UNITED STATES OF AMERICA

DEPARTMENT OF ENERGY

OFFICE OF FOSSIL ENERGY AND CARBON MANAGEMENT

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	)	DOCKET NO. 12-54-LNG
SOUTHERN LNG COMPANY, L.L.C.	)	DOCKET NO. 12-100-LNG
	)	DOCKET NO. 23-109-LNG
	)	

ORDER AMENDING LONG-TERM AUTHORIZATIONS TO EXPORT LIQUEFIED NATURAL GAS TO FREE TRADE AGREEMENT AND NON-FREE TRADE AGREEMENT NATIONS, AND AMENDING PENDING APPLICATION

DOE/FECM ORDER NO. 3106-B
DOE/FECM ORDER NO. 3956-B

DECEMBER 22, 2025

I. INTRODUCTION

On July 31, 2025, Southern LNG Company, L.L.C (SLNG) filed an application (Amendment Application)[1] with the Department of Energy's (DOE) Office of Fossil Energy and Carbon Management (FECM) under section 3 of the Natural Gas Act (NGA).[2] On September 11, 2025, SLNG filed a Supplement to the Amendment Application (Supplement).[3] SLNG, which currently exports domestically produced liquefied natural gas (LNG) by vessel, requests an amendment allowing additional types of export activities, as discussed below.[4]

SLNG is currently authorized to export domestically produced LNG by vessel from its Elba Island Terminal, located in Chatham County, Georgia, under the following orders:

- DOE/FE Order No. 3106, as amended (Docket No. 12-54-LNG),[5] authorizing the export of LNG in a volume equivalent to 182.5 billion cubic feet (Bcf) per year (Bcf/yr) of natural gas to any country with which the United States has entered into a free trade agreement (FTA) requiring national treatment for trade in natural gas (FTA countries) for a term extending through December 31, 2050, pursuant to NGA section 3(c);[6] and

[1] Southern LNG Company, L.L.C., Application to Amend Long-Term, Multi-Contract Authorization to Export Natural Gas to Free Trade Agreement and Non-Free Trade Agreement Nations to Include Exports of LNG by Ship-to-Ship Transfers Within the Territorial Seas and Ports of Foreign Countries, Docket Nos. 12-54-LNG & 12-100-LNG (July 31, 2025) [hereinafter Amendment App.].

[2] 15 U.S.C. § 717b. The authority to regulate the imports and exports of natural gas, including liquefied natural gas, under section 3 of the NGA has been delegated to the Assistant Secretary for FECM in Redelegation Order No. S4-DEL-FE1-2023, issued on April 10, 2023.

[3] Southern LNG Company, L.L.C., Supplement to Application to Amend Long-Term, Multi-Contract Authorization to Export Natural Gas to Free Trade Agreement and Non-Free Trade Agreement Nations to Include Exports of LNG by Ship-to-Ship Transfers Within the Territorial Seas and Ports of Foreign Countries, Docket Nos. 12-54-LNG, 12-100-LNG & 23-109-LNG (Sept. 11, 2025) [hereinafter Amendment App. Supp.].

[4] *See* Amendment App. at 2.

[5] *Southern LNG Co., L.L.C.*, DOE/FE Order No. 3106, Docket No. 12-54-LNG, Order Granting Long-Term Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Elba Island Terminal to Free Trade Agreement Nations (June 15, 2012), *amended by* DOE/FE Order No. 3106-A (Dec. 30, 2020) (extending export term).

[6] 15 U.S.C. § 717b(c). The United States currently has FTAs requiring national treatment for trade in natural gas with Australia, Bahrain, Canada, Chile, Colombia, Dominican Republic, El Salvador, Guatemala, Honduras, Jordan, Mexico, Morocco, Nicaragua, Oman, Panama, Peru, Republic of Korea, and Singapore. FTAs with Israel and Costa Rica do not require national treatment for trade in natural gas.

- DOE/FE Order No. 3956, as amended (Docket No. 12-100-LNG),[7] authorizing the export of LNG in a volume equivalent to 130 Bcf/yr of natural gas to any country with which trade is not prohibited by U.S. law or policy (non-FTA countries) for a term extending through December 31, 2050, pursuant to NGA section 3(a).[8]

Under these authorizations, the FTA and non-FTA volumes are not additive.[9]

Additionally, in Docket No. 23-109-LNG, SLNG has a pending application requesting long-term authorization from DOE to export domestically produced LNG in a volume equivalent to 28.25 Bcf/yr of natural gas by ocean-going carrier from the Elba Island Terminal to non-FTA countries under NGA section 3(a).[10]

In the Amendment Application, as supplemented, SLNG asks DOE to take the following actions:

(1) Amend its existing FTA and non-FTA authorizations in Docket Nos. 12-54-LNG and 12-100-LNG (Order Nos. 3106 and 3956, respectively) to authorize SLNG to export the approved volumes of LNG in two additional ways: (i) in approved International Organization for Standardization (ISO) containers loaded onto vessels;[11] and (ii) in bulk, loaded into

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[7] *Southern LNG Co., L.L.C.*, DOE/FE Order No. 3956, Docket No. 12-100-LNG, Opinion and Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Elba Island Terminal in Chatham County, Georgia to Non-Free Trade Agreement Nations (Dec. 16, 2016), *amended by* DOE/FE Order No. 3956-A (Dec. 30, 2020) (extending export term).

[8] 15 U.S.C. § 717b(a).

[9] *See Southern LNG Co., L.L.C.*, DOE/FE Order No. 3956, at 175. Effective January 12, 2021, long-term export authorizations contain authority to export the same approved volume of LNG pursuant to transactions with terms of less than two years, including commissioning volumes, on a non-additive basis. *See* U.S. Dep't of Energy, Including Short-Term Export Authority in Long-Term Authorizations for the Export of Natural Gas on a Non-Additive Basis; Policy Statement, 86 Fed. Reg. 2,243 (Jan. 12, 2021).

[10] Southern LNG Company, L.L.C., Application for Long-Term Authorization to Export Natural Gas to Non-Free Trade Agreement Nations, Docket No. 23-109-LNG, at 1, 3 (Sept. 25, 2023). For purposes of this Order, SLNG's references to "ocean-going carrier" in the Amendment Application are synonymous with its approved export activities "by vessel" under its existing authorizations.

[11] *See* Amendment App. at 7; Amendment App. Supp. at 2, 4.

bunkering vessels for transfer as marine fuel to ships located within the territorial sea of foreign countries, including in foreign ports (*i.e.*, bunkering activities);[12]

(2) Accept the amendment to SLNG's pending application in Docket No. 23-109-LNG to include its requested authorization to export LNG in the two additional ways described above—*i.e.*, (i) in approved ISO containers loaded onto vessels, and (ii) loaded into bunkering vessels for bunkering activities—under NGA section 3(a);[13] and

(3) Confirm SLNG's summary of its monthly reporting obligations on DOE's Form FE-746R for any bunkering activities.[14]

DOE published a notice of the non-FTA portion of the Amendment Application and Supplement in the *Federal Register* (Notice of Application) on September 29, 2025.[15] DOE invited the public to submit protests, motions to intervene, notices of intervention, and comments by October 29, 2025.[16] DOE received one timely-filed anonymous comment that is non-responsive,[17] and therefore the Amendment Application and Supplement are uncontested under DOE's regulations.[18]

Docket Nos. 12-54-LNG and 12-100-LNG (Existing Authorizations): In this Order, DOE grants SLNG's Amendment Application, as supplemented, with respect to its existing FTA and non-FTA authorizations, pursuant to NGA section (c) and NGA section 3(a), respectively.

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[12] In a recent order evaluating bunkering activities, DOE found that "the ship-to-ship transfer of bunker fuel may constitute an 'export' under the NGA in certain circumstances." *JAX LNG, LLC*, DOE/FECM Order No. 5233-A, Docket No. 24-73-LNG, Order Granting Request for Rehearing and Clarification and Modifying Order, at 6 (Feb. 25, 2025) [hereinafter JAX LNG Order]; *see*, *e.g.*, Amendment App. at 3-4.

[13] Amendment App. Supp. at 1-2, 4.

[14] *See* Amendment App. at 6-7.

[15] U.S. Dep't of Energy, Southern LNG Company, L.L.C.; Application to Amend Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations to Include Certain Bunkering Activities, Notice of Application, 90 Fed. Reg. 46,588 (Sept. 29, 2025) [hereinafter Notice of Application].

[16] DOE finds that the requirement for public notice of applications in 10 C.F.R. Part 590 is applicable only to non-FTA applications under NGA section 3(a).

[17] Comment of Anonymous (Sept. 29, 2025).

[18] *See* 10 C.F.R. § 590.102(b).

Additionally, DOE's procedures implementing the National Environmental Policy Act of 1969 (NEPA)[19] provide for a categorical exclusion if neither an environmental impact statement nor an environmental assessment is required—specifically, categorical exclusion B5.7, *Export of natural gas and associated transportation by marine vessel*.[20] On December 22, 2025, DOE issued a categorical exclusion determination under this provision for the non-FTA portion of SLNG's Amendment Application, as supplemented, amending Order No. 3956.[21]

Accordingly, Order Nos. 3106 and 3956, as amended, are further amended to allow exports of LNG both (i) in approved ISO containers loaded onto vessels, and (ii) loaded into bunkering vessels for transfer as marine fuel to ships located within the territorial sea of a foreign country (including ships located in foreign ports), as determined by that country and recognized by the United States,[22] as set forth below.

<u>Docket No. 23-109-LNG (Pending Non-FTA Application)</u>: Under 10 C.F.R. § 590.204(a), an applicant "may amend or supplement the application at any time prior to issuance of the Assistant Secretary's final opinion and order resolving the application." We construe SLNG's statements in the Supplement as asking DOE to recognize the same amendment to its pending non-FTA application.[23] Therefore, in addition to SLNG's current request for authorization to export LNG by vessel, DOE finds that SLNG has amended its

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[19] 42 U.S.C. § 4321 *et seq*.
[20] *See* 10 C.F.R. Part 1021, Subpt. D, App. B, Categorical Exclusion B5.7; *see also* U.S. Dep't of Energy, National Environmental Policy Act Implementing Procedures; Final Rule, 85 Fed. Reg. 78,197 (Dec. 4, 2020).
[21] U.S. Dep't of Energy, Categorical Exclusion Determination, Southern LNG Company, L.L.C., Docket No. 12-100-LNG (Dec. 22, 2025).
[22] *Cf.* 33 C.F.R. § 2.22(b) (U.S. Coast Guard regulation stating that, "[w]ith respect to any other nation, *territorial sea* means the waters adjacent to its coast that have a width and baseline recognized by the United States."); *see also* U.S. Dep't of State, Office of Ocean & Polar Affairs, Limits in the Seas (updated Jan. 2025), https://www.state.gov/limits-in-the-seas (documenting maritime boundaries and/or claims for "coastal States" around the world).
[23] *See* Amendment App. Supp. at 2, 4 (asking DOE "to amend its application in Docket No. 23-109-LNG" to allow these additional forms of export).

pending application to also request authorization to export the same requested volume of LNG (28.25 Bcf/yr of natural gas) to non-FTA countries (i) in approved ISO containers loaded into vessels, and (ii) loaded into bunkering vessels for bunkering activities.[24] The requested amendment was included in the Notice of Application and is uncontested as explained above.[25]

In a future order, DOE will review SLNG's pending application, as amended by this Order, together with other record evidence in that proceeding. Therefore, none of the discussion below applies to SLNG's pending application in Docket No. 23-109-LNG, and DOE's actions in this Order should not be read to indicate DOE's views on the pending application.

II. DESCRIPTION OF REQUEST

SLNG states that it has been exporting LNG in ocean-going carriers from its Elba Island Terminal since December 13, 2019, under its existing FTA and non-FTA authorizations.[26] SLNG states that it has also developed the capability to supply LNG as marine fuel through transfers to marine fueling ("bunkering") vessels at the Elba Island Terminal.[27] According to SLNG, it has been engaging in such bunkering activities since March 2023.[28]

Specifically, SLNG states that the bunkering vessels that receive LNG through the Elba Island Terminal are capable of delivering that LNG through ship-to-ship transfers (*i.e.*, through bunkering events or activities) to "oceangoing vessels, including cruise ships and container ships, that are equipped to receive, store and vaporize LNG for use as fuel for propulsion."[29] SLNG states that these bunkering activities typically take place in Kingston, Jamaica, or the Bahamas, within the territorial sea of the Bahamas.[30]

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[24] *See* 10 C.F.R. § 590.204(a); *see also* supra note 22.
[25] *See* Notice of Application, 90 Fed. Reg. at 46,588-89.
[26] Amendment App. at 2.
[27] *Id*.
[28] *Id*. at 3.
[29] *Id*. at 2.
[30] *Id*. at 3.

SLNG notes that, in the JAX LNG Order issued by DOE on February 25, 2025,[31] DOE announced that "'DOE has jurisdiction [under NGA section 3] over LNG transferred to a receiving ship for use as marine fuel when the receiving ship is not only located in an international port, but more broadly when the receiving ship is located anywhere in a foreign country's territorial sea (which is considered part of that country's sovereign territory).'"[32] In light of DOE's exercise of jurisdiction, SLNG asks DOE to "grant it the same authorization to export LNG through deliveries in bunkering events . . . that it has recently granted to JAX LNG, LLC."[33] SLNG states that this amendment to its existing authorizations will enable SLNG "to continue to supply LNG as marine fuel in accordance with existing contractual commitments and to take advantage of new opportunities to supply LNG for use as bunkering fuel through transfers in the territorial seas of foreign countries and in foreign ports as those opportunities appear."[34]

Next, SLNG asks DOE, in the requested order, to confirm SLNG's understanding of its reporting obligations for any bunkering activities—specifically, that (i) "going forward, [SLNG] will have to report as exports all ship-to-ship transfers of LNG which it has supplied for use as marine fuel that will ultimately occur within the territorial sea of a foreign country, including transfers that take place in foreign ports," and (ii) SLNG "should report as the date of the export the date on which LNG sourced by [SLNG] was actually transferred from the bunkering vessels to the vessel taking on the LNG as fuel."[35]

In the Amendment Application, as clarified in the Supplement, SLNG also asks DOE to

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[31] *See* JAX LNG Order, *supra* note 12.
[32] Amendment App. at 3 (quoting JAX LNG Order at 10); *see also* Amendment App. Supp. at 3.
[33] Amendment App. at 4; *see also* Amendment App. Supp. at 3.
[34] Amendment App. at 4.
[35] *Id*. at 6-7 (noting its monthly reporting obligations to DOE on Form FE-746R); *see also* Amendment App. Supp. at 4-5.

amend its existing authorizations to allow SLNG to export its authorized volumes of LNG in approved ISO containers loaded onto vessels.[36]

Finally, SLNG asserts that it seeks no other changes to its existing authorizations and, in particular, is not seeking to increase the quantity of LNG it is authorized to export.[37]

III. FINDINGS AND CONCLUSIONS

A. Amendment to FTA Authorization

Section 3(c) of the NGA was amended by section 201 of the Energy Policy Act of 1992 (Pub. L. 102-486) to require that applications requesting authority for (a) the import and export of natural gas, including LNG, from and to a nation with which there is in effect a FTA requiring national treatment for trade in natural gas, and/or (b) the import of LNG from other international sources, be deemed consistent with the public interest and granted without modification or delay. The portion of the Amendment Application, as supplemented, requesting an amendment to the FTA authorization in DOE/FECM Order No. 3106, as amended, falls within NGA section 3(c). Therefore, DOE is charged with granting the requested amendment without modification or delay.

B. Amendment to Non-FTA Authorization

We review the portion of SLNG's Amendment Application, as supplemented, requesting an amendment to SLNG's non-FTA authorization (DOE/FECM Order No. 3956, as amended) under NGA section 3(a).

As SLNG notes, DOE recently established in the JAX LNG Order that it "has jurisdiction over LNG transferred to a receiving ship for use as marine fuel when the receiving ship is not only located in an international port, but more broadly when the receiving ship is located

[36] Amendment App. at 7; *see also* Amendment App. Supp. at 2, 7.
[37] Amendment App. at 4-5.

anywhere in a foreign country's territorial sea (which is considered part of that country's sovereign territory)."[38] SLNG states that it has been engaging in bunkering activities since 2023, and thus it seeks to amend its existing non-FTA authorization for consistency with DOE's exercise of authority established in the JAX LNG Order.[39] SLNG is also requesting an amendment to allow it to export LNG in approved ISO containers loaded onto vessels.

SLNG is not seeking any changes to its non-FTA export authorization (including the 130 Bcf/yr volume limitation),[40] except to allow these two additional ways to export the LNG. Additionally, we note that SLNG's requested amendment is uncontested.[41]

Upon review of the Amendment Application, as supplemented, DOE finds that SLNG's requested amendment has not been shown to be inconsistent with the public interest. Accordingly, DOE finds that it is necessary and appropriate to grant the requested amendment to SLNG's non-FTA authorization (Order No. 3956, as amended), pursuant to NGA sections 3(a) and 16.[42] As set forth above, DOE has issued a categorical exclusion determination for this amendment.[43]

C. Reporting Obligations

DOE agrees with SLNG's summary of its monthly reporting obligations for any bunkering activities.[44] Specifically, the date of the export should be reported as the date on which the LNG was transferred from the bunkering vessel to a receiving ship for the ship's

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[38] JAX LNG Order, *supra* note 12, at 10 (stating that, "[t]hrough this exercise of jurisdiction under NGA section 3, DOE is maintaining jurisdiction over exports of natural gas and has visibility into bunkering activities occurring globally involving U.S. LNG, to the extent permitted by law."); *see generally id*. at 5-10.
[39] *See* Amendment App. at 3-4.
[40] *Id.* at 4-5.
[41] *See supra* at 4.
[42] 15 U.S.C. §§ 717b(a), 717o.
[43] *See supra* note 21 (categorical exclusion issued to SLNG).
[44] *See supra* at 7 (citing Amendment App. at 6-7).

consumption and use as marine fuel.[45] As reflected in the amended Ordering Paragraphs below, this LNG should be reported as an export only when the receiving ship is located within the territorial sea of a foreign country (including in foreign ports), as determined by that country and recognized by the United States.[46]

IV. ORDER

Pursuant to sections 3 and 16 of the Natural Gas Act, DOE hereby orders as follows:

A. The Amendment Application and Supplement filed by Southern LNG Company, L.L.C. (SLNG), are granted.

B. **DOE/FE Order No. 3106 (Docket No. 12-54-LNG):**

Ordering Paragraph A of Order No. 3106, as amended, is further amended to state as follows:

> SLNG is authorized to export domestically produced LNG from its Elba Island Terminal in Chatham County, Georgia. SLNG is authorized to export this LNG in a volume up to the equivalent of 182.5 Bcf/yr of natural gas in three ways: (i) by vessel, (ii) in approved ISO containers on vessels, and (iii) loaded into bunkering vessels for transfer as marine fuel to ships located within the territorial sea of a foreign country (including in foreign ports),[47] for

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[45] *See*, *e.g.*, *Eagle LNG Partners Jacksonville II LLC*, DOE/FECM Order No. 4975-B, Docket No. 22-168-LNG, Order Amending Long-Term Authorization to Export Liquefied Natural Gas to Free Trade Agreement Nations and for Small-Scale Exports of Liquefied Natural Gas, at 6-7 (July 16, 2025).

[46] *See* U.N. Convention on the Law of the Sea, Art. 2(1) (establishing that "[t]he sovereignty of a coastal State extends, beyond its land territory and internal waters and, in the case of an archipelagic State, its archipelagic waters, <u>to an adjacent belt of sea, described as the territorial sea</u>") (emphasis added); *see also supra* note 22.

[47] DOE defers to each country's determination of its own territorial sea for this purpose, as recognized by the United States.

a term that commenced on the date of first export and extends through December 31, 2050. SLNG is authorized to export this LNG on its own behalf and as agent for other entities that hold title to the natural gas, pursuant to one or more contracts of any duration.[48]

This amended Ordering Paragraph A supersedes Ordering Paragraph A in Order No. 3106, as previously amended, in its entirety.

C. **DOE/FE Order No. 3956 (Docket No. 12-100-LNG):**

Ordering Paragraph A of Order No. 3956, as amended, is further amended to state as follows:

SLNG is authorized to export domestically produced LNG from the Elba Island Terminal (Liquefaction Project) located in Chatham County, Georgia. SLNG is authorized to export this LNG in a volume equivalent to 130 Bcf/yr of natural gas in three ways: (i) by vessel, (ii) in approved ISO containers on vessels, and (iii) loaded into bunkering vessels for transfer as marine fuel to ships located within the territorial sea of a foreign country (including in foreign ports).[49] SLNG is authorized to export this LNG on its own behalf and as agent for other entities that hold title to the natural gas, pursuant to one or more contracts of any

[48] *See* U.S. Dep't of Energy, Including Short-Term Export Authority in Long-Term Authorizations for the Export of Natural Gas on a Non-Additive Basis, 86 Fed. Reg. 2243 (Jan. 12, 2021).
[49] DOE defers to each country's determination of its own territorial sea for this purpose, as recognized by the United States.

duration.[50]

This amended Ordering Paragraph A supersedes Ordering Paragraph A in Order No. 3956, as previously amended, in its entirety.

D. All other obligations, rights, and responsibilities established by DOE/FE Order Nos. 3106 and 3956, both as amended, remain in effect.

Issued in Washington, D.C., on December 22, 2025.

AMY SWEENEY

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[50] *See* U.S. Dep't of Energy, Including Short-Term Export Authority in Long-Term Authorizations for the Export of Natural Gas on a Non-Additive Basis, 86 Fed. Reg. 2243 (Jan. 12, 2021).