

UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
OFFICE OF FOSSIL ENERGY AND CARBON MANAGEMENT

DELFIN LNG LLC

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DOCKET NO. 13-129-LNG
DOCKET NO. 13-147-LNG

ORDER AMENDING LONG-TERM AUTHORIZATIONS
TO EXPORT LIQUEFIED NATURAL GAS TO
FREE TRADE AGREEMENT AND
NON-FREE TRADE AGREEMENT COUNTRIES

DOE/FECM ORDER NO. 3393-E
DOE/FECM ORDER NO. 4028-F

NOVEMBER 25, 2025

TABLE OF CONTENTS

I.	INTRODUCTION AND BACKGROUND	1
II.	STANDARD OF REVIEW	7
III.	DESCRIPTION OF REQUEST FOR EXPORT COMMENCEMENT EXTENSION	7
IV.	DOE PROCEEDING	11
	A. Public Comments	11
	B. Environmental Advocates’ Motion to Intervene and Protest.....	12
	C. Delfin’s Answer	16
V.	DISCUSSION AND CONCLUSIONS	18
	A. Requested Export Commencement Extension.....	18
	1. Limited Scope of Review and Good Cause Standard.....	18
	2. Demonstration of Good Cause for Extension	22
	3. Other Considerations	24
	B. Environmental Review	24
	C. Conclusion	25
VI.	ORDER	26

I. INTRODUCTION AND BACKGROUND

On May 2, 2025, Delfin LNG LLC (Delfin) filed with the Department of Energy’s (DOE) Office of Fossil Energy and Carbon Management (FECM)¹ a “Request for Amendment of Long-Term Authorizations to Export Liquefied Natural Gas and for Additional Extension of Time to Commence Exports” (Request)² under section 3 of the Natural Gas Act (NGA).³ In this Order, we (i) review the portion of the Request seeking a two-year extension to Delfin’s existing export commencement deadline in Docket No. 13-147-LNG, from June 1, 2029, to June 1, 2031;⁴ and (ii) provide a Make-Up Period for Delfin’s existing long-term authorizations to export domestically produced liquefied natural gas (LNG) in Docket Nos. 13-129-LNG and 13-147-LNG, consistent with current DOE practice. Concurrently with this Order, we are issuing a separate order addressing the portion of the Request asking DOE to amend Delfin’s long-term authorizations to reflect refinements in the design of its floating LNG (or FLNG) project (Project).⁵

Delfin is authorized to export LNG by vessel from the Project, to be located in the Gulf of America⁶ off of Cameron Parish, Louisiana, under the following two orders:

¹ The Office of Fossil Energy (FE) changed its name to the Office of Fossil Energy and Carbon Management (FECM) on July 4, 2021.

² Delfin LNG LLC, Request for Amendment of Long-Term Authorizations to Export Liquefied Natural Gas and for Additional Extension of Time to Commence Exports, Docket Nos. 13-129-LNG and 13-147-LNG (May 2, 2025) [hereinafter Request].

³ 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 (15 U.S.C. § 717b) has been delegated to the Assistant Secretary for FECM in Redelegation Order No. S4- DEL-FE1-2023, issued on April 10, 2023.

⁴ Request at 2.

⁵ See *Delfin LNG LLC*, DOE/FECM Order Nos. 3393-D and 4028-E, Docket Nos. 13-129-LNG and 13-147-LNG, Order Amending Project Description in Long-Term Authorizations to Export Liquefied Natural Gas to Free Trade Agreement and Non-Free Trade Agreement Countries (Nov. 25, 2025).

⁶ Exec. Order No. 14172 of Jan. 20, 2025, *Restoring Names That Honor American Greatness*, 90 Fed. Reg. 8629 (Jan. 31, 2025) (directing the renaming, as the Gulf of America, of “the area formerly known as the Gulf of Mexico”); see also Sec’y of the Interior, Order No. 3423 (Feb. 7, 2025) (implementing section 4 of E.O. 14172).

- DOE/FE Order No. 3393, as amended (Docket No. 13-129-LNG),⁷ authorizing exports of LNG in a volume equivalent to 657.5 billion cubic feet 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), pursuant to NGA section 3(c);⁸ and
- DOE/FE Order No. 4028, as amended (Docket No. 13-147-LNG),⁹ authorizing exports in a volume equivalent to 657.5 Bcf/yr of natural gas to any other country with which trade is not prohibited by U.S. law or policy (non-FTA countries), pursuant to NGA section 3(a).¹⁰

Under these authorizations, the FTA and non-FTA volumes are not additive.¹¹

Delfin’s proposed Project includes a “deepwater port” within the meaning of the Deepwater Port Act of 1974, as amended (DWPA),¹² and consequently requires a deepwater port license from the U.S. Department of Transportation’s Maritime Administration (MARAD). According to Delfin, MARAD issued a DWPA license to Delfin on March 21, 2025 (DWPA License).¹³ Delfin states that, with respect to the timing of its Project, “the DWPA License provides only that Delfin must *begin* construction of the deepwater port no later than five years after the effective date of the license, except that the deadline may be extended for delays in

⁷ *Delfin LNG LLC*, DOE/FE Order No. 3393, Docket No. 13-129-LNG, Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from a Proposed Floating Liquefaction Project and Deepwater Port 30 Miles Offshore of Louisiana to Free Trade Agreement Nations (Feb. 20, 2014), *amended by* DOE/FE Order No. 3393-A (Dec. 10, 2020) (extending export term through 2050); DOE/FE Order No. 3393-B (May 18, 2021) (correcting the precise location of the export facilities); and DOE/FECM Order No. 3393-C (Mar. 10, 2025) (modifying term to begin on the date of first export).

⁸ 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.

⁹ *Delfin LNG LLC*, DOE/FE Order No. 4028, Docket No. 13-147-LNG, Opinion and Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from a Proposed Floating Liquefaction Project and Deepwater Port 30 Miles Offshore of Louisiana to Non-Free Trade Agreement Nations (June 1, 2017), *reh’g denied*, DOE/FE Order No. 4028-A (Apr. 3, 2018), *amended by* DOE/FE Order No. 4028-B (Dec. 10, 2020) (extending export term through 2050); DOE/FE Order No. 4028-C (May 18, 2021) (correcting the precise location of the facilities); and DOE/FECM Order No. 4028-D (Mar. 10, 2025) (granting request to extend deadline to commence exports to June 1, 2029).

¹⁰ 15 U.S.C. § 717b(a).

¹¹ *See Delfin LNG LLC*, DOE/FE Order No. 4028, at 173 (Ordering Para. E).

¹² 33 U.S.C. § 1501 *et seq.* The term “deepwater port” includes offshore LNG import and export terminals. *See id.* § 1502(9).

¹³ *See* Request at 2 & n.6 (citing MARAD press release).

necessary construction permits, delays due to time-of-year construction limitations beyond Delfin’s direct control, or additional periods as MARAD may permit for good cause.”¹⁴

Delfin’s Export Commencement Deadline and Changing DOE Policy. Under Order No. 4028, DOE initially required Delfin to “commence [non-FTA] export operations using the planned liquefaction facilities no later than seven years from the date of issuance of this Order”—*i.e.*, by June 1, 2024.¹⁵

On April 21, 2023, DOE issued a “Policy Statement on Export Commencement Deadlines in Authorizations to Export Natural Gas to Non-Free Trade Agreement Countries” (Policy Statement).¹⁶ This Policy Statement announced that DOE would no longer follow its prior practice of examining the record for a requested export commencement extension on a case-by-case basis under the “good cause” standard, and that instead authorization holders would be required to meet two mandatory criteria for DOE to consider such an extension.¹⁷

Thereafter, on March 1, 2024, Delfin submitted a request (2024 Request)¹⁸ asking DOE to amend its export commencement deadline in Order No. 4028—specifically, to extend the deadline by five years, from June 1, 2024 to June 1, 2029.¹⁹

On March 10, 2025, in Order No. 4028-D, DOE found that Delfin’s factual evidence satisfied the mandatory criteria of the Policy Statement. DOE found, for example, that “Delfin

¹⁴ *Id.* at 5-6 (emphasis in original).

¹⁵ *Delfin LNG LLC*, DOE/FE Order No. 4028, at 166 (Term & Condition B), 173 (Ordering Para. D).

¹⁶ U.S. Dep’t of Energy, Policy Statement on Export Commencement Deadlines in Authorizations to Export Natural Gas to Non-Free Trade Agreement Countries, 88 Fed. Reg. 25,272 (Apr. 26, 2023) [hereinafter Policy Statement].

¹⁷ *See id.* at 25,276-78.

¹⁸ *Delfin LNG LLC*, Request for Supplemental Order Granting Conditional Extension of Time for Long-Term Authorizations to Export Liquefied Natural Gas, Docket Nos. 13-129-LNG and 13-147-LNG (Mar. 1, 2024) [hereinafter 2024 Request].

¹⁹ Because Order No. 4028 would have expired if Delfin did not commence non-FTA exports by the June 1, 2024 deadline, DOE issued a notice on May 31, 2024, tolling the expiration of Order No. 4028 pending review of Delfin’s 2024 Request. *See* U.S. Dep’t of Energy, Notice Tolling Expiration of Non-FTA Authorization Pending DOE Action, Docket No. 13-147-LNG (May 31, 2024).

has established that it could not comply with its existing export commencement deadline (June 1, 2024) due to extenuating circumstances outside of its control.”²⁰ DOE also determined that “[t]he substantial body of evidence presented by Delfin demonstrates that Delfin is continuing to do all it can—within its control—to complete the Project and commence export operations, consistent with DOE’s objective.”²¹ On this basis, DOE granted Delfin’s 2024 Request under the Policy Statement and extended Delfin’s export commencement deadline to June 1, 2029.²²

Because DOE issued Order No. 4028-D—granting Delfin’s 2024 Request for a commencement extension—only eight months ago, and this proceeding involves the same facts up to the issuance of that order, we incorporate Order No. 4028-D (including DOE’s findings and conclusions) by reference herein.

On April 2, 2025, less than a month after DOE issued Order No. 4028-D, DOE rescinded the Policy Statement in a notice published in the *Federal Register*.²³ DOE explained that “the Policy Statement does not align with policies set forth in Executive Order (E.O.) 14154 of January 20, 2025, *Unleashing American Energy*,” which “directs agencies to review and suspend, revise, or rescind actions that unduly burden the development of domestic energy resources, with particular attention to natural gas, among other resources.”²⁴ DOE found that the Policy Statement “poses an undue burden by placing strict criteria on natural gas export authorization holders seeking extensions to their commencement deadlines.”²⁵ DOE stated that,

²⁰ *Delfin LNG LLC*, DOE/FE Order No. 4028-D, at 20. Order No. 4028-D is available here: https://www.energy.gov/sites/default/files/2025-03/ord3393-C_4028-D.pdf.

²¹ *Id.* at 21.

²² *Id.* at 25 (Ordering Para. B) (“Delfin must commence export operations using the planned liquefaction facilities no later than June 1, 2029.”).

²³ U.S. Dep’t of Energy, Rescission of Policy Statement on Export Commencement Deadlines in Authorizations to Export Natural Gas to Non-Free Trade Agreement Countries, 90 Fed. Reg. 14,411 (Apr. 2, 2025) [hereinafter Rescission Notice].

²⁴ *Id.* (citing Exec. Order No. 14154 of Jan. 20, 2025, *Unleashing American Energy*, 90 Fed. Reg. 8353, 8354 (Section 3) (Jan. 29, 2025) [hereinafter E.O. 14154]).

²⁵ Rescission Notice, 90 Fed. Reg. at 14,411.

going forward, it “will consider applications to extend an authorization holder’s export commencement deadline and grant such extensions for good cause shown on a case-by-case basis consistent with DOE’s practice prior to the issuance of the Policy Statement.”²⁶

Accordingly, in this Order, DOE will review Delfin’s current request for a two-year export commencement extension for good cause, as set forth below.²⁷

Current Extension Proceeding. On June 6, 2025, DOE published a Notice of Delfin’s Request in the *Federal Register*.²⁸ DOE invited the public to submit protests, motions to intervene, notices of intervention (as applicable), and written comments in response to the Request by July 7, 2025.²⁹ In response to the Notice, DOE received a timely-filed “Motion to Intervene and Protest” from the Center for Biological Diversity and Sierra Club (together, Environmental Advocates),³⁰ and five timely-filed comments in support of the Request.³¹ On July 18, 2025, Delfin submitted an Answer to the Environmental Advocates’ Protest (Answer).³²

In the separate order issued to Delfin concurrently with this Order (*see supra* at 1 & note 5), DOE determined that, because Delfin did not oppose the Environmental Advocates’ motion to intervene in response to the Request, the motion is deemed granted under DOE’s regulations.³³ Therefore, both of the Environmental Advocates—the Center for Biological

²⁶ *Id.*

²⁷ *See infra* § II (Standard of Review).

²⁸ U.S. Dep’t of Energy, Delfin LNG LLC; Request for Amendment of Long-Term Authorizations To Export Liquefied Natural Gas and for Additional Extension of Time To Commence Exports, 90 Fed. Reg. 24,111 (June 6, 2025) [hereinafter Notice of Request].

²⁹ *See id.* 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).

³⁰ Center for Biological Diversity & Sierra Club, Motion to Intervene and Protest, Docket Nos. 13-129-LNG and 13-147-LNG (July 3, 2025) [hereinafter Enviro. Advocates Pleading].

³¹ Comment of Ben Simmons, Docket Nos. 13-129-LNG and 13-147-LNG (June 6, 2025); Comments of Anonymous, Docket Nos. 13-129-LNG and 13-147-LNG (June 15, 2025 and June 26, 2025); Comments of Kirk Gillespie, Docket Nos. 13-129-LNG and 13-147-LNG (June 26, 2025 and July 7, 2025).

³² Delfin LNG LLC, Answer to Protest of Requested Extension of Time, Docket Nos. 13-129-LNG and 13-147-LNG (July 18, 2025) [hereinafter Delfin Answer].

³³ 10 C.F.R. § 590.303(g); *see Delfin LNG LLC*, DOE/FECM Order Nos. 3393-D and 4028-E, at 4, 8 (Ordering Para. B).

Diversity and Sierra Club—are also intervenors in this commencement extension portion of the proceeding.

Upon review of the record, DOE finds that Environmental Advocates have not shown that Delfin failed to establish good cause for the two-year commencement extension, and therefore DOE grants the requested amendment. Specifically, DOE is amending the current export commencement deadline of June 1, 2029, established in Order No. 4028-D, such that Delfin now has until June 1, 2031, to commence non-FTA exports from the Project.³⁴

Amendment to Establish Make-Up Period. Additionally, to align Delfin’s long-term authorizations with DOE’s current practice, DOE has determined that it is necessary and appropriate to allow three additional years for Delfin to export the approved FTA and non-FTA volumes of LNG under Order Nos. 3393 and 4028, respectively (a combined total of 657.5 Bcf/yr of natural gas), beyond the export term ending on December 31, 2050, solely to export any approved volume of LNG that it is unable to export during the original export term (the Make-Up Volume).³⁵ This three-year term during which the Make-Up Volume may be exported, known as the Make-Up Period, will extend through December 31, 2053, as reflected in the amendments below.³⁶

Categorical Exclusion. DOE’s procedures for the National Environmental Policy Act of 1969 (NEPA)³⁷ provide for a categorical exclusion if neither an environmental assessment nor an

³⁴ See *infra* § VI (Ordering Para. D).

³⁵ See *supra* notes 7 & 9 (Order Nos. 3393-A and 4028-B extending the original export term under each authorization to Dec. 31, 2050). For a discussion of the background of the Make-Up Period and DOE’s decision to reinstate the Make-Up Period through December 31, 2053, for long-term non-FTA authorizations, see *Port Arthur LNG Phase II, LLC*, DOE/FECM Order No. 5292-A, Docket No. 20-23-LNG, Order Amending Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations (June 30, 2025), <https://www.energy.gov/sites/default/files/2025-06/ord5292-A.pdf>.

³⁶ Delfin is not permitted to increase its annual export volume under these orders over the three-year Make-Up Period, absent appropriate authorization by DOE. See *infra* § VI (Ordering Paras. A, C).

³⁷ 42 U.S.C. § 4321 *et seq.*

environmental impact statement is required—specifically, categorical exclusion B5.7, *Export of natural gas and associated transportation by marine vessel*.³⁸ On November 24, 2025, DOE issued a categorical exclusion determination for these amendments to Delfin’s non-FTA authorization (Order No. 4028, as amended) under this provision.³⁹

II. STANDARD OF REVIEW

As relevant here, NGA section 3(a) authorizes the exportation of natural gas from the United States to non-FTA countries unless, after opportunity for hearing, DOE “finds that the proposed exportation . . . will not be consistent with the public interest.”⁴⁰ DOE also “may from time to time, after opportunity for hearing, and for good cause shown, make such supplemental order in the premises as it may find necessary or appropriate.”⁴¹ Additionally, under NGA section 16, DOE may “prescribe, issue, make, amend, and rescind such orders . . . as it may find necessary or appropriate to carry out the provisions of this chapter.”⁴² Before reaching a final decision on an application, DOE must also comply with NEPA.⁴³

III. DESCRIPTION OF REQUEST FOR EXPORT COMMENCEMENT EXTENSION

Delfin asks DOE to amend its non-FTA export authorization to allow it to commence commercial non-FTA exports of LNG by June 1, 2031, providing an additional two-year extension of time beyond that recently granted in Order No. 4028-D, “based on updated facts about the Project and consistent with DOE’s newly adopted approach to term extensions.”⁴⁴

³⁸ See 10 C.F.R. Part 1021, Subpt. D, App. B, Categorical Exclusion B5.7.

³⁹ U.S. Dep’t of Energy, Categorical Exclusion Determination (CX-270870), Delfin LNG LLC, Docket No. 13-147-LNG (Nov. 24, 2025).

⁴⁰ 15 U.S.C. § 717b(a).

⁴¹ *Id.*

⁴² *Id.* § 717o; see also, e.g., *Appalachian Voices v. Fed. Energy Regul. Comm’n*, 139 F.4th 903 (D.C. Cir. 2025) (holding that the Federal Energy Regulatory Commission (FERC) reasonably concluded that good cause existed to extend deadline to construct natural gas pipeline facilities and denying petition for review, citing NGA § 16 and FERC regulations).

⁴³ See *Sierra Club v. U.S. Dep’t of Energy*, 867 F.3d 189, 192 (D.C. Cir. 2017).

⁴⁴ Request at 1-2 (citations omitted).

This requested extension will “remove potential regulatory uncertainty” as Delfin progresses toward a positive Final Investment Decision (FID) on its first FLNG vessel (or FLNGV), which it hopes to achieve in 2025.⁴⁵

Delfin notes that, with the rescission of the Policy Statement, DOE has reverted to its pre-existing “good cause” standard for requests to extend an export commencement deadline, in which DOE considers “on a case-by-case basis the timing required by the agency approving the siting, construction, and operation of the LNG export facilities, as well as the authorization holder’s progress with its project, and the additional time necessary to commence exports.”⁴⁶ Delfin further asserts that, in applying that standard, DOE should take into consideration the goals of E.O. 14154, *Unleashing American Energy*, “of avoiding agency actions that unduly burden the use of domestic natural gas,” as DOE did in rescinding the Policy Statement.⁴⁷

Delfin contends that it has demonstrated good cause for an additional two-year extension of its export commencement deadline based on these standards. Delfin states that, in Order No. 4028-D, DOE recently issued an extension of time for Delfin (until June 1, 2029) “under the more stringent standards of the 2023 [Policy Statement], and its conclusions in so doing remain fully applicable, with the only new issue presented being the appropriate length of the extension.”⁴⁸ According to Delfin, “the requested extension of time is fully consistent with MARAD’s recent issuance of the DWPA license requiring construction to start within five years.”⁴⁹ Delfin also emphasizes that, as DOE concluded in Order No. 4028-D, “Delfin is continuing to do all it can—within its control—to complete the Project and commence export

⁴⁵ See *id.* at 3.

⁴⁶ *Id.* at 11.

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.*; see *supra* at 2.

operations.”⁵⁰

Specifically, Delfin asserts that obtaining the DWPA License from MARAD, as well as the first commencement extension from DOE, significantly advanced the Project.⁵¹ Delfin states that these “regulatory success[es], reinforced by market developments supporting additional world-wide demand for U.S. LNG, have provided additional commercial impetus to the Project.”⁵² Delfin states that, on March 25, 2025, it signed a “heads of agreement” with the German state-owned company Securing Energy For Europe GmbH (SEFE) for the long-term supply of 1.5 million metric tons per year (mtpa) of LNG from the Project for at least 15 years.⁵³ Delfin further states that it is in active negotiations with potential customers for additional LNG offtake agreements, focusing on its second and third FLNGVs.⁵⁴

Delfin maintains that, while the MARAD and DOE regulatory approvals “were the only true impediments to the FID of Delfin’s first FLNGV, other tasks remain that will take some time.”⁵⁵ In particular, Delfin states that it still needs to “(1) finalize and execute the Lump-Sum Turn-Key EPCI [Engineering, Procurement, Construction and Integration] contract . . . to construct the [first] FLNGV and (2) finaliz[e] financing.”⁵⁶ Delfin states that it “could not proceed meaningfully with these necessary tasks” until MARAD issued the DWPA License to Delfin⁵⁷—which (as noted above) occurred on March 21, 2025, after DOE had issued the first commencement extension on March 10, 2025.

⁵⁰ Request at 11 (citing *Delfin LNG LLC*, DOE/FE Order No. 4028-D at 21).

⁵¹ *Id.* at 12.

⁵² *Id.*

⁵³ *Id.* (citing SEFE Press Release, “Delfin to supply SEFE with 1.5 million tonnes of US LNG per year” (Mar. 25, 2025), https://www.sefe.eu/en/media/newsroom/press-releases/press-release-detail_908.html).

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ Request at 12 (quoting Delfin’s 2024 Request at 27).

⁵⁷ *Id.*

Delfin asserts that it “is on track for FID of its first FLNGV” later this year.⁵⁸ Delfin states that it is engaged with Samsung Heavy Industries (SHI) of South Korea, the leading shipyard in the world for FLNG construction, “to refresh the price for its EPCI contract, finalize and execute it, and secure the necessary yard-slot [for the FLNGV construction] that is available with activities commencing late this year.”⁵⁹ As Delfin previously informed DOE and explains again, “there are only a few shipyards in the world capable of constructing Delfin’s FLNGVs and they all have limited slots allocated for ship construction and require binding commitments to proceed.”⁶⁰

Delfin states that, in Order No. 4028-D, “DOE/FECM correctly recognized, that under its negotiated EPCI contract with SHI[,] Delfin can reach commercial exports in slightly less than five years; but that timeline commences only when the EPCI contract is executed.”⁶¹ Delfin further states that, “on its current timeline after the recent resolution of regulatory delays, [it] now expects to commence commercial operations in the second half of 2030.”⁶² Accordingly, Delfin requests that “its commencement deadline now be extended to June 1, 2031,” to provide “additional buffer in the event of potential unexpected delays, and to provide comfort for financing parties regarding the elimination of any need for a future extension.”⁶³

In sum, Delfin asserts that the requested extension “is necessary to support the construction and operation by Delfin of the nation’s first FLNGV export facility, furthering the public interest well-recognized by DOE in exports of abundant domestic natural gas.”⁶⁴ Delfin also maintains that, as with its first commencement extension granted by DOE, its current

⁵⁸ *Id.*

⁵⁹ *Id.* at 12-13.

⁶⁰ *Id.* at 6

⁶¹ Request at 13.

⁶² *Id.*

⁶³ *Id.*

⁶⁴ *Id.*

extension request does not alter DOE’s public interest determination in granting Order No. 4028 under NGA section 3(a).⁶⁵ Thus, Delfin contends that, because the extension is “a reasonable and appropriate duration in the circumstances” and because Delfin’s non-FTA exports remain in the public interest, “good cause exists to grant the requested extension of time.”⁶⁶

IV. DOE PROCEEDING

A. Public Comments

DOE received five comments during the public comment period, all supporting Delfin’s Request. Ben Simmons praises the Project’s more efficient design, notes the DWPA License recently issued to Delfin, and highlights the Project’s role in boosting exports of U.S. LNG globally.⁶⁷ Kirk Gillespie cites the Project’s job creation, the profitability to the United States from exporting LNG, and the ability of the United States to export “cleaner burning fuel all over the world.”⁶⁸ Mr. Gillespie’s second comment, while not directly mentioning the requested extension, appears to encourage DOE to act quickly and supports exports of U.S. LNG.⁶⁹

The first of the anonymous comments praises Delfin’s effort “to improve the safety, efficacy, and economy of its FLNG business,” as well as Delfin’s continued focus on “creating American jobs, increasing the market share of American energy on a global scale, and transform[ing] the delivery of liquified natural gas to reduce ecological impact.”⁷⁰ The commenter supports the requested extension, “with the condition that no further extensions be granted if Delfin is unable to execute its operations by the end of the extension request if no significant progress has been made.”⁷¹

⁶⁵ *Id.*

⁶⁶ *Id.* at 13-14.

⁶⁷ See Comment of Ben Simmons (June 6, 2025).

⁶⁸ See Comment of Kirk Gillespie (June 26, 2025).

⁶⁹ Comment of Kirk Gillespie (July 7, 2025).

⁷⁰ Comment of Anonymous (June 15, 2025).

⁷¹ *Id.*

The second anonymous comment states that Delfin’s “floating LNG (FLNG) model” is unique in “significantly” reducing land use, water consumption, and emissions when compared to traditional onshore terminals.⁷² In “delivering scalable and lower-impact energy solutions while protecting coastal ecosystems and communities,” Delfin’s Project is “well-aligned with 21st-century priorities.”⁷³ According to this anonymous commenter, “a further extension will allow Delfin to finalize tens of billions in more contracts, complete engineering milestones, and deliver the full economic and environmental value of this innovative project.”⁷⁴ Finally, the commenter asserts that DOE’s support of this extension “would affirm the United States’ commitment to energy innovation, climate-conscious development, and reliable global energy leadership.”⁷⁵

B. Environmental Advocates’ Motion to Intervene and Protest

Environmental Advocates timely filed their Motion to Intervene and Protest on July 3, 2025.⁷⁶ As noted above, in the order being issued to Delfin concurrently with this Order, DOE states that, because Delfin did not oppose the Environmental Advocates’ motion to intervene in this proceeding, it is deemed granted under DOE’s regulations.⁷⁷ Therefore, we summarize only the Environmental Advocates’ protest in this Order, in which Environmental Advocates argue that “DOE should deny the requested license extension because an extension would be contrary to the public interest.”⁷⁸

⁷² Comment of Anonymous at 1 (June 26, 2025).

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ See Enviro. Advocates Pleading, *supra* note 30.

⁷⁷ See *Delfin LNG LLC*, DOE/FECM Order Nos. 3393-D and 4028-E, at 4 (citing 10 C.F.R. § 590.303(g)), 8 (Ordering Para. B).

⁷⁸ Enviro. Advocates Pleading at 2 (citing 15 U.S.C. § 717b(a)); *see also id.* (stating that their organizational interests “are based on the impact [of] the proposed extension of operation commencement”).

In support of this argument, Environmental Advocates first assert that DOE’s standard in reviewing a non-FTA application under NGA section 3(a)—evaluating “economic impacts, international impacts, security of natural gas supply, and environmental impacts, among others”—“should apply to changes in the licensing, like the requested extension, or where there are changes to the underlying project that alter the underlying public interest analysis.”⁷⁹ Indeed, Environmental Advocates argue that, “in deciding whether to grant an extension request, DOE should and must consider whether such a request is in the public interest.”⁸⁰ Environmental Advocates argue that there has been “elapsed time and changed circumstances in the project and underlying public interest analysis” since DOE originally issued Order No. 4028 in 2017, and that “each of the public interest factors [identified above] weigh against granting Delfin LNG’s extension request.”⁸¹

Environmental Advocates further contend that, “where a developer asks that the initial authorization be reopened for purposes of changing the operational deadline, it is appropriate to reopen it for other purposes as well.” Citing a letter issued by MARAD to Delfin on April 17, 2024, Environmental Advocates claim that “significant changes have occurred in ownership, design, financing and operations, providing further bases for revisiting the agency’s initial authorization.”⁸² They state, for example, that DOE has not reviewed the “revised proposal” considered by MARAD in granting the DWPA License to Delfin and “determined whether [it is] in the public interest.”⁸³

Next, Environmental Advocates assert that “[r]ecent data undermines any conclusions

⁷⁹ *Id.* at 8.

⁸⁰ *Id.* at 9.

⁸¹ *Id.* at 8.

⁸² *Id.* at 9.

⁸³ *Id.*

that LNG exports have little impact on domestic natural gas prices and that Henry Hub [natural] gas prices are forecasted to remain low.”⁸⁴ They argue, for example, that DOE’s 2024 LNG Export Study “concluded that LNG exports harm American consumers, particularly those located in the Gulf Coast of Texas and Louisiana where LNG export facilities, like Delfin LNG are located.”⁸⁵ They further argue that, “[i]f LNG exports increase based on global demand, the price of natural gas in the U.S. will go up,” and thus, “[f]rom an economic perspective, LNG exports are simply making most Americans worse off.”⁸⁶

Environmental Advocates also contend that DOE “has never grappled with the distributional impacts of [authorizing] LNG exports,” and that until DOE does so, “DOE will have failed to consider an important part of the problem.”⁸⁷ Addressing these and other alleged harms to American consumers from exports of U.S. LNG, Environmental Advocates argue that DOE “must” consider such concerns “when determining whether Delfin LNG’s extension is in the public interest.”⁸⁸

Next, Environmental Advocates assert that “[n]ew information regarding the environmental impacts” of Delfin’s proposed Project “demonstrate[s] that an extension is not in the public interest.”⁸⁹ They argue that DOE must address “mounting scientific evidence” concerning the risk of extreme weather events facing “infrastructure like Delfin LNG along the

⁸⁴ Enviro. Advocates Pleading at 10.

⁸⁵ *Id.*; see also U.S. Dep’t of Energy, Office of Fossil Energy & Carbon Management, *Energy, Economic, & Environmental Assessment of U.S. LNG Exports* (Dec. 2024), <https://fossil.energy.gov/app/docketindex/docket/index/30> [hereinafter 2024 LNG Export Study or 2024 Study] (providing links).

⁸⁶ Enviro. Advocates Pleading at 10-11.

⁸⁷ *Id.* at 11-12 (stating that “DOE has acknowledged that LNG exports have some positive and some negative economic impacts, but DOE has not addressed the fact that those who suffer the harms are not the same as those who enjoy the benefits . . .”).

⁸⁸ *Id.* at 12; see also *id.* at 10-12.

⁸⁹ *Id.* at 12 (Subsection C heading).

Gulf Coast,” as well as the “urgent need” to curb greenhouse gas (GHG) emissions.⁹⁰

In particular, Environmental Advocates discuss a range of “climate-related risks” to national security and the environment from increases in carbon dioxide emissions that (according to Environmental Advocates) result “mainly” from burning coal, oil, and natural gas.⁹¹ For example, they assert that “LNG exports and its contributions to climate change pose significant national security concerns,” as rising sea levels, higher storm surge, and increased erosion could damage or destroy critical infrastructure, among other climate-related threats such as economic instability and conflicts over food and water.⁹² Additionally, Environmental Advocates draw from various reports issued by the Intergovernmental Panel on Climate Change (IPCC) in arguing that, for example, “LNG exports will need to be significantly curtailed well before 2050.”⁹³ Pointing to the IPCC’s 6th Assessment Report, Environmental Advocates contend that the proposed Delfin Project will result in “staggering” GHG emissions that will fuel climate change, and that “the climate-driven hazards at the [Project] will increase the risk of significant contamination being released into the surrounding communities and ecosystems.”⁹⁴

Finally, Environmental Advocates argue that LNG exports “negatively impact endangered species and their critical habitat,” including from the construction and operation of “LNG export facilities.”⁹⁵ Environmental Advocates discuss alleged pollution from “emission sources associated with LNG export facilities,” including but not limited to onshore terminals, pipelines, trucks, marine vessels, locomotives, cargo handling equipment, refineries, and storage

⁹⁰ *Id.* at 12-13 (stating, for example, that “DOE must consider the 2022 NOAA [National Oceanic and Atmospheric Administration] report [on sea level rise] in its public interest analysis”).

⁹¹ *Id.* at 12-13.

⁹² *Enviro. Advocates Pleading* at 14-15.

⁹³ *Id.* at 18 & n.56 (citing the IPCC’s April 2022 *Mitigation of Climate Change* report).

⁹⁴ *Id.* at 19.

⁹⁵ *Id.* at 19-20.

facilities, as well as pipelines, LNG ships, and port activities.⁹⁶ Environmental Advocates discuss various species protected under the Endangered Species Act and the Marine Mammal Protection Act, and allege that the construction and operation of Delfin’s Project in the Gulf of America⁹⁷ and related onshore pipelines could harm such animal populations.⁹⁸

For these reasons, Environmental Advocates maintain that “Delfin LNG’s proposed export extension is not in the public interest and should be denied.”⁹⁹

C. Delfin’s Answer

In its Answer to Environmental Advocates’ protest filed on July 18, 2025, Delfin states that DOE’s Notice of the Request (*see supra* note 28) explained that DOE would not consider comments or protests that do not bear directly on the requested extension of time, yet Environmental Advocates’ protest “opposes more generally LNG exports by Delfin and from the United States in general.”¹⁰⁰

Delfin argues that “DOE just months ago rejected the opposition by [Environmental Advocates] when it granted Delfin’s prior request for an extension of time, even under the since-rescinded, more stringent standard” of the Policy Statement.¹⁰¹ Delfin maintains that “[n]othing in their latest Protest undermines Delfin’s demonstration in its Request that additional time is required for it to commence exports.”¹⁰²

Turning to Environmental Advocates’ arguments about “new studies and evidence” on the impact of LNG exports on domestic natural gas prices, Delfin argues that these “general

⁹⁶ *Id.* at 20.

⁹⁷ *See supra* note 6.

⁹⁸ Enviro. Advocates Pleading at 19-25.

⁹⁹ *Id.* at 25.

¹⁰⁰ Delfin Answer at 1-2.

¹⁰¹ *Id.* at 3.

¹⁰² *Id.*

arguments against LNG exports” are not relevant to the extension request.¹⁰³ Delfin also points to DOE’s findings in the 2024 LNG Export Study to refute the claims of price increases.¹⁰⁴

Next, addressing Environmental Advocates’ arguments concerning alleged impacts of GHG emissions from LNG export projects (and fossil fuels more generally), Delfin maintains that “GHG claims certainly have no bearing on extensions of time to commence exports, which do not authorize new volumes for export nor substantively change the underlying proposed action or constitute new approval of a project.”¹⁰⁵ Delfin also points, however, to “another key finding from the 2024 Export Study proceeding,” in which DOE determined that “it cannot conclude that the change in GHG emissions” from increases in U.S. LNG exports to the model-resolved level of 56.3 Bcf/d of natural gas “would be significantly different from zero.”¹⁰⁶

Responding to Environmental Advocates’ allegation that the construction and operation of the Project will harm protected species, Delfin argues that “this claim is not only irrelevant to the requested extension of time to commence LNG exports, but also well outside the scope of DOE’s statutory responsibility.”¹⁰⁷ Among other rebuttals, Delfin states that MARAD announced on March 21, 2025, that it had issued the DWPA License “authorizing Delfin to own, construct, operate, and eventually decommission its deepwater port Project.”¹⁰⁸ Delfin states that, as part of this license issuance process, MARAD consulted with the U.S. Fish & Wildlife

¹⁰³ *Id.* at 3-4.

¹⁰⁴ *Id.* at 4 (quoting U.S. Dep’t of Energy, Office of Fossil Energy & Carbon Management, *Energy, Economic, and Environmental Assessment of U.S. LNG Exports: Response to Comments*, at 46-47 (Key Finding #4) (May 19, 2025), https://www.energy.gov/sites/default/files/2025-10/ENERGY%2C%20ECONOMIC%2C%20AND%20ENVIRONMENTAL%20ASSESSMENT%20OF%20U.S.%20LNG%20EXPORTS_RESPONSE%20TO%20COMMENTS_0.pdf [hereinafter *Response to Comments*]).

¹⁰⁵ *Id.* at 5.

¹⁰⁶ Delfin Answer at 4-5 (quoting *Response to Comments*, at 47 (Key Finding # 6)). Delfin argues that each of the Environmental Advocates “advanced similar arguments about GHGs and climate change in their comments on the 2024 Export Study.” *Id.* at 5 n.14.

¹⁰⁷ *Id.* at 5.

¹⁰⁸ *Id.* at 6.

Service and the National Marine Fisheries Service pursuant to Section 7 of the Endangered Species Act, and that both agencies concurred with MARAD’s determination that the project is not likely to adversely affect federally listed or proposed species or their critical habitats.¹⁰⁹ Thus, even if these claims had “any relevance” in this proceeding, the claims “are baseless and contrary to the conclusions of the relevant regulatory agencies.”¹¹⁰

Delfin concludes by stating that “nothing in the Protest raises any basis to question the ‘good cause’ supporting an additional extension of time as detailed in Delfin’s Request.”¹¹¹

V. DISCUSSION AND CONCLUSIONS

A. Requested Export Commencement Extension

1. Limited Scope of Review and Good Cause Standard

In light of Environmental Advocates’ arguments, we find it necessary to address the limited scope of DOE’s review in an export commencement extension proceeding, including our review of Delfin’s Request.

As discussed above, DOE rescinded its Policy Statement applicable to non-FTA authorizations on April 2, 2025.¹¹² In the Rescission Notice, DOE made clear that, “[g]oing forward, DOE will consider applications to extend an authorization holder’s export commencement deadline and grant such extensions for good cause shown on a case-by-case basis consistent with DOE’s practice prior to the issuance of the Policy Statement.”¹¹³ In its Request filed one month later, Delfin cited the Rescission Notice, discussed DOE’s statements about its return to evaluating commencement extension requests under the good cause standard, and added that DOE should also take into consideration the goals of E.O. 14154, *Unleashing*

¹⁰⁹ *Id.*

¹¹⁰ *Id.* at 6-7.

¹¹¹ *Id.* at 7.

¹¹² See Rescission Notice, 90 Fed. Reg. 14,411.

¹¹³ *Id.* (emphasis added).

American Energy.¹¹⁴ Additionally, as Delfin points out, DOE’s Notice of the Request published in the *Federal Register* on June 6, 2025, expressly stated that “DOE will not consider comments or protests that do not bear directly on this Request.”¹¹⁵

Yet, in Environmental Advocates’ protest filed on July 3, 2025, Environmental Advocates disregarded all of these clear statements about the parameters and scope of review of this proceeding. Rather, their protest consists of numerous arguments principally opposing “LNG exports” generally, with some references to the impacts alleged from the construction and operation of Delfin’s proposed Project (issues that, as Delfin points out, are not within DOE’s statutory responsibility). As just two examples, Environmental Advocates argue that “[f]rom an economic perspective, LNG exports are simply making most Americans worse off,” and that “to date, DOE has never grappled with the distributional impacts of LNG exports.”¹¹⁶ Furthermore, they assert opposition to LNG exports based on environmental arguments concerning LNG terminals and infrastructure and related emissions, which they characterize as “new evidence” warranting a new public interest analysis to support Delfin’s non-FTA authorization.¹¹⁷

This proceeding, however, is not about “LNG exports” generally, nor is it about the validity of Delfin’s underlying non-FTA authorization.¹¹⁸ To the contrary, and as we recently observed, “[o]ur inquiry when reviewing a request for extension of time is narrow—it is not an opportunity to revisit the determinations made in Natural Gas Act authorizations after orders

¹¹⁴ See Request at 11; see also *id.* at 13-14.

¹¹⁵ Notice of Request, 90 Fed. Reg. at 24,112.

¹¹⁶ Enviro. Advocates Pleading at 11.

¹¹⁷ See, e.g., *id.* at 12-13 (discussing “mounting scientific evidence highlighting the substantial risk of extreme weather events facing infrastructure like Delfin LNG along the Gulf Coast,” and arguing that DOE must consider such evidence “in its public interest analysis”).

¹¹⁸ *Id.* at 9.

have become final and unappealable.”¹¹⁹ Environmental Advocates’ statements about impacts to natural gas prices and similar issues are factually inaccurate and contradicted by DOE’s findings in the 2024 LNG Export Study (as Delfin points out),¹²⁰ but as a threshold matter, Delfin’s generalized arguments about LNG exports are beyond the scope of this proceeding. DOE is considering only whether Delfin has shown good cause for the requested two-year extension, until June 1, 2031, to commence its non-FTA exports.

Similarly, Environmental Advocates’ arguments concerning alleged impacts from and risks to LNG terminals and associated infrastructure are beyond the scope of this proceeding and are not presented to the correct agency, as MARAD and FERC exercise such authority for offshore and onshore LNG terminals, respectively.¹²¹ Their other environmental arguments, ranging from concerns about GHG emissions from LNG exports to potential risks to whales and other protected animal populations, are also beyond the scope of this proceeding, as DOE does not have statutory authority over such issues under either NGA section 3(a) or NEPA.¹²² Although Environmental Advocates briefly mention GHG emissions resulting from the “transportation” of LNG to be exported by Delfin,¹²³ we note that DOE has concluded that the

¹¹⁹ *Lake Charles LNG Export Co., LLC*, DOE/FECM Order Nos. 3868-E and 4010-E, Docket Nos. 13-04-LNG and 16-109-LNG, Order Amending Long-Term Authorizations to Export Liquefied Natural Gas to Non-Free Trade Agreement Countries, at 30 (Aug. 22, 2025) (quoting *Port Arthur LNG, LLC and Port Arthur Pipeline, LLC*, Order Granting Extension of Time, 181 FERC ¶ 61,024 (Oct. 13, 2022) (Danly, Comm’r, concurring) (emphasis added) (FERC granting extension of Port Arthur’s construction and in-service deadline for its liquefaction and pipeline projects)).

¹²⁰ Delfin Answer at 4. Environmental Advocates also do not acknowledge that DOE evaluated potential impacts to domestic energy prices and natural gas supply and reached contrary conclusions in issuing Order No. 4028 based on a substantial evidentiary record (and, several years later, in extending the export term in that authorization through December 31, 2050). *See, e.g., Delfin LNG LLC*, DOE/FE Order No. 4028, at 138 (finding that “the evidence shows that the market will be capable of sustaining the level of exports proposed [by Delfin] over the term of the requested authorization without significant negative price or other impacts”—including impacts to domestic supplies of natural gas).

¹²¹ *See, e.g., Delfin Answer* at 5-6.

¹²² *See, e.g., Venture Global CP2 LNG, LLC*, DOE/FECM Order No. 5264-A, Docket No. 21-131-LNG, Final Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations, at 13-15, 55-57 (Oct. 21, 2025) (citing, *e.g., Seven Cnty. Infrastructure Coal. v. Eagle Cnty., Colo.*, 605 U.S. 168, 145 S.Ct. 1497 (2025)).

¹²³ Enviro. Advocates Pleading at 6.

“potential environmental effects associated with marine transport, the only reasonably foreseeable environmental impacts associated with DOE natural gas export authorizations, are minimal,”¹²⁴ and such impacts are considered in this proceeding by DOE’s categorical exclusion under NEPA.¹²⁵

Next, we note that the protest does not mention the good cause standard at all; rather, Environmental Advocates repeatedly argue that the requested extension “would be contrary to the public interest” under NGA section 3(a).¹²⁶ Despite both DOE’s longstanding precedent and recent statements published in the *Federal Register* concerning the standard of review in these proceedings, Environmental Advocates contend that, “in deciding whether to grant an extension request, DOE should and must consider whether such a request is in the public interest.”¹²⁷ This assertion has no legal support, as indicated by the lack of authority cited by Environmental Advocates.¹²⁸ Similarly, there is no basis—and Environmental Advocates cite none—for their claim that “reopening” an “initial authorization” to change the export commencement deadline makes it “appropriate to reopen it for other purposes as well.”¹²⁹

We reiterate that “[e]xtension of time proceedings are not an invitation” to re-litigate the issuance of non-FTA authorizations under the public interest standard of NGA section 3(a).¹³⁰ Thus, contrary to Environmental Advocates’ assertions, no facts associated with Delfin’s non-

¹²⁴ U.S. Dep’t of Energy, National Environmental Policy Act Implementing Procedures, Final Rule, 85 Fed. Reg. 78,197, at 78,199 (Dec. 4, 2020) (emphasis added) (citing *Dep’t of Transp. v. Pub. Citizen*, 541 U.S. 752, 767-68 (2004) [hereinafter NEPA Implementing Procedures Final Rule]).

¹²⁵ See 10 C.F.R. Part 1021, Subpt. D, App. B, Categorical Exclusion B5.7. This categorical exclusion amended the prior B5.7 categorical exclusion. See generally NEPA Implementing Procedures Final Rule, 85 Fed. Reg. 78,197; see also *supra* § I and § V.B.

¹²⁶ Enviro. Advocates Pleading at 2.

¹²⁷ *Id.* at 9 (emphasis added).

¹²⁸ Indeed, several of Environmental Advocates’ arguments not only lack a legal basis but do not make sense, such as their claim that “reconsideration of the prior determinations does not affect [Delfin’s] initial authorization.” *Id.*

¹²⁹ *Id.*

¹³⁰ *Port Arthur LNG, LLC and Port Arthur Pipeline, LLC*, Order Granting Extension of Time, 181 FERC ¶ 61,024, at P 12.

FTA authorization (Order No. 4028, as amended) are at issue here beyond the additional time period for Delfin to commence export operations, and we reject any such arguments as beyond the scope of this proceeding.¹³¹

To the extent more recent data is relevant, we agree with Delfin that DOE's 2024 LNG Export Study supports continued exports of U.S. LNG on the basis of far-reaching positive benefits to the U.S. economy and energy security.¹³² Finally, we note that the requested extension does not affect the cumulative volume of non-FTA exports that DOE has approved to date.¹³³

2. Demonstration of Good Cause for Extension

In support of its requested two-year extension, Delfin states that under its negotiated EPCI contract with SHI, it can reach commercial exports in slightly less than five years, “but that timeline commences only when the EPCI contract is executed.”¹³⁴ Indeed, in the 2024 Request proceeding, Delfin stated that “[t]he only uncertainty regarding [the Project] construction timeline is when Delfin can commit to the EPCI agreement, which is being held up not by any commercial impediments but instead by regulatory issues.”¹³⁵ With MARAD having issued the

¹³¹ See, e.g., *Port Arthur LNG, LLC*, DOE/FECM Order Nos. 3698-C and 4372-B, Docket Nos. 15-53-LNG, *et al.*, Order Granting Application to Extend Term to Begin Exports of Liquefied Natural Gas to Free Trade Agreement Countries and to Extend Deadline to Commence Exports of Liquefied Natural Gas to Non-Free Trade Agreement Countries, at 14 (Apr. 21, 2023) (“Because this proceeding involves only the requested commencement extension, we find that any objections about LNG exports beyond that issue are not relevant.”).

¹³² See, e.g., Response to Comments at 46-48. Although the 2024 Study included an environmental analysis, DOE has determined that it is appropriate to rely “only on the economic analysis in the 2024 Study, as well as DOE’s related findings on energy security.” *Venture Global Calcasieu Pass, LLC*, DOE/FECM Order No. 4346-B, at 15-16 (citations omitted).

¹³³ See *Venture Global CP2 LNG, LLC*, DOE/FECM Order No. 5264-A, Docket No. 21-131-LNG, Final Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations, at 58-63 (Oct. 21, 2025). In each non-FTA authorization, DOE also examines the potential impact of LNG exports on domestic natural gas prices based on DOE’s cumulative volume of non-FTA exports approved to date. See *id.* at 45-47.

¹³⁴ Request at 13 (emphasis added). We note that Delfin has consistently made this point, in its 2024 Request (at 27-28) through the current extension proceeding.

¹³⁵ Delfin LNG LLC, Answer of Delfin LNG LLC to Interventions, Comments and Protests of its Requested Extension of Time, Docket Nos. 13-129-LNG and 13-147-LNG, at 10 (May 14, 2024), *quoted in* Request at 13 n.43.

DWPA License to Delfin on March 21, 2025 (as well as DOE granting Delfin’s first commencement extension on March 10, 2025), Delfin states that its regulatory issues are resolved and its Project has been “significantly advanced.”¹³⁶ Therefore, according to Delfin, it is currently: (i) working with SHI to refresh the pricing for its EPCI contract, finalize and execute the contract, and secure a shipyard slot for the FLNGV construction; (ii) undertaking financing efforts, and (iii) on track to reach FID for its first FLNNG this year.¹³⁷ Based on its foreseeable timeline, Delfin “now expects to commence commercial operations in the second half of 2030.”¹³⁸ Thus, Delfin is requesting the additional two-year extension—from June 1, 2029, to June 1, 2031—to “provide some additional buffer” past the second half of 2030 to accommodate “potential unexpected delays, and to provide comfort for financing parties regarding the elimination of any need for a future extension.”¹³⁹

Upon review of the record, we agree with Delfin that this extension is appropriate and necessary to support its development of the Project, “furthering the public interest . . . in exports of abundant domestic natural gas” under NGA section 3(a) and as directed by E.O. 14154. We find that Delfin is continuing to advance the Project beyond the facts presented in its 2024 Request, including by signing a heads of agreement with the German state-owned company SEFE on March 25, 2025, and negotiating with other potential customers for additional LNG offtake agreements.¹⁴⁰ We also note that Environmental Advocates do not dispute any of the facts presented by Delfin supporting its extension request, and that all of the commenters in this proceeding support a grant of the extension.¹⁴¹

¹³⁶ Request at 12.

¹³⁷ *See id.* at 12-13.

¹³⁸ *Id.* at 13.

¹³⁹ *Id.*

¹⁴⁰ *Id.* at 12; *see also supra* § III.

¹⁴¹ *See supra* §§ IV.A-B.

In sum, we find that Delfin has shown that it made good faith efforts to meet its prior export commencement deadline (June 1, 2029), but that it encountered regulatory delays that were not resolved until MARAD issued the DWPA License earlier this year. We also note that Delfin has taken a modest, incremental approach to seeking its export commencement extensions, which further supports the reasonableness of the current extension. For all of these reasons, we find that Delfin has shown good cause for the additional two-year extension.

3. Other Considerations

Delfin is authorized to export LNG under Order No. 4028 (as amended) through December 31, 2050—*i.e.*, for approximately 19 years after the requested export commencement date of June 1, 2031. The two-year commencement extension requested by Delfin is modest in the context of this export term. Moreover, because the term of Delfin’s non-FTA authorization ends on December 31, 2050, and its 2024 export volume is fixed (657.5 Bcf/yr of natural gas), a grant of the requested extension will postpone the commencement deadline and thus could result in a *lower* total volume of LNG exports over the term of the authorization. Nonetheless, based on the evidence discussed herein, we find that the requested extension would support the economic and energy security benefits identified by DOE in approving the exports in Order No. 4028.

B. Environmental Review

DOE’s NEPA procedures provide for a categorical exclusion if neither an environmental assessment nor an environmental impact statement is required—specifically, categorical exclusion B5.7, *Export of natural gas and associated transportation by marine vessel*.¹⁴² As noted above, on November 24, 2025, DOE issued a categorical exclusion determination for these

¹⁴² See 10 C.F.R. Part 1021, Subpt. D, App. B, Categorical Exclusion B5.7.

amendments to Delfin's non-FTA authorization.¹⁴³

C. Conclusion

DOE has reviewed the evidence in the record, including Environmental Advocates' protest, Delfin's answer to the protest, and the comments supporting the extension. Based on this record, DOE finds that Delfin has demonstrated good cause for the requested commencement extension, which Environmental Advocates have failed to overcome. Accordingly, DOE grants the portion of the Request asking for the commencement extension. Delfin now has until June 1, 2031, to commence exports from the Project to non-FTA countries under Order No. 4028, as amended.

Additionally, as discussed above, DOE finds that it is necessary and appropriate to amend Delfin's authorizations to provide three additional years for Delfin to export the approved FTA and non-FTA volumes of LNG under Order Nos. 3393 and 4028, respectively (a combined total of 657.5 Bcf/yr of natural gas), beyond the export term for each authorization ending on December 31, 2050 (Make-Up Period).¹⁴⁴ During this Make-Up Period, which will extend through December 31, 2053, Delfin will be permitted to export any approved volume of LNG that it is unable to export during the original export term (the Make-Up Volume).¹⁴⁵

¹⁴³ See *supra* note 39 (Categorical Exclusion Determination).

¹⁴⁴ 15 U.S.C. § 717o; see *supra* notes 7 & 9 (citing DOE/FE Order Nos. 3393-A and 4028-B, which previously extended the export term for each order through December 31, 2050).

¹⁴⁵ See *supra* at 6.

VI. ORDER

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

DOE/FE Order No. 3393 (Docket No. 13-129-LNG, FTA Authorization)

A. Ordering Paragraph A of Order No. 3393, as amended, is further amended to state in full:

Delfin LNG LLC (Delfin) is authorized to export domestically produced LNG by vessel from the proposed floating Liquefaction Project to be located in West Cameron Blocks 167, 319, 327, 328, 334, and 335 of the Gulf of America.¹⁴⁶ The volume authorized in this Order is up to the equivalent of 657.5 Bcf/yr of natural gas for a term beginning on the date of first export and extending through December 31, 2050. Delfin may continue exporting any Make-Up Volume for a three-year Make-Up period following this export term, *i.e.*, through December 31, 2053.¹⁴⁷ Delfin 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.¹⁴⁸

This amended Ordering Paragraph A supersedes Ordering Paragraph A in Order No. 3393, as previously amended, in its entirety.

¹⁴⁶ See E.O. 14172, *supra* note 6.

¹⁴⁷ This three-year Make-Up Period does not affect or modify Delfin's approved FTA or non-FTA volumes (a combined total of 657.5 Bcf/yr of natural gas). Insofar as Delfin may seek to export additional volumes not previously authorized, it will be required to obtain appropriate authorization from DOE.

¹⁴⁸ 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. 2243 (Jan. 12, 2021).

DOE/FE Order No. 4028 (Docket No. 13-147-LNG, Non-FTA Authorization)

B. Ordering Paragraph A of Order No. 4028, as amended, is further amended to state in full:

Delfin LNG LLC (Delfin) is authorized to export domestically produced LNG by vessel from the proposed floating Liquefaction Project to be located in West Cameron Blocks 167, 319, 327, 328, 334, and 335 of the Gulf of America.¹⁴⁹ Delfin is authorized to export this LNG in a volume equivalent to 657.5 Bcf/yr of natural gas 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.¹⁵⁰

This amended Ordering Paragraph A supersedes Ordering Paragraph A in Order No. 4028, as previously amended, in its entirety.

C. Ordering Paragraph B of Order No. 4028, as amended, is further amended to state in full:

The authorization period will commence when Delfin commences export of domestically sourced LNG from the proposed floating Liquefaction Project and will extend through December 31, 2050. Delfin may continue exporting any Make-Up volume for a three-year Make-Up period following this export term, *i.e.* through December 31, 2053.¹⁵¹

¹⁴⁹ See E.O. 14172, *supra* note 6.

¹⁵⁰ 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. 2243 (Jan. 12, 2021).

¹⁵¹ This three-year Make-Up Period does not affect or modify Delfin's approved FTA or non-FTA volumes (a combined total of 657.5 Bcf/yr of natural gas). Insofar as Delfin may seek to export additional volumes not previously authorized, it will be required to obtain appropriate authorization from DOE.

This amended Ordering Paragraph B supersedes Ordering Paragraph B in Order No. 4028, as previously amended, in its entirety.

D. Ordering Paragraph D of DOE/FE Order No. 4028, as amended, is further amended to state in full:

Delfin must commence export operations using the planned floating Liquefaction Project no later than June 1, 2031.

E. Any reference to a prior export commencement deadline in the Terms and Conditions or Ordering Paragraphs of DOE/FE Order No. 4028, as amended, is now superseded.

F. All other obligations, rights, and responsibilities established by DOE/FE Order Nos. 3393 and 4028, both as amended, remain in effect.

Issued in Washington, D.C., on November 25, 2025.

Amy Sweeney
Director, Office of Regulation, Analysis, and Engagement
Office of Resource Sustainability