward to receipt of your response.

Sincerely,

Senator Tony Fulton  
District 29

Cc:

Mr. Russell K. Girling, President and CEO  
TransCanada Corporation  
450-1 Street SW  
Calgary, Alberta, Canada  
T2P 5H1

Mr. Alexander J. Pourbaix, President, Energy and Oil Pipelines  
TransCanada Corporation  
450-1 Street SW  
Calgary, Alberta, Canada  
T2P 5H1

Ms. Nicole Aitken, Keystone XL Investor Relations Manager  
101 6th Avenue SW  
Calgary, Alberta, Canada  
T2P 3P4

State Senator Chris Langemeier, Natural Resources Committee Chairman, District 23

State Senator Annette Dubas, District 34

State Senator Kate Sullivan, District 41