

COMMENT OF OBELISK TECH SYSTEMS INC.

On Importation or Exportation of Liquefied Natural Gas: Argent LNG, LLC Application Authorization

Docket No. DOE_FRDOC_0001-5361

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FILER

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Filed by: James H. Poole, Executive Chairman & Chief Executive Officer

I. EXECUTIVE SUMMARY

Obelisk Tech Systems Inc. ("Obelisk") submits this comment on the Department of Energy's ("DOE") proposed authorization of LNG export by Argent LNG, LLC, Docket No. DOE_FRDOC_0001-5361, under the Natural Gas Act, 15 U.S.C. § 717b, the National Environmental Policy Act ("NEPA"), 42 U.S.C. §§ 4321–4347, and applicable Executive Orders governing energy security, supply chain integrity, and centralized regulatory review.

This comment identifies fifteen procedural and substantive defects implicating the Natural Gas Act § 3 public interest determination, NEPA environmental review, national security review, forced labor supply chain screening, and small entity protection. Given the defense industrial base and national security implications of LNG export authorizations to non-Free Trade Agreement countries, elevated procedural rigor is required.

II. STATUTORY AND REGULATORY AUTHORITY

- Natural Gas Act, 15 U.S.C. § 717b (LNG export authorization)
- DOE LNG Export Regulations, 10 C.F.R. Part 590
- National Environmental Policy Act, 42 U.S.C. §§ 4321–4347
- Council on Environmental Quality NEPA Regulations, 40 C.F.R. Parts 1500–1508
- DOE NEPA Implementing Procedures, 10 C.F.R. Part 1021
- Energy Policy Act of 2005, Pub. L. 109-58
- Uyghur Forced Labor Prevention Act, Pub. L. 117-78
- 19 U.S.C. § 1307 (Forced Labor Imports)
- International Emergency Economic Powers Act, 50 U.S.C. §§ 1701–1708
- Foreign Investment Risk Review Modernization Act, Pub. L. 115-232 (CFIUS)
- Defense Production Act, 50 U.S.C. §§ 4501–4568
- Administrative Procedure Act, 5 U.S.C. §§ 551–559, 701–706
- Regulatory Flexibility Act, 5 U.S.C. §§ 601–612
- Executive Order 12866 (Regulatory Planning and Review)
- Executive Order 14017 (America's Supply Chains)
- Executive Order 14005 (Made in America)

- Executive Order 13272 (Small Entity Consideration)
- Executive Order 14094 (Modernizing Regulatory Review)
- Executive Order 14008 (Tackling the Climate Crisis at Home and Abroad)

III. FIFTEEN PROCEDURAL AND SUBSTANTIVE DEFECTS

1. Failure to Document Natural Gas Act § 3 Public Interest Determination Under 15 U.S.C. § 717b(a).

Section 3 of the Natural Gas Act requires DOE to find that LNG export is consistent with the public interest before authorization. The notice does not document the public interest determination methodology, the factors considered under DOE/FE Order No. 3413 and successor orders, or the cumulative-impact analysis required by *Sierra Club v. FERC*, 867 F.3d 1357 (D.C. Cir. 2017).

2. Failure to Conduct NEPA Environmental Impact Statement Under 42 U.S.C. § 4332(2)(C).

Major federal actions significantly affecting the quality of the human environment require an Environmental Impact Statement ("EIS") under NEPA. LNG export authorization at scale qualifies as a major federal action. The notice does not document EIS preparation, scoping under 40 C.F.R. § 1501.7, or basis for any claimed categorical exclusion under 10 C.F.R. § 1021 Appendix B.

3. Failure to Analyze Indirect and Cumulative Impacts Under 40 C.F.R. § 1508.1.

CEQ regulations require analysis of direct, indirect, and cumulative effects. *Sabal Trail (Sierra Club v. FERC)*, 867 F.3d 1357) requires upstream gas production and downstream combustion analysis for LNG/pipeline authorizations. The notice does not document upstream production impacts, downstream combustion greenhouse gas impacts, or cumulative effects across the U.S. LNG export portfolio.

4. Failure to Address Climate Impacts Under EO 14008 and OMB Circular A-4.

EO 14008 directs federal agencies to integrate climate considerations into permitting and authorization decisions. OMB Circular A-4 requires monetized analysis of significant social benefits and costs, including the Social Cost of Greenhouse Gases. The notice does not document SCC/SCM/SC-N2O analysis or compliance with the Interagency Working Group on Social Cost of Greenhouse Gases methodology.

5. Failure to Document National Security Review Under DOE/FE Order No. 3413 Framework.

DOE has historically required national security review for LNG export authorizations affecting U.S. energy security and supply chain resilience. The notice does not document national security review, consultation with the Department of Defense, or assessment of national security implications under EO 14017 supply chain resilience framework.

6. Failure to Address CFIUS Considerations Under 50 U.S.C. § 4565 (FIRRMA).

To the extent the proposed authorization involves foreign ownership, control, or influence over critical U.S. energy infrastructure, CFIUS review under FIRRMA (Pub. L. 115-232) may apply. The notice does not document CFIUS coordination or assessment of foreign control risk.

7. Failure to Address Forced Labor Supply Chain Integrity Under UFLPA, Pub. L. 117-78.

LNG export infrastructure relies on global supply chains for steel, specialized equipment, and engineering services. Tier 2/3/4 supplier screening against the UFLPA Entity List, Xinjiang inputs, and 19 U.S.C. § 1307 forced labor concerns is required for any federal authorization with significant supply chain implications. The notice contains no UFLPA screening documentation.

8. Failure to Address Defense Production Act Considerations Under 50 U.S.C. §§ 4501–4568.

Domestic energy production is a designated DPA priority area. Large-scale LNG export authorizations affect domestic gas availability for U.S. industrial consumers, including defense industrial base manufacturers. The notice does not document DPA Title III considerations or assess impacts on defense industrial base gas consumers.

9. Failure to Address Domestic Price and Supply Impacts Under NGA § 3 Public Interest Standard.

DOE's 2018 LNG Export Study and successor analyses identify domestic price and supply impacts as core public interest factors. The notice does not document quantitative analysis of projected domestic Henry Hub price effects, supply availability for U.S. manufacturers, or affordable energy access for low-income households.

10. Failure to Document Tribal Consultation Under EO 13175.

LNG infrastructure decisions may have substantial direct effects on federally-recognized Tribes, particularly affecting Tribal lands, treaty rights, fishing rights, or sacred sites. The notice does not document EO 13175 tribal consultation.

11. Failure to Document Environmental Justice Analysis Under EO 12898 and EO 14008.

EO 12898 (Environmental Justice) and EO 14008 require analysis of disproportionate impacts on minority and low-income communities. LNG terminal communities often qualify as environmental justice communities. The notice does not document EJ analysis under Justice40 Initiative frameworks.

12. Failure to Conduct Regulatory Flexibility Analysis Under 5 U.S.C. § 603.

LNG export authorizations affect small businesses in domestic gas-consuming sectors (small manufacturers, small agricultural operations dependent on natural gas, small electric utilities). The notice contains no IRFA and no defensible § 605(b) certification.

13. Failure to Document Centralized Regulatory Review Under EO 12866 § 3(f) and EO 14094.

Significant authorizations affecting major economic, environmental, or national security interests require OIRA centralized regulatory review. The notice does not document significance determination or OIRA review.

14. Failure to Provide Reasoned Explanation Under *State Farm, West Virginia v. EPA*, and *Loper Bright*.

Under *Motor Vehicle Manufacturers Ass'n v. State Farm*, 463 U.S. 29 (1983), *West Virginia v. EPA*, 597 U.S. 697 (2022), and *Loper Bright Enterprises v. Raimondo* (2024), agency action requires reasoned explanation considering relevant factors with clear statutory authorization. The notice does not document factors considered, alternatives evaluated, or basis for the proposed authorization.

15. Failure to Address Buy American and Made in America Compliance Under EO 14005.

EO 14005 directs federal agencies to maximize use of goods produced in America by American workers. LNG infrastructure procurement under federally-authorized projects implicates Buy American Act (41 U.S.C. §§ 8301–8305) and Build America, Buy America Act (Pub. L. 117-58 §§ 70901–70927) compliance. The notice does not document domestic content review.

IV. RELIEF REQUESTED

Obelisk respectfully requests that DOE:

- (1) Suspend final action on the proposed authorization until procedural and substantive defects are cured;
- (2) Prepare and publish a full Environmental Impact Statement under 42 U.S.C. § 4332(2)(C);

- (3) Document Natural Gas Act § 3 public interest determination including domestic price, supply, climate, national security, and cumulative impact analysis;
- (4) Document Sabal Trail-required upstream production and downstream combustion analysis;
- (5) Document Social Cost of Greenhouse Gases analysis under EO 14008 and OMB Circular A-4;
- (6) Document national security review, CFIUS coordination, EO 14017 supply chain resilience review, and DPA considerations;
- (7) Document UFLPA Entity List screening and EO 14005 Buy American review;
- (8) Document EO 13175 tribal consultation and EO 12898/14008 environmental justice analysis;
- (9) Publish either an IRFA under 5 U.S.C. § 603 or a defensible § 605(b) certification; and
- (10) Document OIRA centralized regulatory review and reasoned-explanation basis under State Farm, West Virginia v. EPA, and Loper Bright.

V. CONCLUSION

LNG export authorizations affect U.S. energy security, the defense industrial base, climate, environmental justice communities, and tribal interests. Power must move through valid process. Obelisk Tech Systems Inc. respectfully submits this comment to preserve the procedural record.

Respectfully submitted,

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Obelisk Tech Systems Inc.

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