

## RECORDS OF CATEGORICAL EXCLUSION DETERMINATION

### Mercuria Energy America, LLC Docket EA-487

**PROPOSED ACTION:** Mercuria Energy America, LLC. (MEA or Applicant) applied to the United States Department of Energy (DOE) Office of Electricity for an electricity export authorization to export electricity to Canada pursuant to Section 202(e) of the Federal Power Act.<sup>1</sup> MEA is a Delaware limited liability company with its principal place of business in Houston, Texas. MEA states in its application that it does not “own, operate or control electric transmission or distribution facilities in the United States.”<sup>2</sup> MEA proposes to use existing authorized international electric transmission facilities that are appropriate for open access by third parties.<sup>3</sup>

MEA is an energy marketing and trading company seeking an export authorization to sell electric energy into Canada for a term of five years. The existing international transmission facilities to be utilized by MEA have previously been authorized by Presidential permits issued pursuant to Executive Order 10485, as amended, and are appropriate for open access transmission by third parties. The Presidential permits for these facilities were issued by DOE after an appropriate level of NEPA review.

**CX TO BE APPLIED:** The elements identified above fit within the class listed in Appendix B to Subpart D, of 10 C.F.R. Part 1021-Categorical exclusions applicable to specific agency actions. Specifically:

*B4.2 Export of electric energy as provided by Section 202(e) of the Federal Power Act over existing transmission systems or using transmission systems that are themselves categorically excluded.*

10 C.F.R. Part 1021, App. B to Subpart D, § B4.2.

**REGULATORY REQUIREMENT:** The proposed action has been determined by DOE not to have a significant effect on the human environment either individually or cumulatively. Authorizing the proposed action will not (1) threaten a violation of applicable statutory, regulatory, or permit requirements for environment, safety, and health, including DOE and/or Executive orders; (2) require siting of new facilities or expansion of existing facilities; (3) disturb hazardous substances, pollutants, or contaminants; or (4) adversely affect environmentally sensitive resources.

**DETERMINATION:** Based on my review of the above information concerning the proposed action, as NEPA Compliance Officer (as authorized under DOE Policy 451.1), I have determined that the proposed action fits within the specified class of actions, that other regulatory requirements set forth above are met, and that the proposed action is hereby categorically excluded from further NEPA review.

Signature: \_\_\_\_\_

Charles P. Kosak  
Deputy Assistant Secretary  
Energy Resilience Division  
DOE Office of Electricity

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<sup>1</sup> 16 U.S.C. § 824a(e).

<sup>2</sup> See Application of Mercuria Energy America, LLC. For Authorization to Transmit Electric Energy into Canada, at 3 (Dec. 1, 2020).

<sup>3</sup> See *id.* at 3.