

**U.S. Department of Energy**  
**Categorical Exclusion Determination**  
**Office of Fossil Energy**



**ORDER AMENDING LONG-TERM AUTHORIZATIONS FOR THE EXPORT OF NATURAL GAS  
TO INCLUDE SHORT-TERM EXPORT AUTHORITY ON A NON-ADDITIVE BASIS  
FE DOCKET NOS. 10-85-LNG, ET AL.**

**PROPOSED ACTION DESCRIPTION:** The Department of Energy’s (DOE) Office of Fossil Energy (FE) is responsible for authorizing exports of domestically produced natural gas to foreign countries under section 3 of the Natural Gas Act (NGA).<sup>1</sup> In a policy statement entitled, “Including Short-Term Export Authority in Long-Term Authorizations for the Export of Natural Gas on a Non-Additive Basis” (Policy Statement),<sup>2</sup> DOE is discontinuing its practice of issuing separate long-term and short-term authorizations under NGA section 3 for exports of natural gas from the same facility (or facilities). DOE is instead establishing a practice that all long-term authorizations to export domestically produced natural gas—including LNG, compressed natural gas, and compressed gas liquid—will include authority to export the same approved volume pursuant to transactions with terms of less than two years on a non-additive basis (including non-additive commissioning volumes exported prior to the start of a facility’s commercial operations). The Policy Statement affects only future long-term export authorizations. Therefore, DOE/FE is concurrently issuing DOE/FE No. 4641, a blanket order (Blanket Order)<sup>3</sup> addressing existing long-term export authorizations, consistent with the Policy Statement.

As relevant here, the Blanket Order will amend DOE’s existing long-term authorizations to export natural gas in the form of LNG, compressed natural gas, and compressed gas liquid to countries with which the United States has not entered into a free trade agreement (FTA) requiring national treatment for trade in natural gas, and with which trade is not prohibited by U.S. law or policy (non-FTA countries). Each affected non-FTA order and its corresponding docket number are identified in the Blanket Order.

In each of the non-FTA proceedings at issue, DOE previously conducted a NEPA analysis (or NEPA analyses) for non-FTA exports that covered all facilities associated with each export application. No new facilities or modification to any existing facilities are required for DOE/FE to amend the existing long-term non-FTA orders to include short-term export authority on a non-additive basis. DOE/FE’s proposed action is to amend the long-term non-FTA orders as specified in the Blanket Order, such that each order will include authority to export the same approved volume pursuant to transactions with terms of less than two years on a non-additive basis (including non-additive commissioning volumes). All other obligations, rights, and responsibilities established by each non-FTA order will remain in effect.

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<sup>1</sup> 15 U.S.C. § 717b. The authority to regulate the imports and exports of natural gas, including liquefied natural gas (LNG), under section 3 of the NGA has been delegated to the Assistant Secretary for FE in Redelegation Order No. 00-002.04G, issued on June 4, 2019.

<sup>2</sup> The Policy Statement will be published in the *Federal Register* and posted on DOE/FE’s website at: <https://www.energy.gov/fe/services/natural-gas-regulation>.

<sup>3</sup> The Blanket Order (DOE/FE Order No. 4641) will be posted in each individual docket and on DOE/FE’s website at: <https://www.energy.gov/fe/services/natural-gas-regulation>.

**CATEGORICAL EXCLUSION APPLIED:** B5.7 - Import or export natural gas, with operational changes

For the complete DOE National Environmental Policy Act regulations regarding categorical exclusions, including the full text of each categorical exclusion, see Subpart D of 10 CFR Part 1021.

Regulatory Requirements in 10 CFR 1021.410(b): (See full text in regulation)

] The proposal fits within a class of actions that is listed in Appendix A or B to 10 CFR Part 1021, Subpart D.

To fit within the classes of actions listed in 10 CFR Part 1021, Subpart D, Appendix B, a proposal must be one that would not: (1) threaten a violation of applicable statutory, regulatory, or permit requirements for environment, safety, and health, or similar requirements of DOE or Executive Orders; (2) require siting and construction or major expansion of waste storage, disposal, recovery, or treatment facilities (including incinerators), but the proposal may include categorically excluded waste storage, disposal, recovery, or treatment actions or facilities; (3) disturb hazardous substances, pollutants, contaminants, or CERCLA-excluded petroleum and natural gas products that preexist in the environment such that there would be uncontrolled or unpermitted releases; (4) have the potential to cause significant impacts on environmentally sensitive resources, including, but not limited to, those listed in paragraph B(4) of 10 CFR Part 1021, Subpart D, Appendix B; or (5) involve genetically engineered organisms, synthetic biology, governmentally designated noxious weeds, or invasive species, unless the proposed activity would be contained or confined in a manner designed and operated to prevent unauthorized release into the environment and conducted in accordance with applicable requirements, such as those listed in paragraph B(5) of 10 CFR Part 1021, Subpart D, Appendix B.

] There are no extraordinary circumstances related to the proposal that may affect the significance of the environmental effects of the proposal.

] The proposal has not been segmented to meet the definition of a categorical exclusion. This proposal is not connected to other actions with potentially significant impacts (40 CFR 1508.25(a)(1)), is not related to other actions with individually insignificant but cumulatively significant impacts (40 CFR 1508.27(b)(7)), and is not precluded by 40 CFR 1506.1 or 10 CFR 1021.211 concerning limitations on actions during preparation of an environmental impact statement.

Based on my review of the proposed action, as NEPA Compliance Officer, I have determined that the proposed action fits within the specified class(es) of action, the other regulatory requirements set forth above are met, and the proposed action is hereby categorically excluded from further NEPA review.

Signature: Mark J. Matarrese  Digitally signed by Mark J. Matarrese  
Date: 2020.12.17 17:15:13 -05'00'

Date Determined: 12/17/2020

**Mark J. Matarrese, NEPA Compliance Officer, Office of Fossil Energy**