

UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
HYDROCARBONS AND GEOTHERMAL ENERGY OFFICE

SOUTHERN LNG COMPANY, L.L.C.

)
) DOCKET NO. 23-109-LNG
)

ORDER GRANTING LONG-TERM AUTHORIZATION
TO EXPORT LIQUEFIED NATURAL GAS
TO NON-FREE TRADE AGREEMENT NATIONS

DOE/HGEO ORDER NO. 5404

APRIL 2, 2026

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FREQUENTLY USED ACRONYMS

AEO	Annual Energy Outlook
Bcf/d	Billion Cubic Feet per Day
Bcf/yr	Billion Cubic Feet per Year
DOE	U.S. Department of Energy
EIA	U.S. Energy Information Administration
ELC	Elba Liquefaction Company, L.L.C.
FE	Office of Fossil Energy (prior to July 4, 2021)
FECM	Office of Fossil Energy and Carbon Management (from July 4, 2021 through November 19, 2025)
FERC	Federal Energy Regulatory Commission
FTA	Free Trade Agreement
GDP	Gross Domestic Product
GHG	Greenhouse Gas
HGEO	Hydrocarbons and Geothermal Energy Office (as of November 20, 2025)
IEEFA	Institute for Energy Economics and Financial Analysis
LNG	Liquefied Natural Gas
Mcf	Thousand Cubic Feet
MMBtu	Million British Thermal Units
MMLS	Movable Modular Liquefaction System
mtpa	Million Metric Tons per Annum
NEPA	National Environmental Policy Act
NGA	Natural Gas Act
SLNG	Southern LNG Company, L.L.C.
STEO	Short-Term Energy Outlook
Tcf	Trillion Cubic Feet

I. INTRODUCTION

On September 25, 2023, Southern LNG Company, L.L.C. (SLNG) filed an application (Application)¹ with the Department of Energy’s (DOE) Office of Fossil Energy and Carbon Management (FECM) (now known as the Hydrocarbons and Geothermal Energy Office)² under section 3(a) of the Natural Gas Act (NGA).³ SLNG requests authorization to “engage in additional long-term, multi-contract exports of domestically produced liquefied natural gas” (LNG) in a volume equivalent to 28.25 billion cubic feet (Bcf) per year (Bcf/yr) of natural gas (approximately 0.08 Bcf per day (Bcf/d)) from its Elba Island Terminal (or Liquefaction Project), located in Chatham County, Georgia.⁴ SLNG seeks to export the LNG to any country with which the United States does not have a free trade agreement (FTA) requiring national treatment for trade in natural gas,⁵ and with which trade is not prohibited by U.S. law or policy (non-FTA countries).⁶ SLNG requests authorization to engage in these exports, on its own behalf and as agent for other entities that hold title to the LNG, for a term through December 31, 2050.⁷

In the Application, SLNG requests authority to export this LNG by vessel.⁸

¹ Southern LNG Company, L.L.C. Application for Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations, Docket No. 23-109-LNG (Sep. 25, 2023) [hereinafter SLNG App.].

² The Office of Fossil Energy (FE) changed its name to the Office of Fossil Energy and Carbon Management (FECM) on July 4, 2021. Subsequently, on November 20, 2025, FECM changed its name to the Hydrocarbons and Geothermal Energy Office (HGEO). DOE uses the acronym in effect at the time of each order or action discussed herein.

³ 15 U.S.C. § 717b(a). 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 (now the Assistant Secretary for HGEO) in Redelegation Order No. S4-DEL-FE1-2023, issued on April 10, 2023.

⁴ See SLNG App. at 1, 3. Any number discrepancies are due to rounding. As noted below, the Elba Island Terminal is currently operating.

⁵ 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.

⁶ 15 U.S.C. § 717b(a); see SLNG App. at 1.

⁷ SLNG App. at 1.

⁸ *Id.* at 3.

Subsequently, on July 31, 2025, SLNG filed an amendment application (Amendment Application),⁹ as supplemented on September 11, 2025 (Supplement),¹⁰ asking DOE to amend the original Application to allow exports in two additional ways: (i) in approved International Organization for Standardization (ISO) containers loaded onto vessels; and (ii) in bulk, loaded into 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).¹¹ On December 22, 2025, DOE issued a consolidated order that, as relevant here, accepted SLNG's amendment to the Application.¹²

Previously, in DOE/FE Order No. 3956, as amended (Docket No. 12-100-LNG),¹³ DOE authorized SLNG to export domestically produced LNG from the Elba Island Terminal to non-FTA countries in a volume equivalent to 130 Bcf/yr of natural gas for a term through December 31, 2050.¹⁴ That volume was equivalent to the maximum liquefaction capacity of the Elba

⁹ 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.].

¹⁰ 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, *et al.* (Sep. 11, 2025) [hereinafter Amendment App. Supp.].

¹¹ See 10 C.F.R. § 590.204(a); *see also, e.g.*, Amendment App. Supp. at 1, 3 n.8 (citing *JAX LNG, LLC*, DOE/FECM Order No. 5233-A, Docket No. 24-73-LNG, Order Granting Request for Rehearing and Clarification and Modifying Order (Feb. 25, 2025) (DOE's order asserting jurisdiction over certain bunkering activities)).

¹² *Southern LNG Co., L.L.C.*, DOE/FECM Order Nos. 3106-B and 3956-B, Docket Nos. 12-54-LNG, *et al.*, Order Amending Long-Term Authorizations to Export Liquefied Natural Gas to Free Trade Agreement and Non-Free Trade Agreement Nations, and Amending Pending Application, at 3, 5-6 (Dec. 22, 2025).

¹³ *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), *further amended by* DOE/FECM Order No. 3956-B (Dec. 22, 2025) (authorizing additional export activities).

¹⁴ Additionally, in DOE/FE Order No. 3106, as amended (Docket No. 12-54-LNG), SLNG is authorized to export domestically produced LNG from the Elba Island Terminal to FTA countries (*see supra* note 5) in a volume equivalent to 182.5 Bcf/yr of natural gas on a non-additive basis for a term through December 31, 2050. *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), *further*

Island Terminal (2.5 million tons per annum (mtpa)) approved by the Federal Energy Regulatory Commission (FERC) in 2016.¹⁵ SLNG began exporting LNG from the Terminal in 2019.¹⁶

SLNG states that, on April 28, 2023, it filed an application with FERC (2023 FERC Application)¹⁷ seeking authorization “to make modifications to [its] existing liquefaction facilities and install and operate a new condensate plant and liquid nitrogen vaporizers,” which it refers to as the “Elba Liquefaction Optimization Project.”¹⁸ SLNG states that, through these modifications, the maximum liquefaction capacity at the Elba Island Terminal will increase from 130 Bcf/yr to 158.25 Bcf/yr of natural gas—for an additional 28.25 Bcf/yr in capacity.¹⁹ SLNG further states that it seeks to export the additional 28.25 Bcf/yr of natural gas to non-FTA countries to align its total approved non-FTA export volume with the Project’s maximum liquefaction capacity as reflected in its 2023 FERC Application.²⁰

We take administrative notice that, on November 21, 2024, FERC granted the 2023 FERC Application, authorizing an increase in the Elba Island Terminal’s production capacity from 2.5 mtpa to 2.9 mtpa of LNG.²¹ FERC concluded that “the amendment application and related filings contain adequate support to justify the proposed 0.4 [mtpa] increase of authorized

amended by DOE/FECM Order No. 3106-B (Dec. 22, 2025) (authorizing additional export activities). SLNG’s FTA order is not at issue in this proceeding.

¹⁵ See *Southern LNG Co., L.L.C.*, DOE/FE Order No. 3956, at 2 (stating that, “while lower than the requested volume of 182.5 Bcf/yr, this authorization is estimated by DOE to be equivalent to the maximum annual liquefaction capacity of the [Elba Island Terminal] (2.5 mtpa)”); see also *id.* at 1 n.4 (citing *Elba Liquefaction Co., L.L.C., et al.*, Order Granting Section 3 and Section 7 Authorizations, FERC Docket Nos. CP14-103-000 and CP14-115-000, 155 FERC ¶ 61,219 (2016)).

¹⁶ Amendment App. at 2.

¹⁷ See *Elba Liquefaction Company, L.L.C., et al.*, Application to Amend Authorization Under Section 3 of the Natural Gas Act, FERC Docket No. CP23-375-000 (Apr. 28, 2023) [hereinafter 2023 FERC App.].

¹⁸ SLNG App. at 2-3 & n.4 (citing 2023 FERC App.).

¹⁹ *Id.* at 2-3.

²⁰ *Id.* at 3.

²¹ See *Elba Liquefaction Company, L.L.C., et al.*, Order Amending Authorization Under Section 3 of the Natural Gas Act, FERC Docket No. CP23-375-000, 189 FERC ¶ 61,133 at PP 1, 6 & n.20 (2024), https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20241121-3047 [hereinafter FERC Amendment Order], as amended Errata Notice (Nov. 22, 2024), https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20241122-3097.

liquefaction capacity.”²²

DOE published a notice of the Application in the *Federal Register* (Notice of Application) on October 24, 2023.²³ The Notice of Application called on interested persons to submit protests, motions to intervene, notices of intervention, and comments by December 26, 2023.²⁴ In response to the Notice of Application, DOE received the following two timely-filed documents: (i) a Motion to Intervene and Protest filed by Public Citizen, Inc. (Public Citizen);²⁵ and (ii) a comment from Institute for Energy Economics and Financial Analysis (IEEFA) opposing the Application.²⁶ On February 20, 2024, SLNG submitted an “Answer and Renewed Request for Approval.”²⁷

DOE has reviewed the Application (as amended by the Amendment Application and Supplement), Public Citizen’s Pleading, IEEFA’s comment opposing the Application, SLNG’s Answer, relevant portions of DOE’s 2024 LNG Export Study (or the 2024 Study),²⁸ the public comments received on the 2024 Study, and DOE’s Response to Comments on the 2024 Study,²⁹

²² FERC Amendment Order at P 6.

²³ Southern LNG Company, L.L.C., Application for Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations; Notice of Application, 88 Fed. Reg. 73,008 (Oct. 24, 2023). DOE separately provided notice in the *Federal Register* of the Amendment Application and Supplement. *See Southern LNG Co., L.L.C.*, DOE/FECM Order Nos. 3106-B and 3956-B, at 4 (discussing public notice and stating that SLNG’s Amendment Application and Supplement were uncontested).

²⁴ 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).

²⁵ Public Citizen, Inc., Intervention and Protest, Docket No. 23-109-LNG (Dec. 26, 2023) [hereinafter Public Citizen Pleading].

²⁶ *See* Comments of the Institute for Energy Economics and Financial Analysis, Docket No. 23-109-LNG (Dec. 20, 2023) [hereinafter IEEFA Comment].

²⁷ Southern LNG Company, L.L.C., Answer to Protest and Renewed Request for Approval, Docket No. 23-109-LNG (Feb. 20, 2024) [hereinafter SLNG Answer].

²⁸ 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); *see also infra* § III (DOE’s 2024 LNG Export Study).

²⁹ 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* (May 19, 2025), https://www.energy.gov/sites/default/files/2025-05/2024%20LNG%20Export%20Study_Response%20to%20Comments_Final_05.19.2025.pdf [hereinafter Response to Comments]. DOE published a Notice of Availability of the Response to Comments on

among other evidence discussed below. On the basis of this substantial administrative record, and taking into account the considerations directed by Executive Order (E.O.) 14154, *Unleashing American Energy*,³⁰ DOE has determined that it has not been shown that SLNG's proposed exports of LNG to non-FTA countries will be inconsistent with the public interest, as would be required to deny the Application under NGA section 3(a).

DOE notes that, while SLNG is already authorized to export the requested amount of LNG from the Elba Island Terminal to FTA countries,³¹ this Order will give SLNG the flexibility to allow exports to non-FTA countries consistent with the maximum production capacity authorized by FERC. Moreover, DOE finds that SLNG's non-FTA exports are likely to yield economic benefits to the United States, diversify global LNG supplies, and improve energy security for U.S. allies and trading partners over the course of the export term. DOE further finds that granting the requested authorization is unlikely to adversely affect the availability of natural gas supplies to domestic consumers or result in natural gas price increases to the extent that they would negate the economic benefits to the United States.

To comply with the National Environmental Policy Act of 1969 (NEPA),³² DOE is relying on a categorical exclusion from the preparation of an environmental impact statement (EIS) or environmental assessment (EA) under NEPA for the Application (Categorical Exclusion). Specifically, DOE is applying categorical exclusion B5.7, *Export of natural gas and*

May 22, 2025. See U.S. Dep't of Energy, Notice of Availability of Response to Comments for 2024 LNG Export Study: Energy, Economic, and Environmental Assessment of U.S. LNG Exports, 90 Fed. Reg. 21,912 (May 22, 2025).

³⁰ Exec. Order No. 14154 of January 20, 2025, *Unleashing American Energy*, 90 Fed. Reg. 8353, 8357 (Jan. 29, 2025), <https://www.govinfo.gov/content/pkg/FR-2025-01-29/pdf/2025-01956.pdf> [hereinafter E.O. 14154] (directing the Secretary of Energy to “consider the economic and employment impacts to the United States and the impact to the security of allies and partners that would result from granting the [non-FTA] application”); see *infra* § II.D.

³¹ See SLNG App. at 3.

³² 42 U.S.C. § 4321 *et seq.*

*associated transportation by marine vessel.*³³ This Order grants, without further review, the Application, as amended by the Amendment Application and Supplement, on the basis of this Categorical Exclusion.

In sum, DOE grants the Application, as amended by the Amendment Application and Supplement, in the full volume requested—28.25 Bcf/yr of natural gas, or approximately 0.08 Bcf/d—subject to the Terms and Conditions and Ordering Paragraphs set forth herein. This non-FTA export volume is additive to SLNG’s non-FTA export volume authorized in Order No. 3956, as amended. Because the non-FTA volumes totaling 158.25 Bcf/yr of natural gas reflect the maximum liquefaction capacity of the Elba Island Terminal as approved by FERC, the non-FTA volumes are not additive to SLNG’s approved FTA volume in Order No. 3106, as amended.³⁴

Additionally, this Order brings DOE’s cumulative total of approved non-FTA exports of LNG from the lower-48 states to 53.80 Bcf/d of natural gas (across 45 final orders, including this Order).³⁵

³³ 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); see *infra* § II.C.

³⁴ See *supra* note 14.

³⁵ Final non-FTA orders that were later vacated or that expired are not included in this total volume. See *infra* § VIII.G (identifying long-term orders vacated and expired to date). Additionally, DOE has issued one final long-term order authorizing exports of LNG produced from a proposed facility to be constructed in Alaska to non-FTA countries. See *Alaska LNG Project LLC*, DOE/FE Order No. 3643-A, Docket No. 14-96-LNG, Final Opinion and Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations (Aug. 20, 2020) (as subsequently amended in DOE/FECM Order No. 3643-C); see also *Sierra Club v. U.S. Dep’t of Energy*, 134 F.4th 568 (D.C. Cir. 2025) (denying petition for review of Alaska LNG order). The Alaska LNG volume (2.55 Bcf/d) is not included in the volumes discussed in this Order, which generally involve the export of LNG produced from the lower-48 states. Because there is no natural gas pipeline interconnection between Alaska and the lower-48 states, DOE generally views those LNG export markets as distinct.

II. BACKGROUND

A. DOE's Prior LNG Studies

Previously, DOE has relied on the following studies to inform its review of applications to export LNG to non-FTA countries under NGA section 3(a):

- DOE's economic study referred to as the 2018 LNG Export Study—the fifth economic study conducted by DOE for use in LNG export decisions—which assessed the effects of varying levels of LNG exports from the lower-48 states to non-FTA countries for the time period 2020-2050;³⁶
- DOE's environmental study referred to as the Addendum,³⁷ which was developed in 2014 to inform DOE's public interest evaluation on potential environmental impacts of unconventional natural gas exploration and production activities, including hydraulic fracturing; and
- DOE's environmental studies referred to as the 2014 Life Cycle Greenhouse Gas Report (or the LCA GHG Report)³⁸ and the 2019 LCA GHG Update (or the 2019 Update),³⁹ which calculated the life cycle greenhouse gas (GHG) emissions for LNG exported from the United States.

DOE commenced the 2024 LNG Export Study to provide an updated understanding of the potential effects of U.S. LNG exports on both economic and environmental considerations.⁴⁰ As explained below, DOE finds that only the economic and energy security portions of the 2024 Study are relevant to this proceeding.

³⁶ See U.S. Dep't of Energy, Study on Macroeconomic Outcomes of LNG Exports; Notice of Availability of the 2018 LNG Export Study and Request for Comments, 83 Fed. Reg. 27,314 (June 12, 2018); U.S. Dep't of Energy, Study on Macroeconomic Outcomes of LNG Exports; Response to Comments Received on Study, 83 Fed. Reg. 67,251 (Dec. 28, 2018). Prior to the 2018 Study, DOE had relied on economic studies evaluating LNG exports conducted in 2011, 2012, 2014, and 2015. See *id.* at 67,254-55.

³⁷ See U.S. Dep't of Energy, Addendum to Environmental Review Documents Concerning Exports of Natural Gas From the United States, 79 Fed. Reg. 48,132 (Aug. 15, 2014); see also <https://www.energy.gov/hgeo/addendum-environmental-review-documents-concerning-exports-natural-gas-united-states> (related documents).

³⁸ See U.S. Dep't of Energy, Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas From the United States, 79 Fed. Reg. 32,260 (June 4, 2014). DOE announced the availability of this report on its website on May 29, 2014. "LCA" refers to the life cycle analysis (LCA) model used in DOE's GHG analyses.

³⁹ See, e.g., Nat'l Energy Tech. Lab., *Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas from the United States: 2019 Update* (DOE/NETL- 2019/2041) (Sep. 12, 2019), <https://www.energy.gov/sites/prod/files/2019/09/f66/2019%20NETL%20LCA-GHG%20Report.pdf>; U.S. Dep't of Energy, Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas From the United States; Notice of Availability of Report Entitled Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas From the United States: 2019 Update and Request for Comments, 84 Fed. Reg. 49,278 (Sep. 19, 2019).

⁴⁰ See *infra* § III.

B. Judicial Decisions Upholding DOE's Non-FTA Authorizations

In 2015 and 2016, Sierra Club petitioned the U.S. Court of Appeals for the District of Columbia Circuit (D.C. Circuit) for review of five long-term LNG export authorizations issued by DOE. The D.C. Circuit denied four of the five petitions for review: one in a published decision issued in August 2017 (*Sierra Club I*),⁴¹ and three in a consolidated, unpublished opinion issued in November 2017 (*Sierra Club II*).⁴² Sierra Club withdrew its fifth and remaining petition for review.⁴³

In *Sierra Club I*, the D.C. Circuit concluded that DOE had complied with both NGA section 3(a) and NEPA in issuing the challenged non-FTA authorization to Freeport LNG Expansion, L.P. and its related entities (collectively, Freeport). DOE had granted the Freeport application, finding that Freeport's proposed exports were not inconsistent with the public interest under NGA section 3(a). DOE also considered and disclosed the potential environmental impacts of its decision under NEPA. Sierra Club petitioned for review of the Freeport authorization, arguing that DOE fell short of its obligations under both the NGA and NEPA. The D.C. Circuit rejected Sierra Club's arguments in a unanimous decision, holding that, "Sierra Club has given us no reason to question the Department's judgment that the [Freeport] application is not inconsistent with the public interest."⁴⁴

Subsequently, in the consolidated *Sierra Club II* opinion, the D.C. Circuit ruled that "[t]he court's decision in [*Sierra Club I*] largely governs the resolution of the [three] instant

⁴¹ *Sierra Club v. U.S. Dep't of Energy*, 867 F.3d 189 (D.C. Cir. 2017) [hereinafter *Sierra Club I*] (denying petition for review of the LNG export authorization issued to Freeport LNG Expansion, L.P., *et al.*).

⁴² *Sierra Club v. U.S. Dep't of Energy*, 703 Fed. App'x 1 (D.C. Cir. 2017) [hereinafter *Sierra Club II*] (denying petitions for review in Nos. 16-1186, 16-1252, and 16-1253 of the LNG export authorizations issued to Dominion Cove Point LNG, LP; Sabine Pass Liquefaction, LLC; and Cheniere Marketing, LLC and Corpus Christi Liquefaction, LLC, respectively).

⁴³ See *Sierra Club v. U.S. Dep't of Energy*, No. 16-1426, Per Curiam Order (D.C. Cir. 2018) (granting Sierra Club's unopposed motion for voluntary dismissal).

⁴⁴ *Sierra Club I*, 867 F.3d at 203.

cases.”⁴⁵ Upon its review of the remaining “narrow issues” in those cases, the Court again rejected Sierra Club’s arguments under the NGA and NEPA, and upheld DOE’s actions in issuing the non-FTA authorizations in those proceedings.⁴⁶

The D.C. Circuit’s decisions in *Sierra Club I* and *II* continue to guide DOE’s review of applications to export LNG to non-FTA countries.⁴⁷

C. DOE’s Categorical Exclusion and Marine Transport Technical Support Document

In 2020, DOE revised its NEPA procedures that provide for a categorical exclusion if neither an EIS nor an EA is required—specifically, by promulgating a revised categorical exclusion B5.7, *Export of natural gas and associated transportation by marine vessel* (B5.7 categorical exclusion).⁴⁸

In the accompanying final rule, DOE stated that the revision to the B5.7 categorical exclusion was intended to “focus exclusively on the analysis of potential environmental impacts resulting from activities occurring at or after the point of export, which are within the scope of DOE’s export authorization authority under the NGA.”⁴⁹ DOE found that “[s]uch impacts begin at the point of export and are limited to the marine transport effects.”⁵⁰

DOE explained that this revised categorical exclusion follows both the Supreme Court’s holding in *Department of Transportation v. Public Citizen (Public Citizen)*,⁵¹ and the D.C.

⁴⁵ *Sierra Club II*, 703 Fed. App’x at *2.

⁴⁶ *Id.* For a more detailed discussion of *Sierra Club I* and *Sierra Club II*, see *Freeport LNG Expansion, L.P., et al.*, DOE/FECM Order No. 4961, Docket No. 21-98-LNG, Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations, at 21-24 (Mar. 3, 2023).

⁴⁷ See, e.g., DOE/FECM Order No. 4961, at 24.

⁴⁸ See U.S. Dep’t of Energy, National Environmental Policy Act Implementing Procedures, Final Rule, 85 Fed. Reg. 78,197 (Dec. 4, 2020) [hereinafter NEPA Implementing Procedures Final Rule]; see also 10 C.F.R. Part 1021, Subpt. D, App. B, Categorical Exclusion B5.7.

⁴⁹ NEPA Implementing Procedures Final Rule, 85 Fed. Reg. at 78,197.

⁵⁰ *Id.* at 78,197; see also *id.* at 78,197 n.9 (“DOE defines export activities as starting at the point of delivery to the export vessel, and extending to the territorial waters of the receiving country.”); *id.* at 78,198 (“These potential impacts would occur at or after the point of export to non-FTA countries.”).

⁵¹ *Dep’t of Transp. v. Pub. Citizen*, 541 U.S. 752 (2004) [hereinafter *Pub. Citizen*].

Circuit’s holding in a case evaluating FERC’s authority under the NGA, *Sierra Club v. Federal Energy Regulatory Commission*,⁵² that “potential environmental effects considered under NEPA do not include effects that the agency has no authority to prevent.”⁵³

Specifically, DOE stated that its discretionary authority under NGA section 3 “is limited to the authorization of exports of natural gas to non-FTA countries.”⁵⁴ DOE thus concluded that, because FERC, not DOE, exercises statutory authority to authorize construction and operation of natural gas export facilities, “DOE need not review potential environmental impacts associated with the construction or operation of [such] facilities.”⁵⁵ In observing that “*Public Citizen* held that an agency has no obligation to ‘gather or consider environmental information if it has no statutory authority to act on that information,’” DOE reiterated that “[t]his final rule is fully consistent with that holding.”⁵⁶ In sum, “[i]mpacts beyond marine transport are beyond the scope of DOE’s NEPA review” in non-FTA export proceedings.⁵⁷

On the basis of data referenced in the accompanying Technical Support Document,⁵⁸ DOE concluded that “the transport of natural gas by marine vessels adhering to applicable maritime safety regulations and established shipping methods and safety standards normally does not pose the potential for significant environmental impacts.”⁵⁹

⁵² *Sierra Club v. Fed. Energy Regul. Comm’n*, 827 F.3d 36 (D.C. Cir. 2016).

⁵³ NEPA Implementing Procedures Final Rule, 85 Fed. Reg. at 78,198.

⁵⁴ *Id.*

⁵⁵ *Id.* at 78,203.

⁵⁶ *Id.* at 78,201 (quoting *Sierra Club v. Fed. Energy Regul. Comm’n*, 867 F.3d 1357, 1372 (D.C. Cir. 2017), in which the D.C. Circuit observed that this “rule was the touchstone of *Public Citizen*”); see also *Seven Cnty. Infrastructure Coal. v. Eagle Cnty., Colo.*, 605 U.S. 168, 188, 191 (2025) (citing *Pub. Citizen*, 541 U.S. at 770, in observing that “agencies are not required to analyze the effects of projects over which they do not exercise regulatory authority,” and that “[a]n agency may decline to evaluate environmental effects from separate projects upstream or downstream from the project at issue”).

⁵⁷ NEPA Implementing Procedures Final Rule, 85 Fed. Reg. at 78,200.

⁵⁸ See *id.* at 78,198 n.16 (citing U.S. Dep’t of Energy, Technical Support Document, Notice of Final Rulemaking, National Environmental Policy Act Implementing Procedures (10 C.F.R. Part 1021) (Nov. 2020), <https://www.energy.gov/sites/prod/files/2021/01/f82/technical-support-document-10-cfr-1021-2020-11.pdf>).

⁵⁹ *Id.* at 78,200; see also *id.* at 78,202.

D. Executive Order Issued on January 20, 2025

E.O. 14154, issued on January 20, 2025, directed the Secretary of Energy to “restart reviews of applications for approvals of [LNG] export projects as expeditiously as possible, consistent with applicable law.”⁶⁰ DOE complied with this directive with its issuance of non-FTA export authorizations beginning in February 2025.⁶¹ Additionally, E.O. 14154 states that, “[i]n assessing the ‘Public Interest’ to be advanced by any particular application” to export LNG under NGA section 3(a), the Secretary of Energy “shall consider the economic and employment impacts to the United States and the impact to the security of allies and partners that would result from granting the application.”⁶² This Order likewise complies with that directive.

III. DOE’S 2024 LNG EXPORT STUDY

A. Overview

The 2024 LNG Export Study (or 2024 Study) was conducted as a comprehensive update of DOE’s prior LNG studies (discussed *supra* § II.A), and aimed to capture the recent and complex dynamics of the LNG export market. As a preliminary matter, DOE acknowledges that the 2024 Study included an environmental analysis. However, DOE finds that the environmental analysis in the 2024 Study is not required for DOE’s decision on the Application, as DOE’s NEPA review considers all relevant environmental effects from the proposed exports.⁶³

Specifically, under DOE’s B5.7 categorical exclusion described above (and consistent with the Supreme Court’s holding in *Public Citizen* and, more recently, *Seven County*

⁶⁰ E.O. 14154, 90 Fed. Reg. at 8357 (§ 8(a)). Because DOE has jurisdiction to regulate exports of LNG under NGA section 3(a) (not approvals of export projects, which are under FERC’s jurisdiction), DOE interprets E.O. 14154 as directing DOE to review non-FTA export applications “as expeditiously as possible.”

⁶¹ *See, e.g., Commonwealth LNG, LLC*, DOE/FECM Order No. 5238, Docket No. 19-134-LNG, Order Conditionally Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations, at 7 (Feb. 14, 2025).

⁶² E.O. 14154, 90 Fed. Reg. at 8357 (§ 8(a)).

⁶³ *See infra* § VIII.E.

Infrastructure Coalition v. Eagle County, Colorado (Seven County),⁶⁴ this NEPA review is limited to the “potential effects associated with marine transport of LNG” to non-FTA countries.⁶⁵ The environmental portions of the 2024 Study were not limited to marine transport effects, but rather included the integration of potential upstream and downstream environmental effects, which are not reasonably foreseeable environmental impacts of DOE’s export authorizations.⁶⁶ Accordingly, DOE’s discussion of the 2024 Study in this Order focuses only on the economic analysis in the 2024 Study, as well as DOE’s related findings on energy security.⁶⁷

B. Methodology

As relevant here, the 2024 Study included a Summary Report⁶⁸ and two appendices that provided more detail on the key elements within the Study.

First, *Appendix A: Global Energy and Greenhouse Gas Implications of U.S. LNG Exports* (Appendix A) presented, in relevant part, an analysis of the global market demand for U.S. LNG exports across a range of scenarios through 2050. This analysis used the Global Change Analysis Model (GCAM), which is an integrated multisector model of global energy,

⁶⁴ See *supra* § II.C.

⁶⁵ NEPA Implementing Procedures Final Rule, 85 Fed. Reg. at 78,199; see also *id.* at 78,197 (DOE’s NEPA review of applications to export LNG to non-FTA countries is based on “the legal principle that potential environmental effects to be considered by an agency under NEPA do not include effects that the agency has no authority to prevent”).

⁶⁶ See *id.* at 78,199 (stating “DOE’s conclusion that potential environmental effects associated with marine transport” are “the only reasonably foreseeable environmental impacts associated with DOE natural gas export authorizations” under NEPA—and noting that these marine transport effects “are minimal”) (emphasis added); see also *id.* at 78,200-01 (explaining that potential upstream and downstream impacts are not part of DOE’s NEPA analyses for natural gas export approvals).

⁶⁷ This focus is also consistent with E.O. 14154 (*supra* § II.D), which directs DOE to review “economic and employment impacts to the United States and the impact to the security of allies and partners that would result from granting [an export] application.”

⁶⁸ U.S. Dep’t of Energy, Energy, Economic, and Environmental Assessment of U.S. LNG Exports: Summary Report (Dec. 2024) [hereinafter Study Summary Report], https://www.energy.gov/sites/default/files/2025-10/ENERGY%20ECONOMIC%20AND%20ENVIRONMENTAL%20ASSESSMENT%20OF%20U.S.%20LNG%20EXPORTS_0.pdf.

economy, agriculture, land use, water, and climate systems. DOE's Pacific Northwest National Laboratory (PNNL) conducted the principal modeling work in Appendix A.⁶⁹

Second, *Appendix B: Domestic Energy, Economic, and Greenhouse Gas Assessment of U.S. LNG Exports* (Appendix B) presented an analysis of the implications of the various U.S. LNG export levels on the U.S. economy, among other considerations. The analysis in Appendix B was conducted using an updated and adapted version of U.S. Energy Information Administration's (EIA) National Energy Modeling System (NEMS) and Industrial Economics, Inc.'s (IEc) Household Energy Impact Distribution Model (HEIDM). OnLocation, Inc. and IEc performed the principal modeling work in Appendix B.⁷⁰

For each scenario in these Appendices, GCAM was used to estimate the global demand for U.S. LNG exports.⁷¹ These projections of the global demand for U.S. LNG for key scenarios were entered into NEMS and HEIDM to evaluate domestic impacts, including (i) changes in natural gas prices and consumption across economic sectors, and (ii) changes in energy prices experienced by American households.⁷²

The 2024 Study evaluated scenarios that analyzed a combination of assumptions about policy, technology availability, and U.S. LNG export level.⁷³ Briefly:

- The 2024 Study contained three categories of policy assumptions: *Defined Policies*, *Commitments*, and *Net Zero 2050*.⁷⁴ For example, the *Defined Policies* scenario included an explicit representation of domestic policies in place at the time.⁷⁵

⁶⁹ U.S. Dep't of Energy, *2024 LNG Export Study: Energy, Economic, and Environmental Assessment of U.S. LNG Exports*; Notice of Availability and Request for Comments, at 4 (Dec. 17, 2024), https://www.energy.gov/sites/default/files/2024-12/2024%20LNG%20Export%20Study%20FRN_signed_Study%20Statement%20Added%2012172024.pdf [hereinafter 2024 Study Notice].

⁷⁰ *Id.* at 4-5. The 2024 Study included two other appendices (Appendices C and D) focused on evaluating various environmental and community effects that are beyond the scope of DOE's review in this Order and thus are not summarized here.

⁷¹ *Id.*

⁷² *Id.*

⁷³ See Study Summary Report at S-15.

⁷⁴ *Id.*

⁷⁵ *Id.* at S-16.

- The 2024 Study contained two categories of assumptions for technology availability: *High CCS* [Carbon Capture & Storage] and *Moderate CCS*.⁷⁶
- Within each scenario of policy and technology assumptions, the 2024 Study considered three assumptions of U.S. LNG exports levels: *Existing/FID Exports*, *Model Resolved Exports*, and *High Exports*.⁷⁷
 - *Existing/FID Exports* assumed U.S. LNG exports were held at levels equivalent to 90% of the LNG capacity that was operational or had export authorizations from DOE and reached a final investment decision (FID) as of December 2023 (23.7 Bcf/d).⁷⁸
 - *Model Resolved Exports* assumed U.S. LNG exports estimated at a trajectory determined by the model.⁷⁹
 - *High Exports* assumed U.S. LNG exports increased incrementally above *Model Resolved* levels starting in 2035 to reach 20 Bcf/d above *Model Resolved* levels in 2050.⁸⁰

Additionally, the 2024 Study explored three additional assumptions related to the economic competitiveness of U.S. natural gas: *High U.S. Supply*, *Low U.S. Supply*, and *High Middle East Supply*.⁸¹ The analysis in Appendix B used only the levels of LNG exports derived under the global *Defined Policies* assumptions found in Appendix A, while varying the size of U.S. natural oil and gas supply and technological improvements in natural gas extraction.⁸²

In sum, using a combination of these assumptions, Appendix A evaluated 14 primary scenarios, as well as six additional sensitivity scenarios on economic competitiveness, and Appendix B evaluated six scenarios spanning a range of U.S. LNG export levels.⁸³

⁷⁶ See *id.* at S-17.

⁷⁷ *Id.* at S-18.

⁷⁸ *Id.*

⁷⁹ Study Summary Report at S-18.

⁸⁰ *Id.*

⁸¹ *Id.* at S-19.

⁸² *Id.*

⁸³ See *id.*

C. DOE Proceeding

On December 17, 2024, DOE published the Notice of Availability of the 2024 LNG Export Study on its website.⁸⁴ The Notice of Availability was published in the *Federal Register* on December 20, 2024.⁸⁵ The Notice of Availability informed the public that DOE intended to use the 2024 Study to inform its public interest review in pending and future non-FTA applications, invited submission of comments regarding the use of the 2024 Study, and entered the 2024 Study into the administrative record of the 14 pending non-FTA export proceedings identified in the caption of the Notice of Availability.⁸⁶

DOE initially invited public comment on the 2024 Study for 60 days, but extended the comment period for an additional 30 days.⁸⁷ In total, the comment period began on December 20, 2024, and extended through March 20, 2025.⁸⁸ DOE received more than 100,000 comments on the 2024 Study from a variety of sources, including participants in the natural gas industry, industrial users, environmental organizations, think-tanks, academics, and individuals.⁸⁹

DOE summarized and responded to these comments in a document entitled *Energy, Economic, and Environmental Assessment of U.S. LNG Exports: Response to Comments* (Response to Comments), published on DOE's website on May 19, 2025.⁹⁰ On May 22, 2025, DOE published the Notice of Availability of the Response to Comments in the *Federal Register*.⁹¹

⁸⁴ See 2024 Study Notice.

⁸⁵ U.S. Dep't of Energy, *2024 LNG Export Study: Energy, Economic, and Environmental Assessment of U.S. LNG Exports*; Notice of Availability and Request for Comments, 89 Fed. Reg. 104,132 (Dec. 20, 2024).

⁸⁶ See *id.*

⁸⁷ See U.S. Dep't of Energy, *2024 LNG Export Study: Energy, Economic, and Environmental Assessment of U.S. LNG Exports*; Extension of Comment Period, 90 Fed. Reg. 9018 (Feb. 5, 2025).

⁸⁸ *Id.*

⁸⁹ The public comments are posted on the 2024 LNG Export Study webpage at <https://hgeo.energy.gov/app/docket/index/docket/index/30>.

⁹⁰ See Response to Comments.

⁹¹ See Notice of Availability of Response to Comments.

D. DOE’s Findings and Conclusions

1. Key Findings

Upon consideration of the material reviewed (*i.e.*, the 2024 Study, comments, and materials submitted in support of comments), DOE made the following “Key Findings” in the Response to Comments on the 2024 Study, as relevant here:⁹²

1. U.S domestic natural gas supply is sufficient to meet domestic and market-based global demand for U.S. natural gas (including LNG).
2. Increasing U.S. LNG exports increases U.S. gross domestic product (GDP).
3. Higher levels of U.S. LNG exports will have a beneficial impact on the U.S. trade balance.
4. Increased LNG exports are projected to have relatively modest impacts on prices and there has not been a consistent effect of U.S. LNG exports on prices to date. The potential price impacts from increased LNG exports modeled in the 2024 Study are within the range of prices observed over the past five years, and those price impacts are below the price increases from U.S. LNG exports modeled in the 2018 LNG Export Study.
5. Increased U.S. LNG exports would enhance national and energy security for the United States, as well as U.S. allies and trading partners.

DOE determined that the public comments received on the 2024 Study “either support or do not provide a sufficient basis to invalidate or undermine these findings.”⁹³

⁹² The 2024 Study, as summarized in the Response to Comments, included other Key Findings and Conclusions describing various environmental and community effects that are beyond the scope of DOE’s review in this Order and thus are omitted here and in the next subsection (§ III.D.2), respectively.

⁹³ Response to Comments at 47.

2. Conclusions

DOE conducted the 2024 LNG Export Study to identify and assess potential effects of continued expansion of U.S. LNG exports to non-FTA countries. As relevant here, DOE determined in the Response to Comments that the 2024 Study provides support for additional exports of U.S. LNG to non-FTA countries.⁹⁴ A primary conclusion of the 2024 Study—which DOE affirmed in the Response to Comments—is that “domestic natural gas supply is sufficient to meet both domestic demand and the modeled global demand for U.S. LNG in all scenarios, including sensitivity scenarios on U.S. oil and gas supply.”⁹⁵

DOE further concluded that the export of LNG generates net economic benefits for the United States, including increasing GDP in all cases; has a beneficial impact on the U.S. trade balance; and enhances energy security for the United States and its allies and trading partners.⁹⁶ For example, DOE found that the destination flexibility of its FTA and non-FTA authorizations—in which a buyer can deliver LNG to any destination not prohibited by law or policy—enhances global energy security, regardless of the destination region.⁹⁷

DOE also determined that LNG export levels to date have not demonstrated a “consistent effect” on domestic natural gas prices, but that “any domestic price impact is expected to be minimal due to the abundant U.S. supply of natural gas.”⁹⁸ As some commenters noted, and

⁹⁴ See, e.g., *id.* at 46-50.

⁹⁵ *Id.* at 47; see also *id.* at 43 (observing that “market forces work to match supply and demand, such that enough natural gas would be produced to satisfy U.S. demand regardless of export levels, given the very large American resource base”).

⁹⁶ *Id.* at 46-49.

⁹⁷ *Id.* at 48; see also *id.* at 40 (stating that DOE “agrees that LNG exports from the United States contribute to global energy security” due to the destination flexibility of its export authorizations).

⁹⁸ *Id.* at 48; see also *id.* at 17 (stating that the “many simultaneous changes that have occurred in natural gas production and markets in recent years . . . make it challenging to parse out [the] separate effects” of U.S. export levels on domestic prices of natural gas).

DOE agreed, “natural gas supply curves used in modeling show the ability to add significant supply with only small changes in prices.”⁹⁹

DOE also stated that it continues to endorse the principle set forth in its 1984 Policy Guidelines¹⁰⁰ that the market is generally the most efficient means of allocating natural gas supplies. Specifically, DOE observed that market forces ultimately determine the success of any particular LNG export project and, in turn, the “market-derived level of U.S. LNG exports.”¹⁰¹ DOE noted that technological innovations and industry investment are “two factors that influence market demand” for exports of U.S. LNG.¹⁰²

For all of these reasons, DOE concluded that the 2024 Study and the public comments received “support the proposition that exports of LNG from the United States will not be inconsistent with the public interest.”¹⁰³

IV. PUBLIC INTEREST STANDARD

Section 3(a) of the NGA sets forth the standard of review for the Application:

[N]o person shall export any natural gas from the United States to a foreign country or import any natural gas from a foreign country without first having secured an order of the [Secretary of Energy]¹⁰⁴ authorizing it to do so. The [Secretary] shall issue such order upon application, unless after opportunity for hearing, [the Secretary] finds that the proposed exportation or importation will not be consistent with the public interest. The [Secretary] may by [the Secretary’s] order grant such application, in whole or in part,

⁹⁹ Response to Comments at 47.

¹⁰⁰ U.S. Dep’t of Energy, New Policy Guidelines and Delegations Orders Relating to the Regulation of Imported Natural Gas, 49 Fed. Reg. 6684 (Feb. 22, 1984) [hereinafter 1984 Policy Guidelines].

¹⁰¹ See Response to Comments at 8-9 (noting that an authorization to export LNG “does not guarantee that any particular project will succeed”); see also *id.* at 42 (discussing market forces and changing market conditions).

¹⁰² *Id.* at 50.

¹⁰³ *Id.*

¹⁰⁴ The Secretary’s authority was established by section 301(b) of the Department of Energy Organization Act, 42 U.S.C. § 7151(b), which transferred jurisdiction over import and export authorizations from the Federal Power Commission to the Secretary of Energy; see also *id.* § 7172(f) (section 402(f)).

with such modification and upon such terms and conditions as the [Secretary] may find necessary or appropriate.¹⁰⁵

DOE, as affirmed by the D.C. Circuit, has consistently interpreted NGA section 3(a) as creating a rebuttable presumption that a proposed exportation of natural gas is in the public interest.¹⁰⁶

Accordingly, DOE will continue to conduct individual adjudication and grant non-FTA applications unless DOE finds that a proposed exportation “will not be consistent with the public interest.”¹⁰⁷

NGA section 3(a) does not define “public interest” or identify criteria that must be considered in evaluating the public interest. In evaluating an export application under this standard, DOE applies the principles described in DOE’s 1984 Policy Guidelines and “such other matters as [DOE] finds in the circumstances of a particular case to be appropriate,” including the domestic need for the natural gas to be exported.¹⁰⁸ The goals of the 1984 Policy Guidelines are to minimize federal control and involvement in energy markets and to promote a balanced and mixed energy resource system.¹⁰⁹ While the 1984 Policy Guidelines explicitly discuss only

¹⁰⁵ 15 U.S.C. § 717b(a).

¹⁰⁶ See *Sierra Club I*, 867 F.3d at 203 (“We have construed [NGA section 3(a)] as containing a ‘general presumption favoring [export] authorization.’”) (quoting *W. Va. Pub. Serv. Comm’n v. U.S. Dep’t of Energy*, 681 F.2d 847, 856 (D.C. Cir. 1982)).

¹⁰⁷ See *id.* (“there must be ‘an affirmative showing of inconsistency with the public interest’ to deny the application” under NGA section 3(a)) (quoting *Panhandle Producers & Royalty Owners Ass’n v. Econ. Regul. Admin.*, 822 F.2d 1105, 1111 (D.C. Cir. 1987)). As of August 24, 2018, qualifying small-scale exports of natural gas to non-FTA countries are deemed to be consistent with the public interest under NGA section 3(a). See 10 C.F.R. §§ 590.102(p), 590.208(a).

¹⁰⁸ DOE Delegation Order No. 0204-111 (Feb. 22, 1984), at 1 (¶ (b)); see also U.S. Dep’t of Energy, Order Denying Petition for Rulemaking on Exports of Liquefied Natural Gas, at 11-12 (July 18, 2023), <https://www.energy.gov/sites/default/files/2023-07/DOE%20Response%20to%20Sierra%20Club%27s%20Petition%20for%20Rulemaking%207.18.2023%20%28002%29.pdf>.

¹⁰⁹ 1984 Policy Guidelines, 49 Fed. Reg. at 6685 (stating that “[t]he market, not government, should determine the price and other contract terms of imported [or exported] natural gas,” and emphasizing the importance of “minimizing regulatory impediments to a freely operating market”).

natural gas imports, in 1999 DOE held in Order No. 1473 that the same Policy Guidelines should be applied to natural gas export applications.¹¹⁰

Thus, DOE's review of non-FTA applications focuses on: (i) the domestic need for the LNG proposed to be exported, (ii) whether the proposed exports pose a threat to the security of domestic natural gas supplies, (iii) whether the arrangement is consistent with DOE's policy of promoting market competition, and (iv) any other factors bearing on the public interest as determined by DOE.¹¹¹ To conduct this review, DOE looks to record evidence developed in the application proceeding.¹¹² Before reaching a final decision, DOE must also comply with NEPA.¹¹³

V. DESCRIPTION OF REQUEST

In the Application, SLNG is requesting long-term, multi-contract authorization to export LNG in an additional volume of 28.25 Bcf/yr of natural gas by vessel from the Elba Island Terminal to non-FTA countries.¹¹⁴ SLNG states that this authorization, if granted, will align its total non-FTA export volume with the Elba Island Terminal's "maximum LNG production capacity," which was proposed to FERC at the time of the Application and which FERC has now approved.¹¹⁵

Additionally, in the Application Amendment and Supplement, SLNG requests authority to export the LNG in two additional ways: in approved ISO containers loaded onto vessels and

¹¹⁰ *Phillips Alaska Natural Gas Corp., et al.*, DOE/FE Order No. 1473, Docket No. 96-99-LNG, Order Extending Authorization to Export Liquefied Natural Gas from Alaska, at 14 (Apr. 2, 1999) (citing *Yukon Pac. Corp.*, DOE/FE Order No. 350, Order Granting Authorization to Export Liquefied Natural Gas From Alaska, 1 FE ¶ 70,259, at 71,128 (1989)).

¹¹¹ See DOE Order Denying Petition for Rulemaking at 12.

¹¹² See *id.*

¹¹³ See *supra* § I.

¹¹⁴ SLNG App. at 1; see also *supra* § I.

¹¹⁵ See SLNG App. 2-3; see also *supra* § I.

in bulk, for bunkering activities.¹¹⁶ Additional information is set forth below.

A. Description of Applicant

SLNG is a Delaware limited liability company with its principal place of business in Birmingham, Alabama.¹¹⁷ SLNG states that it is a wholly owned indirect subsidiary of Kinder Morgan, Inc.¹¹⁸

B. Project Updates

SLNG states that it is making modifications to the existing liquefaction facilities at the Elba Island Terminal, as well as installing and operating a new condensate plant and liquid nitrogen vaporizers.¹¹⁹ According to SLNG, these modifications are intended to modify the Movable Modular Liquefaction System (MMLS) Dehydration and Heavies Removal units to reduce cold box fouling, reduce the flaring events associated with cold box deriming, and increase the maximum LNG production capacity of the Elba Island Terminal from 130 Bcf/yr to approximately 158.25 Bcf/yr of natural gas.¹²⁰ SLNG states that these modifications “will not alter or impact the existing marine facilities or LNG storage tanks or result in an increase in the size and/or frequency of LNG vessel traffic.”¹²¹ As noted above, FERC approved these modifications in an order issued on November 21, 2024.¹²²

C. Source of Supply

SLNG states that the “Elba Island Terminal has direct access to the national integrated interstate gas pipeline market for supply through multiple direct and indirect interstate pipeline

¹¹⁶ See, e.g., Amendment App. at 2, 4; Amendment App. Supp. at 1, 3-4; see also *supra* § I.

¹¹⁷ SLNG App. at 2.

¹¹⁸ *Id.*

¹¹⁹ *Id.* at 2; see also *id.* at 3 n.4 (citing its 2023 FERC application).

¹²⁰ *Id.* at 2-3.

¹²¹ *Id.* at 8-9.

¹²² See *supra* § I.

interconnects that transport natural gas, providing access to a variety of supply options.”¹²³

SLNG further states that its customer, Shell NA LNG LLC (Shell LNG), “has not identified the specific source of natural gas to be transported via the Project with precision and such sources will likely change throughout the Project.”¹²⁴

D. Bunkering Activities

SLNG states that it has developed the capability to supply LNG as marine fuel through transfers to marine fueling (“bunkering”) vessels at the Elba Island Terminal.¹²⁵ According to SLNG, it has been engaging in such bunkering activities since March 2023.¹²⁶ 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.”¹²⁷ SLNG states that these bunkering activities typically take place in Kingston, Jamaica, or the Bahamas, within the territorial sea of the Bahamas.¹²⁸ SLNG also asks DOE, in the requested order, to confirm SLNG’s reporting obligations for any bunkering activities.¹²⁹

E. Business Model

SLNG requests authorization to export LNG on its own behalf and as agent for other entities that hold title to the LNG at the time of export.¹³⁰ SLNG states that it will file, or cause

¹²³ SLNG App. at 4.

¹²⁴ *Id.* According to SLNG, Shell LNG “has fully subscribed for the liquefaction service for a 20-year term to be utilized in its global LNG portfolio.” Southern LNG Company, L.L.C., DOE Semi-Annual Report No. 25, at 2 (Sep. 29, 2025), <https://www.energy.gov/documents/october-2025-2>.

¹²⁵ Amendment App. at 2.

¹²⁶ *Id.* at 3.

¹²⁷ *Id.* at 2.

¹²⁸ *Id.* at 3.

¹²⁹ *See id.* at 6-8; *see also infra* § VIII.D.

¹³⁰ SLNG App. at 1, 3-4.

to be filed, all long-term commercial agreements, in accordance with DOE’s established policy and precedent.¹³¹

VI. APPLICANT’S PUBLIC INTEREST ANALYSIS

A. Overview

SLNG states that NGA section 3(a) creates a presumption that its proposed non-FTA exports are in the public interest, which opponents bear the burden of overcoming.¹³² According to SLNG, “[i]n light of the significant DOE precedent approving exports from U.S. LNG terminal facilities, as well as the abundance of evidence in the public record, it is clear that exports of LNG from the U.S. are in the public interest.”¹³³ In particular, SLNG points to its existing non-FTA authorization in Docket No. 12-100-LNG (Order No. 3956), asserting that DOE’s market studies and other supporting evidence “demonstrated the substantial economic and public benefits that are likely to flow from U.S. exports of natural gas as LNG.”¹³⁴ SLNG maintains that the same rationale supporting DOE’s grant of authority in that proceeding applies equally here. SLNG thus incorporates by reference the record in that proceeding, which it asserts “clearly demonstrated the public interest benefits of LNG exports from the Liquefaction Project.”¹³⁵

B. Domestic Natural Gas Supply and Demand

SLNG asserts that both short-term and long-term projections by EIA make clear that domestic natural gas resources are “abundantly available” to meet projected future domestic needs, including the volume requested in the Application.¹³⁶ Pointing to EIA’s July 2023 *Short-*

¹³¹ *Id.* at 4.

¹³² *Id.* at 5.

¹³³ *Id.*

¹³⁴ *Id.*

¹³⁵ *Id.*; *see also id.* at 6 (reiterating DOE’s findings in Order No. 3956 that “LNG exports from the Liquefaction Project [at the Elba Island Terminal] will likely result in many local and national economic and public benefits”).

¹³⁶ SLNG App. at 7.

Term Energy Outlook (STEO)—the most recent short-term data from EIA at the time of the Application—SLNG contends that U.S. natural gas production “is expected to remain relatively flat for 2023,” with an average of 102.61 Bcf/d in the second half of 2023 and an average of 102.4 Bcf/d in 2024.¹³⁷ SLNG states that, comparatively, U.S. consumption of natural gas from 2023 to 2024 is expected to decrease by 1.21 Bcf/d in 2024, averaging 89.02 Bcf/d.¹³⁸

SLNG further states that “long-term projections demonstrate a similar trend of production outpacing demand, sufficient to support LNG exports.”¹³⁹ SLNG quotes EIA’s statement in the *Annual Energy Outlook 2023* (AEO 2023) that, “[g]iven the combination of relatively little growth in domestic consumption and continued growth in production, we project that the United States will remain a net exporter of . . . natural gas through 2050 in all AEO2023 cases.”¹⁴⁰

C. Global Energy Policy Priorities

As relevant here, SLNG asserts that natural gas exports “improve energy security for U.S. allies and trading partners in Europe and elsewhere.”¹⁴¹

VII. CURRENT PROCEEDING BEFORE DOE

In response to the Notice of Application, DOE received a timely-filed motion to intervene and protest filed by Public Citizen and a comment in opposition to the Application submitted by the Institute for Energy Economics and Financial Analysis (IEEFA). Subsequently, SLNG submitted its Answer to Public Citizen’s protest and IEEFA’s comment.¹⁴² These filings are summarized below.

¹³⁷ *Id.* at 7 (citing U.S. Energy Info. Admin., *July 2023 Short-Term Energy Outlook*, at Table 1 (July 11, 2023), <https://www.eia.gov/outlooks/steo/archives/jul23.pdf>).

¹³⁸ *Id.*

¹³⁹ *Id.*

¹⁴⁰ *Id.* (quoting U.S. Energy Info. Admin., *Annual Energy Outlook 2023* (with projections to 2050), at 6 (Mar. 16, 2023), https://www.eia.gov/outlooks/aeo/pdf/AEO2023_Narrative.pdf [hereinafter AEO 2023]).

¹⁴¹ *Id.* at 7.

¹⁴² *See supra* § I.

A. Public Citizen’s Motion to Intervene and Protest

In support of its motion to intervene filed on December 26, 2023, Public Citizen states that it is a national, not-for-profit, non-partisan research and advocacy organization representing the interests of household consumers.¹⁴³ As a preliminary matter, we note that Public Citizen refers to SLNG’s parent company, Kinder Morgan, Inc. (Kinder Morgan), as the applicant.¹⁴⁴

In its protest, Public Citizen first argues that the Application omits “upstream ownership information”—specifically, the ownership of SLNG’s “interrelated affiliate,” Elba Liquefaction Company LLC.¹⁴⁵ Public Citizen argues that, “[s]ince Elba Liquefaction Company LLC owns the liquification facility and ‘then delivers the LNG to Southern LNG Company’ the application must disclose all ownership and contractual arrangements between Elba Liquefaction Company LLC and Southern LNG Company LLC.”¹⁴⁶ According to Public Citizen, “[i]t is inconsistent with the public interest for applicants to withhold ownership information of interrelated affiliates involved in the export of LNG.”¹⁴⁷

Next, Public Citizen contends that DOE must deny the Application because “allowing increased exports will harm U.S. consumers, negatively impact domestic energy reliability, and is therefore inconsistent with the public interest.”¹⁴⁸ Public Citizen argues that SLNG relies upon its previous applications for LNG export authorizations which, according to Public Citizen, are based on “woefully out-of-date” DOE and EIA studies that have no relevance to DOE’s public interest determination in this proceeding.¹⁴⁹ Quoting EIA’s AEO 2023 (which was “new” at the time of the protest), Public Citizen argues that “higher LNG exports create a tighter

¹⁴³ *Id.* at 5.

¹⁴⁴ *See id.* at 1, 4; *see also supra* § V.A.

¹⁴⁵ Public Citizen Pleading at 1.

¹⁴⁶ *Id.* (quoting Kinder Morgan website).

¹⁴⁷ *Id.*

¹⁴⁸ *Id.*

¹⁴⁹ *Id.* at 2.

domestic natural gas market (all else held equal), increasing domestic natural gas prices,” and thus this “new EIA analysis demonstrates that the requested LNG exports are inconsistent with the public interest.”¹⁵⁰

Next, observing that the “United States is the world’s largest natural gas producer *and* exporter” in 2023,¹⁵¹ Public Citizen argues that LNG exports are now “tether[ing] American consumers to global disruptions, radically upending domestic energy markets, and forcing American families to compete with Berlin and Beijing for U.S. produced energy.”¹⁵² Public Citizen contends that, as a result of “globalizing” domestic benchmark natural gas prices and exposing Americans to higher prices and increased volatility, “[n]atural gas exports are directly responsible for Americans paying higher prices to heat and cool their homes.”¹⁵³

Additionally, Public Citizen argues that the Application omits any impact on regional domestic energy markets from the requested exports, including during weather-related emergencies.¹⁵⁴ Public Citizen states that “[d]iverting additional domestic natural gas supplies away from domestic power generation and household consumption may result in physical shortages and higher prices.”¹⁵⁵ Specifically, Public Citizen argues that the Elba Island Terminal “is indirectly served by the 10,000 mile-long Williams’ Transco pipeline, which supplies 15% of America’s [natural] gas supply, running from Texas to New York City.”¹⁵⁶ According to Public Citizen, the Application “provides no analysis of the impact of diverting [natural] gas for export away from serving critical mid-Atlantic domestic gas demand.”¹⁵⁷

¹⁵⁰ *Id.* (quoting AEO 2023, Issues in Focus: Effects of Liquefied Natural Gas Exports on the U.S. Natural Gas Market, at 7).

¹⁵¹ Public Citizen Pleading at 2.

¹⁵² *Id.*

¹⁵³ *Id.* at 2-3.

¹⁵⁴ *Id.* at 4.

¹⁵⁵ *Id.*

¹⁵⁶ *Id.*

¹⁵⁷ Public Citizen Pleading at 4.

Finally, Public Citizen argues that a distributional analysis “is essential to determine whether an increase in LNG exports from Elba Island will disproportionately harm lower-income families by causing higher energy burdens.”¹⁵⁸

B. Comment of the Institute for Energy Economics and Financial Analysis

IEEFA states that it is “a nonprofit organization focused on research and analysis of global energy markets and trends.”¹⁵⁹ IEEFA states that it “recommends denying [SLNG’s] request because the additional LNG exports will cause higher domestic energy prices, which is clearly not in the public interest.”¹⁶⁰

According to IEEFA, DOE’s 2015 and 2018 LNG Export Studies, as well as a 2014 study by EIA, acknowledge that “growth of LNG exports will result in higher domestic natural gas prices.”¹⁶¹ Specifically, IEEFA asserts that “[t]oday, LNG exports tie us to the volatility of international markets and their higher prices.”¹⁶² As an example, IEEFA argues that higher LNG exports in Australia have led to increased volatility in Australia’s domestic natural gas prices.¹⁶³ Further, IEEFA states that “[t]he June 8, 2022, Freeport LNG explosion [at the Freeport LNG Terminal] is an example of domestic natural gas prices reacting to lower LNG levels” due to “the effect of removing Freeport’s feed gas demand of about 2 Bcf/day.”¹⁶⁴

IEEFA adds that “[t]he magnitude of the impact [of higher prices for natural gas] on domestic households “appears either downplayed or completely overlooked.”¹⁶⁵ In sum, IEEFA

¹⁵⁸ *Id.* at 5.

¹⁵⁹ IEEFA Comment at 1.

¹⁶⁰ *Id.*

¹⁶¹ *Id.* at 2.

¹⁶² *Id.* at 7.

¹⁶³ *Id.* at 5.

¹⁶⁴ *Id.* at 2.

¹⁶⁵ IEEFA Comment at 6.

argues that, to protect the public from upward pressure on U.S. natural gas prices, “DOE should curtail new gas export projects.”¹⁶⁶

C. SLNG’s Answer

In its Answer filed on February 20, 2024, SLNG urges DOE to reject Public Citizen’s protest and IEEFA’s comment because their arguments are “inaccurate, misleading, and raise issues outside the scope of the DOE Application,” are “generalized in nature,” and “allege no information to suggest that granting the export authorization . . . is not consistent with the public interest.”¹⁶⁷

First, SLNG describes the Elba Liquefaction Optimization Project at issue.¹⁶⁸ SLNG states that the proposed modifications at the Elba Island Terminal will allow the MMLS units to operate in an optimized condition for longer periods of time without fouling, thus yielding improved LNG production and lower GHG emissions associated with derivate flaring (by approximately 11,855 tons annually).¹⁶⁹

Next, SLNG states that its requested export volume “reflects a relatively small increase in total exports at an operational facility.”¹⁷⁰ SLNG maintains that, while its proposed increase in exports “could result in up to approximately four additional ships to Non-FTA countries per year,” this amount is within the United States Coast Guard Water Suitability Assessment, “so it is unclear whether the additional production from the MMLS Units will actually result in an increase in Non-FTA shipping activity.”¹⁷¹ SLNG states that, for this reason, its customer, Shell LNG, “does not propose to increase its firm transportation capacity to ship natural gas to

¹⁶⁶ *Id.* at 7.

¹⁶⁷ SLNG Answer at 3.

¹⁶⁸ *Id.* at 4.

¹⁶⁹ *Id.*

¹⁷⁰ *Id.*

¹⁷¹ *Id.*

Southern LNG.”¹⁷² Further, according to SLNG, the natural gas grid in the southeast United States “should not be impacted by this slight increase in feed gas” because (among other reasons) Shell LNG has already contracted for enough firm capacity to support the requested export volume.¹⁷³

SLNG also disputes Public Citizen’s and IEEFA’s arguments regarding potential natural gas supply and price impacts associated with increased LNG exports.¹⁷⁴ Citing EIA’s AEO 2023 and DOE’s 2018 LNG Export Study, SLNG asserts that domestic natural gas consumption is forecasted to remain stable, and that “[c]urrent projections for U.S. gas supply are more than sufficient” to meet both domestic needs as well as the exports proposed by SLNG and others approved by DOE.¹⁷⁵ SLNG thus contends that its “proposed export authorization will not have a detrimental impact on the domestic supply of natural gas, and therefore, the Application is not inconsistent with the public interest.”¹⁷⁶ SLNG also maintains that both DOE’s 2018 LNG Export Study and AEO 2023 showed that increasing exports of U.S. LNG leads to only small increases in U.S. natural gas prices.¹⁷⁷

Next, SLNG states that “it is uninformed to suggest that LNG exports contribute to physical shortages during winter events.”¹⁷⁸ SLNG states that, because the Elba Island Terminal is bidirectional, its customer, Shell LNG, “has delivered LNG from the Elba Terminal to the interstate pipeline grid during extreme winter storms in the past couple of years.”¹⁷⁹ SLNG provides a chart entitled, “Elba Contribution to Domestic Market During Winter Peaks,” which

¹⁷² *Id.*

¹⁷³ SLNG Answer at 4.

¹⁷⁴ *Id.* at 5.

¹⁷⁵ *Id.*

¹⁷⁶ *Id.*

¹⁷⁷ *Id.* (internal quotation and citation omitted).

¹⁷⁸ *Id.* at 6.

¹⁷⁹ SLNG Answer at 6.

shows that the Elba Island Terminal contributed LNG to the interstate pipeline grid during Winter Storm Elliot and Winter Storm Heather.¹⁸⁰ SLNG argues that “[t]his LNG sendout provides additional supplies to the Southeastern [natural] gas market consistent with how LNG facilities are utilized throughout the United States.”¹⁸¹ Therefore, SLNG contends that, “[i]nstead of contributing to physical shortages, the Elba Terminal has actually enhanced supply to the market.”¹⁸²

Finally, SLNG provides information concerning its affiliate, Elba Liquefaction Company, L.L.C. (ELC). SLNG states that ELC owns the liquefaction facilities at the Elba Island Terminal and holds contracts with Shell LNG to provide it with liquefaction services, whereas SLNG owns and operates the export facilities, operates the liquefaction facilities, and holds contracts with Shell LNG for export services.¹⁸³ SLNG also provides ELC’s corporate and upstream ownership information.¹⁸⁴

For these reasons, SLNG argues that DOE should reject Public Citizen’s and IEEFA’s arguments.

VIII. DISCUSSION AND CONCLUSIONS

In reviewing the Application, DOE has considered its obligations under NGA section 3(a) and NEPA, as well as the directives of E.O. 14154. To accomplish these purposes, DOE has examined a range of information addressing economic and non-economic factors, including but not limited to:

- SLNG’s Application, Amendment Application, and Supplement;

¹⁸⁰ *Id.*

¹⁸¹ *Id.* at 7.

¹⁸² *Id.*

¹⁸³ *Id.*

¹⁸⁴ *Id.*

- The Motion to Intervene and Protest filed by Public Citizen, the comment filed by IEEFA, and SLNG’s Answer thereto; and
- Relevant portions of the 2024 LNG Export Study, including comments received in response to the 2024 Study.

A. Procedural Matters

SLNG did not oppose Public Citizen’s motion to intervene, and therefore the motion is deemed granted by operation of law.¹⁸⁵

B. Economic Issues

1. Significance of the 2024 LNG Export Study on Economic Issues

As discussed above, DOE commissioned the 2024 LNG Export Study and invited public comments on the 2024 Study. DOE evaluated this material in its Response to Comments on the 2024 LNG Export Study, published in the *Federal Register* on May 22, 2025.¹⁸⁶

DOE concluded in the Response to Comments that U.S. domestic natural gas supply is sufficient to meet domestic and market-based global demand for U.S. natural gas, including LNG, in all scenarios.¹⁸⁷ Additionally, DOE found that increasing LNG exports results in an increase to U.S. GDP in all cases examined, including by an estimated \$410 billion cumulatively for the period 2020 through 2050 under the Reference case.¹⁸⁸ Indeed, the 2024 Study shows macroeconomic benefits to the U.S. economy across the range of scenarios analyzed.¹⁸⁹ DOE also concluded that higher levels of U.S. LNG exports will provide additional economic benefits through improvements to the U.S. trade balance, increased federal and state tax revenues, and

¹⁸⁵ 10 C.F.R. § 590.303(g).

¹⁸⁶ *See supra* § III.C.

¹⁸⁷ Response to Comments at 43; *see also id.* at 21.

¹⁸⁸ *See id.* at 47.

¹⁸⁹ *See id.*

increased jobs.¹⁹⁰

Turning to the potential impact of LNG exports on domestic natural gas prices, Public Citizen and IEEFA allege that higher volumes of LNG exports, including SLNG’s proposed exports, will lead to large increases in domestic prices of natural gas.¹⁹¹ DOE found, however, that “[i]ncreased LNG exports are projected to have relatively modest impacts on prices.”¹⁹² In particular, “any domestic price impact is expected to be minimal due to the abundant supply of natural gas in the United States.”¹⁹³ DOE further determined that U.S. LNG exports have not had a “consistent effect” on the price of domestic natural gas to date.¹⁹⁴ Specifically, DOE found that the potential price impacts from increased LNG exports modeled in the 2024 Study “are within the range of prices observed over the past five years” (*i.e.*, since 2018)—and, moreover, are below the long-term price increases from U.S. LNG exports projected in DOE’s prior economic study, the 2018 LNG Export Study.¹⁹⁵

Table 1 below shows a comparison of EIA’s projections in the *Annual Energy Outlook 2017* (AEO 2017)¹⁹⁶ that formed the basis of the 2018 LNG Export Study and DOE’s projections in the 2024 Study.¹⁹⁷ For the year 2050, the 2024 Study projects LNG exports of 56.3 Bcf/d of natural gas—more than quadruple the level projected in the 2018 LNG Export Study at 12.7

¹⁹⁰ *Id.* at 48 (stating that, although the 2024 Study does not specifically quantify the U.S. trade balance, DOE finds that an increase in the quantity of U.S. products sold abroad works to improve the balance of trade, and thus “DOE agrees that an improved trade balance would be an important benefit of greater LNG exports”); *see also id.* at 49 (stating that the 2024 Study “did not quantify job or wage revenues attributable to the construction and operation of LNG facilities,” but that DOE “postulates that LNG export facilities have a positive impact on the U.S. job market” based on quantitative information provided by several commenters).

¹⁹¹ *See* Public Citizen Pleading at 2-3; IEEFA Comment at 2, 6.

¹⁹² Response to Comments at 46, 48.

¹⁹³ *Id.* at 46.

¹⁹⁴ *Id.* at 46-47.

¹⁹⁵ *Id.*

¹⁹⁶ U.S. Energy Info. Admin., *Annual Energy Outlook 2017* (with projections to 2050) (Jan. 5, 2017), <https://www.eia.gov/outlooks/archive/aeo17/> [hereinafter AEO 2017].

¹⁹⁷ 2024 Study Appendix A; *see also* 2024 Study Appendix B at B-57 – B-59.

Bcf/d.¹⁹⁸ Over the same projection period, the 2024 Study projects an average Henry Hub natural gas price of \$4.62/MMBtu, a decrease of 28% from \$6.40/MMBtu in real dollars projected under the 2018 Study.

Additionally, we note that EIA’s most recent Short-Term Energy Outlook (STEO), issued March 10, 2026, projects Henry Hub prices averaging \$3.76/MMBtu and \$3.85/MMBtu in 2026 and 2027, respectively.¹⁹⁹ EIA also observes that a recent global supply disruption for LNG is not expected to impact domestic natural gas prices: “Although reduced liquefied natural gas (LNG) flows through the Strait of Hormuz have caused the price of natural gas in Europe and Asia to increase, we expect U.S. natural gas prices to be relatively unaffected by this development.”²⁰⁰

Table 1: Year 2050 Reference Case Comparisons in AEO 2017 (Basis of 2018 LNG Export Study) and 2024 LNG Export Study

	AEO 2017 Reference Case Without Clean Power Plan	2024 LNG Export Study – Defined Policies: Market Resolved Scenario
Lower-48 Dry Natural Gas Production (Bcf/d)	107.9	139.6
Total Natural Gas Consumption (Bcf/d)	92.4	80.3
Electric Power Sector Consumption (Bcf/d)	31.8	17.8

¹⁹⁸ See AEO 2017, Table 62 (Natural Gas Imports and Exports), https://www.eia.gov/outlooks/aeo/data/browser/#/?id=76-AEO2017®ion=0-0&cases=ref_no_cpp&start=2015&end=2050&f=A&sourcekey=0. AEO 2017 included two versions of the Reference case—one with, and one without, the implementation of a rulemaking by the U.S. Environmental Protection Agency (EPA) called the Clean Power Plan. EPA repealed the Clean Power Plan in 2019. Therefore, we refer only to the AEO 2017 Reference case without the Clean Power Plan.

¹⁹⁹ U.S. Energy Info. Admin., Short-Term Energy Outlook (Mar. 10, 2026), https://www.eia.gov/outlooks/steo/pdf/steo_full.pdf [hereinafter March 2026 STEO].

²⁰⁰ *Id.*

LNG Exports – Total (Bcf/d)	12.7	56.3
Henry Hub Spot Price (\$/MMBtu) ^(Note 1)	\$6.40 (2022\$)	\$4.62 (2022\$)

Note 1: Prices adjusted to 2022\$ with the AEO 2017 projection of a GDP price index.

For these reasons and those set forth in the Response to Comments, we find that Public Citizen’s and IEEFA’s arguments concerning price impacts are not sufficiently supported by record evidence to overcome DOE’s finding based on the 2024 Study that SLNG’s proposed exports will generate net economic benefits to the U.S. economy and will not be inconsistent with the public interest.

2. SLNG’s Application

Upon review, DOE finds that several factors identified in the Application, as amended by the Application Amendment and Supplement, support a grant of SLNG’s requested authorization.

First, SLNG points to EIA data and projections in asserting that the United States has abundant natural gas resources available to meet both projected future domestic needs and demand for the proposed exports.²⁰¹ We agree. In addition to the 2024 LNG Export Study, we take administrative notice of EIA’s most recent authoritative projections, set forth in the *Annual Energy Outlook 2025* (AEO 2025)²⁰² and the March 2026 STEO, to evaluate current and future natural gas supply, demand, and prices. Specifically, DOE has assessed AEO 2025 to evaluate any differences from AEO 2023, which formed the basis for the 2024 Study. We find that EIA’s

²⁰¹ See SLNG App. at 7; see also SLNG Answer at 5.

²⁰² U.S. Energy Info. Admin., *Annual Energy Outlook 2025* (Apr. 15, 2025), <https://www.eia.gov/outlooks/aeo/> [hereinafter AEO 2025].

projections in AEO 2025 continue to show market conditions that will accommodate increased exports of natural gas—well above what is required to meet projected increases in domestic consumption.²⁰³ Additionally, the March 2026 STEO projects that the total domestic dry production of natural gas in the United States is expected to rise to an average of 109.5 Bcf/d and 112.3 Bcf/d in 2026 and 2027, respectively, surpassing 2025 production levels.²⁰⁴

Addressing arguments made by Public Citizen concerning regional natural gas supply, we find that SLNG provided concrete evidence refuting Public Citizen’s argument that exports from the Elba Island Terminal divert supplies of natural gas from “serving critical mid-Atlantic domestic gas demand,” including during severe winter storms.²⁰⁵ SLNG explained that, to the contrary, the Elba Island Terminal is bidirectional and thus its customer, Shell LNG, has delivered LNG from the Terminal to the interstate pipeline grid during extreme winter storms.²⁰⁶ We also agree with SLNG’s statement that the natural gas grid in the southeast United States should not be impacted by its requested export volume (which SLNG describes as a “relatively small increase” in its total non-FTA exports) because Shell LNG “has already contracted for enough firm capacity” to support this volume, among other reasons.²⁰⁷

Second, Public Citizen and IEEFA raise concerns about the “high prices” of LNG exports creating significant economic hardship for many Americans, with Public Citizen arguing for a distributional analysis “to determine whether an increase in LNG exports from Elba Island will disproportionately harm lower-income families by causing higher energy burdens.”²⁰⁸ The D.C. Circuit, however, previously rejected an argument that DOE “erred by failing to consider

²⁰³ U.S. Energy Info. Admin., AEO 2025, Table 13 (last visited Mar. 30, 2026), <https://www.eia.gov/outlooks/aeo/data/browser/#/?id=13-AEO2025&cases=ref2025&sourcekey=0>.

²⁰⁴ March 2026 STEO, Table 5.

²⁰⁵ Public Citizen Pleading at 4.

²⁰⁶ See SLNG Answer at 6.

²⁰⁷ *Id.* at 4.

²⁰⁸ Public Citizen Pleading at 4; see also IEEFA Comment at 2-3.

distributional impacts” when evaluating the public interest under NGA section 3(a).²⁰⁹ Moreover, Public Citizen has not provided an analysis of distributional consequences of authorizing LNG exports at the household level to support its concerns. In the Application, SLNG referenced its non-FTA order in Docket No. 12-100-LNG, which it states “clearly demonstrated the public interest benefits of exports” from the Elba Island Terminal,²¹⁰ and Public Citizen did not contest those benefits.

We also emphasize a principal finding of the 2024 Study: increasing U.S. LNG exports increases U.S. GDP.²¹¹ More specifically, we note that DOE acknowledged the concerns raised by several commentators that low-income American households potentially face dramatically higher energy burdens.²¹² Indeed, the 2024 Study employed an analytical tool (the “HEIDM tool”) for the purpose of examining impacts by income class.²¹³

DOE also found that, with respect to changes in the price of industrial inputs such as natural gas, “the impact of any price changes on industrial inputs and thus the cost of other goods is uncertain in a dynamic economy over a period of 25 years.”²¹⁴ DOE thus concluded that “impacts on household and industrial energy expenditures, which may be as small as the margin of error of the analysis,” are “insufficient to overcome the other economic benefits associated with increased LNG exports, including GDP, balance of trade, tax revenue, and employment effects.”²¹⁵ Accordingly, we find that the record does not support Public Citizen’s and IEEFA’s arguments.

²⁰⁹ See *Sierra Club v. U.S. Dep’t of Energy*, 703 F. App’x 1, *3 (D.C. Cir. 2017) (consolidated case denying three petitions for review of LNG export authorizations).

²¹⁰ SLNG App. at 5.

²¹¹ See Response to Comments at 46; see also *id.* at 47 (Key Conclusions).

²¹² See *id.* at 25.

²¹³ *Id.*

²¹⁴ See Response to Comments at 25.

²¹⁵ *Id.*

Third, we agree with SLNG that, over the term of the authorization, the proposed exports will improve the United States' ties with its allies and trade partners and make a positive contribution to the United States' economy, including the trade balance. For instance, even beyond the economic investment and jobs created at the Elba Island Terminal, DOE finds that increased LNG exports could reduce the trade deficit significantly in light of observed U.S. LNG export prices, which averaged \$7.92 per thousand cubic feet for January through December 2025.²¹⁶ Further, the increased value of SLNG's exports would spur other domestic economic activity and benefits, including the potential for supporting upstream production and related employment.

In sum, based on the 2024 Study, the most recent data in AEO 2025, the March 2026 STEO, and other evidence provided by SLNG, DOE finds that the market will be capable of sustaining the level of non-FTA exports requested in SLNG's Application over the authorization term without negative economic impacts that overcome the economic benefits derived from such exports. We also find that SLNG's requested non-FTA export volume is consistent with U.S. policy.²¹⁷

C. Energy Security

An efficient, transparent international market for natural gas with diverse sources of

²¹⁶ U.S. Energy Info. Admin., Natural Gas Monthly, Table 5, LNG Export Prices, at 19, https://www.eia.gov/naturalgas/monthly/pdf/table_05.pdf (Mar. 2026). We note that this value could fluctuate based on U.S. LNG export prices but would still represent a significant reduction in the trade deficit. In the last 5 years, observed average U.S. LNG export prices have been as low as \$6.41/Mcf (in 2024) and as high as \$12.24/Mcf (in 2022).

²¹⁷ Public Citizen alleges that SLNG "withheld ownership information of interrelated affiliates involved in the export of LNG"—specifically, the ownership of SLNG's affiliate, ELC—which Public Citizen claims is "inconsistent with the public interest." Public Citizen Pleading at 1; *see also supra* § VII.A. As a preliminary matter, Public Citizen cites no authority for the assertion that SLNG was required to disclose ELC's ownership information, when ELC is not an applicant in this proceeding. SLNG's citations in the Application show that ELC was a joint applicant (and now a joint authorization holder) with SLNG in the FERC proceedings for the Elba Island Terminal (*see* SLNG App. at 3 nn.4-5), and ELC's ownership information and relationship to SLNG are appropriately described in the FERC orders. *See, e.g.*, FERC Amendment Order at P 2 (ownership information); *see also id.* at P 4 n.12. Nonetheless, in its Answer, SLNG provides the requested ownership information about ELC. *See* SLNG Answer at 7. For these reasons, we dismiss this argument.

supply provides both economic and strategic benefits to the United States and our allies. For example, in light of the 2022 Russian invasion of Ukraine, there continue to be concerns about energy security for Europe and Central Asia, particularly given the relative share of Russian natural gas supplied to those regions until recently,²¹⁸ with continued risk due to the now-expired agreement for the supply of Russian natural gas to Europe.²¹⁹

The United States has an increasingly important role in the European Union's (EU) natural gas supply. Since 2022, following Russia's invasion of Ukraine, the vast majority of U.S. LNG exports have been imported by countries in Europe. In 2022, for example, Europe received 69% of all LNG exports from the United States, up from 34% in 2021.²²⁰ Similarly, from January through November 2025, "Europe received 68% of U.S.-origin exports."²²¹ Further, the European Commission recently approved a legally binding ban on EU imports of Russian natural gas by the end of 2027, and signaled that, to replace Russian supplies, the EU "could import more U.S. LNG" among other measures.²²² DOE takes administrative notice of EIA's *International Energy Outlook 2023* (IEO 2023) where EIA projected that "slow but increasing natural gas demand growth, coupled with the region's decreasing natural gas

²¹⁸ According to EIA data, until immediately before Russia attacked Ukraine, natural gas imports delivered by pipeline into Europe provided most imported volumes into Europe, with imports sourced from Russia pre-2022 comprising the largest share. See U.S. Energy Info. Admin., *Today in Energy* (Feb. 11, 2022), <https://www.eia.gov/todayinenergy/detail.php?id=51258>.

²¹⁹ Reuters reports that the five-year agreement between Moscow and Kyiv for the transit of Russian natural gas to Europe via Ukraine expired on January 1, 2025, as Kyiv refused to renew a transit agreement extending or developing a new deal. See Reuters, *Russian gas era in Europe ends as Ukraine stops transit* (Jan. 1, 2025), <https://www.reuters.com/business/energy/russia-halts-gas-exports-europe-via-ukraine-2025-01-01/>.

²²⁰ See U.S. Energy Info. Admin., *Today in Energy*, "Ten years after first Sabine Pass cargo, U.S. LNG exports are still on the rise" (Feb. 24, 2026), <https://www.eia.gov/todayinenergy/detail.php?id=67224>.

²²¹ See *id.*

²²² See Reuters, *EU proposes ban on Russian gas imports by end of 2027* (June 18, 2025), <https://www.reuters.com/sustainability/boards-policy-regulation/eu-readies-ban-russian-gas-imports-by-end-2027-2025-06-17/#:~:text=To%20replace%20Russian%20supplies%2C%20the,Spain%2C%20Belgium%2C%20the>; see also Council of the European Union, "Council and Parliament strike a deal on rules to phase out Russian gas imports for an energy secure and independent Europe" (Dec. 3, 2025), <https://www.consilium.europa.eu/en/press/press-releases/2025/12/03/council-and-parliament-strike-a-deal-on-rules-to-phase-out-russian-gas-imports-for-an-energy-secure-and-independent-europe/#:~:text=The%20regulation%20introduces%20a%20legally,2026%20and%20autumn%202027%20respectively>.

production, increases Western Europe’s net natural gas imports by between 2.3 Tcf and 6.2 Tcf by 2050 across all cases.”²²³ This analysis further supports a key objective of the “EU’s energy union strategy,” as “[LNG] can contribute to diversifying gas supplies, thus improving EU energy security in the short-term.”²²⁴ We thus find that SLNG’s proposed exports will continue to be a source of global supplies for the EU to utilize in light of its declining use of Russian natural gas.

In recent weeks, the global supply of LNG has been significantly impacted from the developments in the Middle East—including the supply disruption that occurred on March 2, 2026, from the drone strike at the Ras Laffan LNG export terminal operated by QatarEnergy,²²⁵ which removed approximately 20% of global LNG supplies,²²⁶ and the ongoing shutdown of LNG production at QatarEnergy.²²⁷ In addition, a recent tropical cyclone disrupted LNG exports from Australia, further exacerbating the shortage of LNG on the global market.²²⁸ The need for additional U.S. LNG supplies from operating facilities like SLNG’s Elba Island Terminal that can be deployed immediately are essential to supplying the global LNG market.

²²³ U.S. Energy Info. Admin., *International Energy Outlook 2023* (with projections to 2050), at 45 (Oct. 11, 2023), https://www.eia.gov/outlooks/ieo/pdf/IEO2023_Narrative.pdf.

²²⁴ Official website of the European Union (Energy, LNG), https://energy.ec.europa.eu/topics/carbon-management-and-fossil-fuels/liquefied-natural-gas_en.

²²⁵ See QatarEnergy, “QatarEnergy to Stop Production of LNG” (Mar. 2, 2026), <https://www.qatarenergy.qa/en/MediaCenter/Pages/newsdetails.aspx?ItemId=3892> (“Due to military attacks on QatarEnergy’s operating facilities in Ras Laffan Industrial City and Mesaieed Industrial City in the State of Qatar, QatarEnergy has ceased production of [LNG] and associated products.”).

²²⁶ See U.S. Energy Info. Admin., *Weekly Natural Gas Storage Report Supplement* (Mar. 5, 2026), <https://www.eia.gov/naturalgas/weekly/supplement/archive/2026/03/05/> (follow link to “Liquefied Natural Gas – International Prices”) (stating that “QatarEnergy LNG, which supplies about 20% of global LNG volumes, declared force majeure on LNG exports”).

²²⁷ See QatarEnergy, “QatarEnergy Declares Force Majeure” (Mar. 4, 2026), <https://www.qatarenergy.qa/en/MediaCenter/Pages/newsdetails.aspx?ItemId=3894> (stating that, due to its need to “stop production of [LNG] and associated products, QatarEnergy has declared Force Majeure to its affected buyers”).

²²⁸ See Reuters, “Australia’s biggest LNG plants suffer outages due to cyclone, straining global supply” (Mar. 27, 2026), <https://www.reuters.com/business/energy/chevron-reports-outage-australian-gas-facilities-due-cyclone-2026-03-26/> (stating that, “A powerful tropical cyclone in Western Australia has disrupted production at the country’s two biggest liquefied natural gas plants run by Chevron and Woodside, exacerbating a global supply crunch caused by the conflict in the Middle East.”).

In sum, by authorizing increased exports of U.S.-sourced LNG to non-FTA countries, including to U.S. allies in Europe and elsewhere, this Order will enable SLNG to help mitigate energy security concerns.²²⁹ More generally, to the extent U.S. exports diversify global LNG supplies and increase the volumes of destination-flexible LNG available globally, these exports will improve energy security for many U.S. allies and trading partners.²³⁰

We further note that, like all authorizations for the export of natural gas, no export will be permitted to any country for which exports are otherwise restricted by U.S. law or policy. For these reasons, we reiterate our finding that authorizing SLNG's volume of exports to non-FTA countries will not be inconsistent with the public interest.

DOE also notes that, in the 2024 LNG Export Study, DOE projected continued high global demand for natural gas through 2050, demonstrating a need for additional LNG export facilities in the United States or, in this case, additional export volumes.²³¹ For example, DOE projected in its *Defined Policies: Market Resolved* scenario that U.S. natural gas production will increase 54%, up to 51.0 trillion cubic feet (Tcf) of natural gas, and LNG exports will increase to 20.5 Tcf, between 2020 and 2050.²³² This level of LNG demand growth through to 2050 will require substantial investments in new natural gas and LNG projects.

Additionally, we take administrative notice of a report published in October 2024 by the Institute of Energy Economics, Japan (IEEJ), which found that “[g]lobal LNG demand in 2050 is

²²⁹ We note that Europe was the primary destination of U.S. LNG throughout 2024 and 2025. In December 2025, for example, almost 76% of all U.S. LNG exports went to Europe. See U.S. Dep't of Energy, *U.S. Natural Gas Imports and Exports Monthly*, at 1 (Feb. 2026), <https://www.energy.gov/sites/default/files/2026-02/Natural%20Gas%20Imports%20and%20Exports%20Monthly%20December%202025.pdf>.

²³⁰ As of December 2025, 17% of U.S. LNG exports have gone to FTA countries, and 83% have gone to non-FTA countries. See *id.* at 45.

²³¹ See 2024 Study Appendix A, at A-17 – A-22.

²³² 2024 Study Appendix B at B-57, https://www.energy.gov/sites/default/files/2025-10/LNGUpdate_AppendixB_Dec2024.pdf; 2024 Study Appendix A at A-22, https://www.energy.gov/sites/default/files/2025-10/LNGUpdate_AppendixA_Dec2024.pdf.

projected to increase by 74% from the present level.”²³³ According to the IEEJ, “[o]ne of the focal points of increasing demand is Southeast Asia’s emerging markets, notably the power generation sector,” and “[i]f the energy efficiency improvements assumed in these scenarios are not realised, LNG demand would increase further.”²³⁴ Similarly, other forecasts project varying levels of global demand for LNG, with many analysts predicting moderate to significant growth in LNG demand globally.

In light of these benefits to U.S. and global energy security, we find that SLNG’s requested increase in its non-FTA export volume will advance the public interest for reasons that are distinct from and additional to the benefits discussed above.

D. Bunkering Reporting Requirements

In the Amendment Application, SLNG asked DOE 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.”²³⁵

DOE agrees with SLNG’s summary of its monthly reporting obligations for any bunkering activities.²³⁶ 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

²³³ The Institute of Energy Economics, Japan, IEEJ 2025 Outlook (Oct. 18, 2024), <https://eneken.iecej.or.jp/data/12114.pdf>.

²³⁴ *Id.*

²³⁵ Amendment App. at 6-7 (noting its monthly reporting obligations to DOE on Form FE-746-R); *see also* Amendment App. Supp. at 4-5.

²³⁶ Amendment App. at 6-7.

consumption and use as marine fuel.²³⁷ As reflected in Ordering Paragraph A 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.²³⁸

E. Issuance of Categorical Exclusion Under NEPA

NEPA is “a purely procedural statute.”²³⁹ DOE’s NEPA procedures provide for a categorical exclusion for actions that normally do not require preparation of either an EIS or an EA—specifically, categorical exclusion B5.7 (10 C.F.R. Part 1021, Subpart D, Appendix B5), *Export of natural gas and associated transportation by marine vessel*.²⁴⁰ In establishing this revised categorical exclusion, DOE concluded that the “potential environmental effects associated with marine transport, the only reasonably foreseeable environmental impacts associated with DOE natural gas export authorizations, are minimal.”²⁴¹

Specifically, “[b]ased on prior NEPA reviews and technical reports” summarized in DOE’s Technical Support Document, DOE “determined that transport of natural gas by marine vessel normally does not pose the potential for significant environmental impacts.”²⁴² DOE also

²³⁷ See, e.g., *Southern LNG Company, L.L.C.*, DOE/FECM Order Nos. 3106-B and 3956-B, at 9-10 (citation omitted).

²³⁸ 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, to an adjacent belt of sea, described as the territorial sea”); 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.”); 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).

²³⁹ *Seven Cnty.*, 605 U.S. at 173, 178, 180, 184.

²⁴⁰ 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 NEPA Implementing Procedures Final Rule, 85 Fed. Reg. 78,197, *supra* § II.C.

²⁴¹ NEPA Implementing Procedures Final Rule, 85 Fed. Reg. at 78,199 (emphasis added) (citing *Pub. Citizen*, 541 U.S. at 767-68).

²⁴² *Id.* at 78,198 (citing DOE’s Technical Support Document, *see supra* § II.C); *see also id.* at 78,202 (stating that the Technical Support Document was focused on the potential impacts associated with transporting LNG cargo, and “includes consideration of accidents (including spills and fires), safety and security during transport, and some 50

observed that LNG shipments associated with export authorizations “comprise less than one percent of vessel calls from U.S. ports annually.”²⁴³ Further, “[e]ven with increased LNG exports, the relative proportion of LNG shipments to total shipping is not expected to change substantially.”²⁴⁴ On this basis, DOE concluded that “marine transport from DOE’s actions does not have the potential to markedly affect the global environmental impacts associated with the commercial shipping industry.”²⁴⁵

Further, DOE finds that marine transport effects are the only reasonably foreseeable environmental impacts from SLNG’s proposed exports, and DOE has considered these impacts in accordance with NEPA.²⁴⁶ DOE also finds that there is no legal requirement to consider any other environmental impacts.²⁴⁷ Indeed, the best reading of the statute may preclude DOE from considering environmental effects beyond DOE’s specified jurisdiction.²⁴⁸ Accordingly, on April 2, 2026, DOE issued a categorical exclusion B5.7 determination for SLNG’s Application.²⁴⁹ DOE finds here that this action is excluded from further NEPA review

years of experience transporting LNG on marine vessels”); *id.* (finding that “the effectiveness of [agency] regulations and industry practices over decades of LNG transport provide strong evidence that there is normally no potential for significant environmental impacts due to marine transport of LNG”).

²⁴³ *Id.* at 78,202.

²⁴⁴ *Id.*

²⁴⁵ *Id.*

²⁴⁶ See NEPA Implementing Procedures Final Rule, 85 Fed. Reg. at 78,199.

²⁴⁷ See *supra* §§ II.C, III.A; see also, e.g., *Seven Cnty.*, 605 U.S. at 177-78 (emphasizing that NEPA, as a “purely procedural” statute, “does not mandate particular results, but simply prescribes the necessary process’ for an agency’s environmental review of a project”) (quoting *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 350 (1989)); *NAACP v. Fed. Power Comm’n*, 425 U.S. 662, 669-70 (1976) (discussing the “content and meaning” of the words “public interest” in the NGA based on the statute’s “principal purpose” of encouraging “the orderly development of plentiful supplies” of natural gas at reasonable prices).

²⁴⁸ See, e.g., *NAACP*, 425 U.S. at 669-70 (expressing the statute’s “principal purpose”); *Sierra Club I*, 867 F.3d at 203 (noting the “general presumption favoring [export] authorization”); *Morrison v. Nat’l Australia Bank*, 561 U.S. 247, 255 (2010) (precluding extraterritorial application of United States law without “clearly expressed” intention of Congress).

²⁴⁹ U.S. Dep’t of Energy, Categorical Exclusion Determination, Southern LNG Company, L.L.C., Docket No. 23-109-LNG (Apr. 2, 2026). DOE’s determination that the B5.7 categorical exclusion applies to the Application is entitled to “substantial deference.” *Seven Cnty.*, 605 U.S. at 180; see also *id.* at 182 (in evaluating agency decision-making under NEPA, “[c]ourts should afford substantial deference and should not micromanage those agency choices so long as they fall within a broad zone of reasonableness”).

obligations pursuant to that categorical exclusion.²⁵⁰

We acknowledge that this position is a departure from DOE's past practice of broadly considering the potential upstream and downstream environmental effects of authorizing exports of LNG to non-FTA countries, beyond the transportation of the LNG by marine vessel. However, this position is informed by, and consistent with, the Supreme Court's holdings in *Public Citizen* and, most recently, *Seven County*, which make clear that "agencies are not required to analyze the effects of projects over which they do not exercise regulatory authority."²⁵¹ As relevant here, DOE's authority under section 3 of the NGA extends only to the export of natural gas (including LNG) as a commodity,²⁵² not to the end use of natural gas, over which DOE has no control.²⁵³ As noted, this position is also consistent with DOE's review of its statutory authority in the B5.7 categorical exclusion rulemaking in 2020, which was expressly based on DOE's statutory authority and the legal principle enunciated in *Public Citizen*.²⁵⁴

Finally, assuming, *arguendo*, both that DOE has authority to consider environmental effects beyond marine transport effects and that such effects are reasonably foreseeable from an authorization and require consideration by DOE, we still would determine that SLNG's proposed exports are consistent with the public interest Congress seeks to advance through NGA section

²⁵⁰ See 42 U.S.C. § 4336(a)(2), (b)(2).

²⁵¹ *Seven Cnty.*, 605 U.S. at 189 (discussing *Pub. Citizen*, 541 U.S. at 770, and concluding that "nothing in NEPA required the Board to go further and study environmental impacts from upstream or downstream projects separate in time or place from the 88-mile railroad line's construction and operation").

²⁵² See, e.g., *Sierra Club*, 827 F.3d at 40 (recognizing that DOE "maintains exclusive jurisdiction over the export of natural gas as a commodity"); NEPA Implementing Procedures Final Rule, 85 Fed. Reg. at 78,197-98, 78,201 (stating that "DOE's discretionary authority under Section 3 of the NGA is limited to the authorization of exports of natural gas to non-FTA countries," and that DOE's review under NEPA "is limited to the marine transport effects" of such exports); see also *supra* § II.C.

²⁵³ See, e.g., *Sierra Club*, 134 F.4th at 575 (holding, in denying petition for review of LNG export authorization issued by DOE under NGA section 3(a), that "the impacts of downstream emissions [from U.S. LNG] in foreign countries are not reasonably foreseeable" under NEPA).

²⁵⁴ See NEPA Implementing Procedures Final Rule, 85 Fed. Reg. at 78,197 (discussing DOE's limited review in considering environmental effects associated with the export of LNG to non-FTA countries under NEPA, citing *Pub. Citizen*); *id.* at 78,198-99, 78,201. *Sierra Club* is currently challenging the B5.7 categorical exclusion and its use in the ongoing Venture Global CP2 LNG, LLC proceeding. See *infra* note 304.

3(a).²⁵⁵ Weighing the findings of the Technical Support Document (which was part of the B5.7 categorical exclusion rulemaking), the actions of other federal and state agencies to regulate, permit, and mitigate environmental impacts,²⁵⁶ and the findings of DOE’s past life cycle analyses, against the economic, energy security, and other factors favoring authorization, we would reaffirm our finding that SLNG’s requested non-FTA exports will advance the public interest. DOE continues to believe that such effects “would be too speculative to inform the public interest determination.”²⁵⁷

F. Other Considerations

DOE notes the continuing uncertainty that all of the proposed LNG export projects will ever be realized because of the time, difficulty, and expense of commercializing, financing, and constructing LNG export terminals, as well as the uncertainties and competition inherent in the global market for LNG.²⁵⁸

More generally, DOE continues to subscribe to the principle set forth in the 1984 Policy Guidelines that, under most circumstances, the market is the most efficient means of allocating natural gas supplies.²⁵⁹ However, agency intervention may be necessary to protect the public in the event there is insufficient domestic natural gas for domestic use, or as a result of other facts or circumstances beyond those presented here.²⁶⁰

²⁵⁵ 15 U.S.C. § 717b(a); *see* App. at 1-2, 6.

²⁵⁶ *See, e.g.*, 42 U.S.C. § 7401 *et seq.*; 33 U.S.C. § 1901 *et seq.*; 33 U.S.C. § 1322(p); 16 U.S.C. § 1531 *et seq.*; 14 U.S.C. § 522.

²⁵⁷ *Sierra Club I*, 867 F.3d at 202 (internal quotation omitted) (concluding that “[w]e see nothing arbitrary about [DOE’s] decision”).

²⁵⁸ *See infra* § VIII.G (identifying long-term orders vacated or expired to date); *see also, e.g., Sierra Club*, 134 F.4th at 574 (discussing DOE’s findings as to “the uncertainties in the global energy markets” affecting the “supply and demand responses” for exports of U.S. LNG in the future).

²⁵⁹ 1984 Policy Guidelines, 49 Fed. Reg. at 6684.

²⁶⁰ In previous orders, some commenters asked DOE to clarify the circumstances under which the agency would exercise its authority to revoke (in whole or in part) final LNG export authorizations. DOE stated that it could not precisely identify all the circumstances under which such action might be considered. Subsequently, in 2018, DOE issued a policy statement addressing this issue. *See* U.S. Dep’t of Energy, Policy Statement Regarding Long-Term

G. Conclusion

Upon review of the record evidence and relevant precedent in earlier non-FTA export decisions, DOE has not found an adequate basis to conclude that SLNG's proposed exports of U.S. LNG to non-FTA countries will be inconsistent with the public interest. We thus find that Public Citizen and IEEFA have failed to overcome the statutory presumption that the proposed export authorization is consistent with the public interest. For that reason, we are authorizing SLNG's proposed additional exports to non-FTA countries as set forth below.

In deciding whether to grant a non-FTA export authorization, DOE also considers the cumulative impacts of the total volume of all non-FTA export authorizations. With the issuance of this Order and the vacatur or expiration of previous long-term non-FTA export authorizations,²⁶¹ there are currently 45 final non-FTA authorizations from the lower-48 states in a cumulative volume of exports totaling approximately 53.80 Bcf/d of natural gas, or approximately 19.6 trillion cubic feet per year, as follows:²⁶² Sabine Pass Liquefaction, LLC

Authorizations to Export Natural Gas to Non-Free Trade Agreement Countries, 83 Fed. Reg. 28,841 (June 21, 2018).

²⁶¹ To date, DOE has vacated nine long-term non-FTA authorizations (none over the objection of the authorization holder) in the following proceedings: *Eagle LNG Partners Jacksonville II LLC*, Docket No. 17-79-LNG (Mar. 12, 2023), *Bear Head Energy Inc. (formerly Bear Head LNG Corp.) and Bear Head LNG (USA), LLC*, Docket No. 15-33-LNG (Jan. 20, 2023); *Jordan Cove Energy Project L.P.*, Docket No. 12-32-LNG (Apr. 22, 2022); *Air Flow N. Am. Corp.*, Docket No. 14-206-LNG (Dec. 30, 2021); *Emera CNG, LLC*, Docket No. 13-157-CNG (Oct. 20, 2021); *Annova LNG Common Infrastructure, LLC*, Docket No. 19-34-LNG (Apr. 23, 2021); *Floridian Natural Gas Storage Co., LLC*, Docket No. 15-38-LNG (Oct. 22, 2020); *Carib Energy (USA) LLC*, Docket No. 11-141-LNG (Nov. 17, 2020); *Flint Hills Res., LP*, Docket No. 15-168-LNG (Feb. 5, 2019). Additionally, two long-term non-FTA authorizations in the following proceedings have expired: *Pieridae Energy (USA) Ltd.*, Docket No. 14-179-LNG (Jan. 17, 2025); *Magnolia LNG, LLC*, Docket No. 13-132-LNG (Dec. 8, 2023).

²⁶² Subsequent amendments to each order, where applicable, are omitted. Any number discrepancies are due to rounding. Additionally, this cumulative volume of non-FTA exports from the lower-48 states does not include export volumes granted pursuant to DOE's regulations for small-scale exports of natural gas. See 10 C.F.R. §§ 590.102(p), 208(a); U.S. Dep't of Energy, Hydrocarbons and Geothermal Energy Office, Long Term Applications Received by DOE to Export Domestically Produced LNG, CNG, CGL from the Lower-48 States, at 15-16 (as of Mar. 4, 2026), <https://www.energy.gov/hgeo/articles/summary-lng-export-applications-lower-48-states> (identifying small-scale applications and status).

(2.2 Bcf/d),²⁶³ Cameron LNG, LLC (1.7 Bcf/d),²⁶⁴ FLEX I (1.4 Bcf/d),²⁶⁵ FLEX II (0.4 Bcf/d),²⁶⁶ Cove Point LNG, LP (0.77 Bcf/d),²⁶⁷ Cheniere Marketing, LLC and Corpus Christi Liquefaction, LLC (2.1 Bcf/d),²⁶⁸ Sabine Pass Liquefaction, LLC Expansion Project (1.38 Bcf/d),²⁶⁹ American LNG Marketing LLC (0.008 Bcf/d),²⁷⁰ Sabine Pass Liquefaction, LLC Design Increase (0.56 Bcf/d),²⁷¹ Cameron LNG, LLC Design Increase (0.42 Bcf/d),²⁷² Cameron

²⁶³ *Sabine Pass Liquefaction, LLC*, DOE/FE Order No. 2961-A, Docket No. 10-111-LNG, Final Opinion and Order Granting Long-Term Authorization to Export Liquefied Natural Gas from Sabine Pass LNG Terminal to Non-Free Trade Agreement Nations (Aug. 7, 2012).

²⁶⁴ *Cameron LNG, LLC*, DOE/FE Order No. 3391-A, Docket No. 11-162-LNG, Final Opinion and Order Granting Long-Term Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Cameron LNG Terminal in Cameron Parish, Louisiana, to Non-Free Trade Agreement Nations (Sep. 10, 2014).

²⁶⁵ *Freeport LNG Expansion, L.P., et al.*, DOE/FE Order No. 3282-C, Docket No. 10-161-LNG, Final Opinion and Order Granting Long-Term Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Freeport LNG Terminal on Quintana Island, Texas, to Non-Free Trade Agreement Nations (Nov. 14, 2014) (FLEX I Final Order).

²⁶⁶ *Freeport LNG Expansion, L.P., et al.*, DOE/FE Order No. 3357-B, Docket No. 11-161-LNG, Final Opinion and Order Granting Long-Term Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Freeport LNG Terminal on Quintana Island, Texas, to Non-Free Trade Agreement Nations (Nov. 14, 2014) (FLEX II Final Order).

²⁶⁷ *Cove Point LNG, LP*, DOE/FE Order No. 3331-A, Docket No. 11-128-LNG, Final Opinion and Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Cove Point LNG Terminal in Calvert County, Maryland, to Non-Free Trade Agreement Nations (May 7, 2015).

²⁶⁸ *Cheniere Mktg., LLC and Corpus Christi Liquefaction, LLC*, DOE/FE Order No. 3638, Docket No. 12-97-LNG, Final Order and Opinion Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Proposed Corpus Christi Liquefaction Project to Be Located in Corpus Christi, Texas, to Non-Free Trade Agreement Nations (May 12, 2015).

²⁶⁹ *Sabine Pass Liquefaction, LLC*, DOE/FE Order No. 3669, Docket Nos. 13-30-LNG, 13-42-LNG, & 13-121-LNG, Final Opinion and Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Sabine Pass LNG Terminal Located in Cameron Parish, Louisiana, to Non-Free Trade Agreement Nations (June 26, 2015).

²⁷⁰ *American LNG Mktg. LLC*, DOE/FE Order No. 3690, Docket No. 14-209-LNG, Final Opinion and Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas in ISO Containers Loaded at the Proposed Hialeah Facility Near Medley, Florida, and Exported by Vessel to Non-Free Trade Agreement Nations (Aug. 7, 2015).

²⁷¹ *Sabine Pass Liquefaction, LLC*, DOE/FE Order No. 3792, Docket No. 15-63-LNG, Final Opinion and Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Sabine Pass LNG Terminal Located in Cameron Parish, Louisiana, to Non-Free Trade Agreement Nations (Mar. 11, 2016).

²⁷² *Cameron LNG, LLC*, DOE/FE Order No. 3797, Docket No. 15-67-LNG, Final Opinion and Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Cameron Terminal Located in Cameron and Calcasieu Parishes, Louisiana, to Non-Free Trade Agreement Nations (Mar. 18, 2016).

LNG, LLC Expansion Project (1.41 Bcf/d),²⁷³ Lake Charles Exports, LLC (2.0 Bcf/d),²⁷⁴ Lake Charles LNG Export Company, LLC,²⁷⁵ Carib Energy (USA), LLC (0.004),²⁷⁶ Southern LNG Company, L.L.C. (0.36 Bcf/d),²⁷⁷ the FLEX Design Increase (0.34 Bcf/d),²⁷⁸ Golden Pass LNG Terminal LLC (2.57 Bcf/d),²⁷⁹ Delfin LNG LLC (1.8 Bcf/d),²⁸⁰ the Lake Charles LNG Export Company, LLC Design Increase (0.33 Bcf/d),²⁸¹ the Lake Charles Exports, LLC Design Increase,²⁸² Mexico Pacific Limited LLC (1.7 Bcf/d),²⁸³ Venture Global Calcasieu Pass, LLC

²⁷³ *Cameron LNG, LLC*, DOE/FE Order No. 3846, Docket No. 15-90-LNG, Opinion and Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from Trains 4 and 5 of the Cameron LNG Terminal Located in Cameron and Calcasieu Parishes, Louisiana, to Non-Free Trade Agreement Nations (July 15, 2016).

²⁷⁴ *Lake Charles Exports, LLC*, DOE/FE Order No. 3324-A, Docket No. 11-59-LNG, Final Opinion and Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Lake Charles Terminal in Calcasieu Parish, Louisiana, to Non-Free Trade Agreement Nations (July 29, 2016).

²⁷⁵ *Lake Charles LNG Export Co., LLC*, DOE/FE Order No. 3868, Docket No. 13-04-LNG, Opinion and Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Lake Charles Terminal in Calcasieu Parish, Louisiana to Non-Free Trade Agreement Nations (July 29, 2016).

²⁷⁶ *Carib Energy (USA) LLC*, DOE/FE Order No. 3937, Docket No. 16-98-LNG, Opinion and Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas in ISO Containers Loaded at Designated Pivotal LNG, Inc. Facilities and Exported by Vessel to Non-Free Trade Agreement Nations in Central America, South America, or the Caribbean (Nov. 28, 2016).

²⁷⁷ *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).

²⁷⁸ *Freeport LNG Expansion, L.P., et al.*, DOE/FE Order No. 3957, Docket No. 16-108-LNG, Opinion and Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Freeport LNG Terminal on Quintana Island, Texas, to Non-Free Trade Agreement Nations (Dec. 19, 2016).

²⁷⁹ *Golden Pass LNG Terminal LLC (formerly Golden Pass Products LLC)*, DOE/FE Order No. 3978, Docket No. 12-156-LNG, Opinion and Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Golden Pass LNG Terminal Located in Jefferson County, Texas, to Non-Free Trade Agreement Nations (Apr. 25, 2017).

²⁸⁰ *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).

²⁸¹ *Lake Charles LNG Export Co., LLC*, DOE/FE Order No. 4010, Docket No. 16-109-LNG, Opinion and Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Lake Charles Terminal in Lake Charles, Louisiana, to Free Trade Agreement and Non-Free Trade Agreement Nations (June 29, 2017).

²⁸² *Lake Charles Exports, LLC*, DOE/FE Order No. 4011, Docket No. 16-110-LNG, Opinion and Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Lake Charles Terminal in Lake Charles, Louisiana, to Free Trade Agreement and Non-Free Trade Agreement Nations (June 29, 2017).

²⁸³ *Mexico Pacific Ltd. LLC*, DOE/FE Order No. 4312, Docket No. 18-70-LNG, Opinion and Order Granting Long-Term, Multi-Contract Authorization to Export U.S.-Sourced Natural Gas by Pipeline to Mexico for Liquefaction and Re-Export in the Form of Liquefied Natural Gas to Non-Free Trade Agreement Countries (Dec. 14, 2018).

(1.76 Bcf/d),²⁸⁴ ECA Liquefaction, S. de R.L. de C.V. (Mid-Scale Project) (0.44 Bcf/d),²⁸⁵ Energía Costa Azul, S. de R.L. de C.V. (Large-Scale Project) (1.74 Bcf/d),²⁸⁶ Port Arthur LNG, LLC (1.91 Bcf/d),²⁸⁷ Louisiana LNG Infrastructure LLC (formerly Driftwood LNG LLC) (3.88 Bcf/d),²⁸⁸ FLEX4 (0.72 Bcf/d),²⁸⁹ Gulf LNG Liquefaction Company, LLC (1.53 Bcf/d),²⁹⁰ Eagle LNG Partners Jacksonville LLC (0.14 Bcf/d),²⁹¹ Venture Global Plaquemines LNG, LLC (3.85 Bcf/d),²⁹² Texas LNG Brownsville LLC (0.56 Bcf/d),²⁹³ Corpus Christi Liquefaction, LLC (formerly Corpus Christi Liquefaction Stage III, LLC) (1.59 Bcf/d),²⁹⁴ Rio Grande LNG, LLC, Rio Grande LNG Train 4, LLC, and Rio Grande LNG Train 5, LLC (3.61 Bcf/d),²⁹⁵ Epsilon

²⁸⁴ *Venture Global Calcasieu Pass, LLC*, DOE/FE Order No. 4346, Docket Nos. 13-69-LNG, 14-88-LNG, 15-25-LNG, Opinion and Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations (Mar. 5, 2019).

²⁸⁵ *ECA Liquefaction, S. de R.L. de C.V.*, DOE/FE Order No. 4364, Docket No. 18-144-LNG, Opinion and Order Granting Long-Term Authorization to Re-Export U.S-Sourced Natural Gas in the Form of Liquefied Natural Gas from Mexico to Non-Free Trade Agreement Countries (ECA Mid-Scale Project) (Mar. 29, 2019).

²⁸⁶ *Energía Costa Azul, S. de R.L. de C.V.*, DOE/FE Order No. 4365, Docket No. 18-145-LNG, Opinion and Order Granting Long-Term Authorization to Re-Export U.S-Sourced Natural Gas in the Form of Liquefied Natural Gas from Mexico to Non-Free Trade Agreement Countries (ECA Large-Scale Project) (Mar. 29, 2019).

²⁸⁷ *Port Arthur LNG, LLC*, DOE/FE Order No. 4372, Docket No. 15-96-LNG, Opinion and Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations (May 2, 2019).

²⁸⁸ *Louisiana LNG Infrastructure LLC (formerly Driftwood LNG LLC)*, DOE/FE Order No. 4373, Docket No. 16-144-LNG, Opinion and Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations (May 2, 2019).

²⁸⁹ *Freeport LNG Expansion, L.P., et al.*, DOE/FE Order No. 4374, Docket No. 18-26-LNG, Opinion and Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations (May 28, 2019).

²⁹⁰ *Gulf LNG Liquefaction Co., LLC*, DOE/FE Order No. 4410, Docket No. 12-101-LNG, Opinion and Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations (July 31, 2019).

²⁹¹ *Eagle LNG Partners Jacksonville LLC*, DOE/FE Order No. 4445, Docket No. 16-15-LNG, Opinion and Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations (Oct. 3, 2019).

²⁹² *Venture Global Plaquemines LNG, LLC*, DOE/FE Order No. 4446, Docket No. 16-28-LNG, Opinion and Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations (Oct. 16, 2019).

²⁹³ *Texas LNG Brownsville LLC*, DOE/FE Order No. 4489, Docket No. 15-62-LNG, Opinion and Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations (Feb. 10, 2020).

²⁹⁴ *Corpus Christi Liquefaction, LLC (formerly Corpus Christi Liquefaction Stage III, LLC)*, DOE/FE Order No. 4490, Docket No. 18-78-LNG, Opinion and Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations (Feb. 10, 2020).

²⁹⁵ *Rio Grande LNG, LLC, et al.* DOE/FE Order No. 4492, Docket No. 15-190-LNG, Opinion and Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations (Feb. 10, 2020).

LNG LLC (1.083 Bcf/d),²⁹⁶ Cheniere Marketing, LLC and Corpus Christi Liquefaction, LLC (0.3 Bcf/d),²⁹⁷ Sabine Pass Liquefaction, LLC (0.42 Bcf/d),²⁹⁸ Vista Pacifico LNG, S.A.P.I. de C.V. (Mid-Scale Project) (0.55 Bcf/d),²⁹⁹ FLEX Design Increase (0.24 Bcf/d),³⁰⁰ NFE Altamira FLNG, S. de R.L. de C.V. (0.40 Bcf/d),³⁰¹ Port Arthur LNG Phase II, LLC (1.91 Bcf/d),³⁰² Commonwealth LNG, LLC (1.21 Bcf/d),³⁰³ Venture Global CP2 LNG, LLC (3.96 Bcf/d),³⁰⁴ Corpus Christi Liquefaction, LLC, CCL Midscale 8-9, LLC, and Cheniere Marketing, LLC (0.47 Bcf/d),³⁰⁵ and this Order.

We note that the volumes authorized for export in the *Lake Charles Exports* and *Lake Charles LNG Export* orders are both 2.0 Bcf/d and 0.33 Bcf/d, respectively, yet are not additive

²⁹⁶ *Epsilon LNG LLC*, DOE/FE Order No. 4629, Docket No. 20-31-LNG, Opinion and Order Granting Long-Term Authorization to Export Natural Gas to Mexico for Liquefaction, and to Re-Export U.S. Sourced Natural Gas in the Form of Liquefied Natural Gas from Mexico to Free Trade Agreement and Non-Free Trade Agreement Nations (Dec. 8, 2020).

²⁹⁷ *Cheniere Mktg., LLC and Corpus Christi Liquefaction, LLC*, DOE/FECM Order No. 4799, Docket No. 19-124-LNG, Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations (Mar. 16, 2022).

²⁹⁸ *Sabine Pass Liquefaction, LLC*, DOE/FECM Order No. 4800, Docket No. 19-125-LNG, Order Granting Long Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations (Mar. 16, 2022).

²⁹⁹ *Vista Pacifico LNG, S.A.P.I. de C.V.*, DOE/FECM Order No. 4929, Docket No. 20-153-LNG, Opinion and Order Granting Long-Term Authorization to Re-Export U.S.-Sourced Natural Gas in the Form of Liquefied Natural Gas from Mexico to Non-Free Trade Agreement Nations (Dec. 20, 2022).

³⁰⁰ *Freeport LNG Expansion, L.P., et al.*, DOE/FECM Order No. 4961, Docket No. 21-98-LNG, Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations (Mar. 3, 2023).

³⁰¹ *NFE Altamira FLNG, S. de R.L. de C.V.*, DOE/FECM Order No. 5156, Docket No. 22-110-LNG, Order Granting Long-Term Authorization to Re-Export U.S.-Sourced Natural Gas in the Form of Liquefied Natural Gas from Mexico to Non-Free Trade Agreement Nations (Aug. 31, 2024).

³⁰² *Port Arthur LNG Phase II, LLC*, DOE/FECM Order No. 5292, Docket No. 20-23-LNG, Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations (May 29, 2025).

³⁰³ *Commonwealth LNG, LLC*, DOE/FECM Order No. 5238-A, Docket No. 19-134-LNG, Final Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations (Aug. 29, 2025).

³⁰⁴ *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 (Oct. 21, 2025), *reh'g denied* DOE/HGEO Order No. 5264-B (Mar. 26, 2026). Sierra Club and Natural Resources Defense Council have filed a petition for review of the CP2 LNG Final Order. See *Sierra Club, et al. v. U.S. Dep't of Energy*, Joint Petition for Review of Orders of the United States Department of Energy, Case No. 26-1036 (D.C. Cir. Feb. 17, 2026). Petitioners are challenging: (i) the CP2 LNG Final Order; and (ii) DOE's B5.7 categorical exclusion rulemaking discussed herein, "both as applied" in the Final Order and "on its face." *Id.* at 2-3. That litigation is ongoing.

³⁰⁵ *Corpus Christi Liquefaction, LLC; CCL Midscale 8-9, LLC; and Cheniere Marketing, LLC*, DOE/HGEO Order No. 5391, Docket No. 23-46-LNG, Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations (Feb. 26, 2026).

to one another because the source of LNG approved under all of those orders is the Lake Charles Terminal.³⁰⁶

DOE further notes that, to date (including this Order), the cumulative total of U.S. and Mexico LNG export capacity, using U.S.-sourced natural gas, that is operating or under construction across 15 mid- or large-scale export projects with a non-FTA export authorization from DOE is 37.45 Bcf/d of natural gas.³⁰⁷

DOE will continue taking a measured approach in reviewing the other pending applications to export natural gas. Specifically, DOE will continue to assess the cumulative impacts of each succeeding request for export authorization on the public interest with due regard to the effect on domestic natural gas supply and demand fundamentals.

Two reasons support this approach. First, the 2024 LNG Export Study, like any study based on assumptions and economic projections, is inherently limited in its predictive accuracy. Second, the market for natural gas has experienced changes due to economic, geopolitical, technological, and regulatory developments. The market of the future very likely will not resemble the market of today. In recognition of these factors, DOE intends to monitor developments that could potentially undermine the public interest in grants of successive applications for exports of domestically produced LNG and to attach terms and conditions to LNG export authorizations to protect the public interest.

³⁰⁶ *Lake Charles LNG Export Co., LLC*, DOE/FE Order No. 4010, at 55; *see also Lake Charles Exports, LLC*, DOE/FE Order No. 4011, at 54.

³⁰⁷ U.S. Dep't of Energy, Liquefied Natural Gas (LNG) Exports Snapshot (Mar. 2026), <https://www.energy.gov/sites/default/files/2026-03/LNG%20Snapshot%20Mar%2031%202026.pdf>, total of 37.45 Bcf/d calculated by adding Columns "Under Construction Pursuant to FID" & "Operating", plus the additional volume granted in this order. Any number discrepancies are due to rounding.

IX. FINDINGS

On the basis of the findings and conclusions set forth above, we find that it has not been shown that a grant of the requested non-FTA authorization will be inconsistent with the public interest. Accordingly, DOE grants SLNG's Application, as amended by the Application Amendment and Supplement, subject to the Terms and Conditions and Ordering Paragraphs set forth below.

X. TERMS AND CONDITIONS

To ensure that the authorization issued by this Order is not inconsistent with the public interest, DOE has attached the following Terms and Conditions to the authorization. SLNG must abide by each Term and Condition or face appropriate sanction.

A. Term of the Authorization

Consistent with DOE's current practice and SLNG's existing non-FTA authorization, DOE grants SLNG's authorization for a term to commence on the date of first export and to extend through December 31, 2050.

B. Transfer, Assignment, or Change in Control

DOE's natural gas regulations prohibit authorization holders from transferring or assigning authorizations to import or export natural gas without specific authorization by the Assistant Secretary for Hydrocarbons and Geothermal Energy Office.³⁰⁸ DOE has found that this requirement applies to any change of control of the authorization holder. This condition was deemed necessary to ensure that DOE will be given an adequate opportunity to assess the public interest impacts of such a transfer or change.

³⁰⁸ 10 C.F.R. § 590.405.

DOE construes a change in control to mean a change, directly or indirectly, of the power to direct the management or policies of an entity whether such power is exercised through one or more intermediary companies or pursuant to an agreement, written or oral, and whether such power is established through ownership or voting of securities, or common directors, officers, or stockholders, or voting trusts, holding trusts, or debt holdings, or contract, or any other direct or indirect means.³⁰⁹ A rebuttable presumption that control exists will arise from the ownership or the power to vote, directly or indirectly, 10% or more of the voting securities of such entity.³¹⁰

C. Agency Rights

SLNG requests authorization to export LNG on its own behalf and as agent for other entities that hold title to the LNG at the time of export, pursuant to long-term contracts. DOE previously has determined that, in LNG export orders in which Agency Rights have been granted, DOE shall require registration materials filed for, or by, a LNG title-holder (Registrant) to include the same company identification information and long-term contract information of the Registrant as if the Registrant had filed an application to export LNG on its own behalf.³¹¹

To ensure that the public interest is served, this authorization will require that, where SLNG proposes to export LNG as agent for other entities that hold title to the LNG (Registrants), SLNG must register those entities with DOE in accordance with the procedures and requirements described herein.

³⁰⁹ See U.S. Dep't of Energy, Procedures for Changes in Control Affecting Applications and Authorizations to Import or Export Natural Gas, 79 Fed. Reg. 65,541, 65,542 (Nov. 5, 2014).

³¹⁰ See *id.*

³¹¹ See, e.g., *Cameron LNG, LLC*, DOE/FE Order No. 3846, Docket No. 15-90-LNG, Opinion and Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from Trains 4 and 5 of the Cameron LNG Terminal to Non-Free Trade Agreement Nations, at 128-29 (July 15, 2016); *Freeport LNG Expansion, L.P., et al.*, DOE/FE Order No. 2913, Docket No. 10-160-LNG, Order Granting Long-Term Authorization to Export Liquefied Natural Gas from the Freeport LNG Terminal to Free Trade Agreement Nations, at 7-8 (Feb. 10, 2011).

D. Contract Provisions for the Sale or Transfer of LNG

DOE will require that SLNG file or cause to be filed with DOE any relevant long-term commercial agreements pursuant to which SLNG exports LNG on its own behalf or as agent for a Registrant. DOE finds that the submission of all such agreements or contracts within 30 days of their execution using the procedures described below will be consistent with the “to the extent practicable” requirement of section 590.202(b).³¹²

In addition, DOE finds that section 590.202(c) of DOE’s regulations³¹³ requires that SLNG file, or cause to be filed, all long-term contracts associated with the long-term supply of natural gas to the Elba Island Terminal, whether signed by SLNG or the Registrant, within 30 days of their execution.

DOE recognizes that some information in SLNG’s or a Registrant’s long-term commercial agreements associated with the export of LNG, and/or long-term contracts associated with the long-term supply of natural gas to the Elba Island Terminal, may be commercially sensitive. DOE therefore will provide SLNG the option to file or cause to be filed either unredacted contracts, or in the alternative: (A) SLNG may file, or cause to be filed, long-term contracts under seal, but it also will file either: (i) a copy of each long-term contract with commercially sensitive information redacted, or (ii) a summary of all major provisions of the contract(s) including, but not limited to, the parties to each contract, contract term, quantity, any take or pay or equivalent provisions/conditions, destination, re-sale provisions, and other relevant provisions; and (B) the filing must demonstrate why the redacted or non-disclosed information should be exempted from public disclosure.

³¹² 10 C.F.R. § 590.202(b).

³¹³ *Id.* § 590.202(c).

To ensure that DOE destination and reporting requirements included in this Order are conveyed to subsequent title holders, DOE will include as a condition of this authorization that future contracts for the sale or transfer of LNG exported pursuant to this Order shall include an acknowledgement of these requirements.

E. Export Quantity

This Order grants SLNG's Application to export LNG to non-FTA countries in the full volume of LNG requested, equivalent to 28.25 Bcf/yr of natural gas.

F. Combined FTA and Non-FTA Export Authorization Volumes

With this Order, SLNG now holds non-FTA export authorizations for the entire liquefaction capacity of the Elba Island Terminal as approved by FERC (2.9 mtpa of LNG, or 158.25 Bcf/yr of natural gas). Accordingly, the volume of LNG authorized in this Order is additive to the volume authorized in SLNG's long-term non-FTA order in Docket No. 12-100-LNG (Order No. 3956, as amended). However, this volume is not additive to the volume authorized in SLNG's long-term FTA order in Docket No. 12-54-LNG (Order No. 3106, as amended).³¹⁴

XI. ORDER

Pursuant to section 3 of the Natural Gas Act, it is ordered that:

A. Southern LNG Company, L.L.C. (SLNG) is authorized to export domestically produced LNG from the Elba Island Terminal, located in Chatham County, Georgia. SLNG is authorized to export this LNG in a volume equivalent to 28.25 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

³¹⁴ See *infra* Appendix.

(including in foreign ports).³¹⁵ This authorization is for a term commencing on the date of first export and extending 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.³¹⁶

B. This LNG may be exported to any country with which the United States does not have a FTA requiring national treatment for trade in natural gas, which currently has or in the future develops the capacity to import LNG, and with which trade is not prohibited by U.S. law or policy.

C. SLNG shall ensure that all transactions authorized by this Order are permitted and lawful under U.S. laws and policies, including the rules, regulations, orders, policies, and other determinations of the Office of Foreign Assets Control of the U.S. Department of the Treasury. Failure to comply with these requirements could result in rescission of this authorization and/or other civil or criminal penalties.

D. This Order is conditioned on SLNG's on-going compliance with any other preventative and mitigative measures at the Elba Island Terminal imposed by federal or state agencies.

E. (i) SLNG shall file, or cause others to file, with the U.S. Department of Energy, Hydrocarbons and Geothermal Energy Office, Office of Strategic Resources, Office of Global Energy Security (EX-31) a non-redacted copy of all executed long-term contracts associated with the long-term export of LNG from the Elba Island Terminal on its own behalf or as agent for

³¹⁵ DOE defers to each country's determination of its own territorial sea for this purpose, as recognized by the United States.

³¹⁶ 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).

other entities. The non-redacted copies must be filed within 30 days of their execution and may be filed under seal, as described above.

(ii) SLNG shall file, or cause others to file, with the Office of Global Energy Security a non-redacted copy of all executed long-term contracts associated with the long-term supply of natural gas to the Elba Island Terminal. The non-redacted copies must be filed within 30 days of their execution and may be filed under seal, as described above.

F. SLNG is permitted to use its authorization to export LNG as agent for other LNG title-holders (Registrants), after registering those entities with DOE. Registration materials shall include an agreement by the Registrant to supply SLNG with all information necessary to permit SLNG to register that person or entity with DOE, including: (1) the Registrant's agreement to comply with this Order and all applicable requirements of DOE's regulations at 10 C.F.R. Part 590, including but not limited to destination restrictions; (2) the exact legal name of the Registrant, state/location of incorporation/registration, primary place of doing business, and the Registrant's ownership structure, including the ultimate parent entity if the Registrant is a subsidiary or affiliate of another entity; (3) the name, title, mailing address, e-mail address, and telephone number of a corporate officer or employee of the Registrant to whom inquiries may be directed; and (4) within 30 days of execution, a copy of any long-term contracts not previously filed with DOE, described in Ordering Paragraph E of this Order.

Any change in the registration materials—including changes in company name, contact information, length of the long-term contract, termination of the long-term contract, or other relevant modification—shall be filed with DOE within 30 days of such change(s).

G. SLNG, or others for whom SLNG acts as agent, shall include the following provision in any agreement or other contract for the sale or transfer of LNG exported pursuant to this

Order:

Customer or purchaser acknowledges and agrees that it will resell or transfer LNG purchased hereunder for delivery only to countries identified in Ordering Paragraph B of DOE/HGEO Order No. 5404, issued April 2, 2026, in Docket No. 23-109-LNG, and/or to purchasers that have agreed in writing to limit their direct or indirect resale or transfer of such LNG to such countries. Customer or purchaser further commits to cause a report to be provided to Southern LNG Company, L.L.C. that identifies the country (or countries) into which the LNG was actually delivered, and to include in any resale contract for such LNG the necessary conditions to ensure that Southern LNG Company, L.L.C. is made aware of all such actual destination countries.

H. Within two weeks after the first export authorized in Ordering Paragraph A occurs, SLNG shall provide written notification of the date of first export to DOE.

I. SLNG shall file with the Office of Global Energy Security, on a semi-annual basis, written reports. The reports shall be filed on or by April 1 and October 1 of each year, and shall include information on the operation of the Elba Island Terminal and the status of any associated long-term supply and export contracts.

J. With respect to any change in control of the authorization holder, SLNG must comply with DOE's Procedures for Change in Control Affecting Applications and Authorizations to Import or Export Natural Gas.³¹⁷

K. Monthly Reports: With respect to the exports authorized by this Order, SLNG shall file with the Office of Global Energy Security, within 30 days following the last day of each calendar month, a report on Form FE-746R indicating whether exports have been made. If exports have not occurred, a report of "no activity" for that month must be filed. If exports have occurred, the report must provide the information specified for each applicable activity and mode of transportation, as set forth in the Guidelines for Filing Monthly Reports. These Guidelines are

³¹⁷ See 79 Fed. Reg. at 65,541-42.

available at <https://www.energy.gov/hgeo/guidelines-filing-monthly-reports>.

(Approved by the Office of Management and Budget under OMB Control No. 1901-0294)

L. All monthly report filings on Form FE-746R shall be made to the Office of Global Energy Security according to the methods of submission listed on the Form FE-746R reporting instructions available at <https://www.energy.gov/hgeo/regulation>.

M. The motion to intervene submitted by Public Citizen is deemed granted.³¹⁸

Issued in Washington, D.C., on April 2, 2026.



Chris Wright
U.S. Secretary of Energy

³¹⁸ 10 C.F.R. § 590.303(g).

**APPENDIX: LONG-TERM EXPORT AUTHORIZATIONS
FOR THE ELBA ISLAND TERMINAL**

Table 1: Orders Issued by DOE for the Long-Term Export of LNG from the Elba Island Terminal to FTA Countries

Docket No.	Order No., With Amendments	Date Issued	Type of Amendment	Volume (Bcf/yr)
12-54-LNG	3106	June 15, 2012	-	182.5
12-54-LNG	3106-A	Dec. 30, 2020	Term extension through Dec. 31, 2050	-
12-54-LNG	3106-B	Dec. 22, 2025	Adding modes of transport	-
Total FTA Volume				182.5

Table 2: Orders Issued by DOE for the Long-Term Export of LNG from the Elba Island Terminal to Non-FTA Countries

Docket No.	Order No., With Amendments	Date Issued	Type of Amendment	Volume (Bcf/yr)
12-100-LNG	3956	Dec. 16, 2016	-	130
12-100-LNG	3956-A	Dec. 30, 2020	Term extension through Dec. 31, 2050	-
12-100-LNG	3956-B	Dec. 22, 2025	Adding modes of transport	-
23-109-LNG	5404	Apr. 2, 2026	Volume increase	28.25
Total Non-FTA Volume				158.25