

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

_____)
FREEPORT LNG EXPANSION L.P. &)
FLNG LIQUEFACTION 4, LLC) DOCKET NO. 18-26-LNG
_____)

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

DOE/HGEO ORDER NO. 4374-B

MAY 26, 2026

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I. INTRODUCTION AND BACKGROUND

On June 23, 2025, Freeport LNG Expansion, L.P. and FLNG Liquefaction 4, LLC (collectively, FLEX4) filed with the Department of Energy’s (DOE) Office of Fossil Energy and Carbon Management (now the Hydrocarbons and Geothermal Energy Office)¹ a “Request for Extension of Non-Free Trade Agreement Export Commencement Deadline” (Request)² under section 3(a) of the Natural Gas Act (NGA).³ As discussed below, FLEX4 asks DOE to amend its existing long-term authorization to export domestically produced liquefied natural gas (LNG)—specifically, to extend its deadline to commence exports from May 28, 2026, to December 1, 2031.⁴

Under DOE/FE Order No. 4374, as amended,⁵ FLEX4 is authorized to export LNG in a volume equivalent to 262.8 billion cubic feet (Bcf) per year (Bcf/yr) of natural gas (0.72 Bcf per day) from the proposed Train 4 Project, to be located at the Freeport LNG Terminal (the Terminal) on Quintana Island near Freeport, Texas (Train 4 Project or Project).⁶ FLEX4 is authorized to export this LNG to any country with which the United States has not entered into a free trade agreement (FTA) requiring national treatment for trade in natural gas, and with which

¹ The Office of Fossil Energy (FE) changed its name to the Office of Fossil Energy and Carbon Management 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.

² Freeport LNG Expansion, L.P. and FLNG Liquefaction 4, LLC, Request for Extension of Non-Free Trade Agreement Export Commencement Deadline, Docket No. 18-26-LNG (June 23, 2025) [hereinafter Request].

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 Request at 1-2, 6.

⁵ *Freeport LNG Expansion, L.P. and FLNG Liquefaction 4, LLC*, 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), *amended by* DOE/FE Order No. 4374-A (Oct. 21, 2020) (extending export term).

⁶ The Terminal’s existing Liquefaction Project is comprised of Trains 1 through 3, which have each commenced commercial operations. The Terminal is owned and operated by FLEX4’s affiliates: Freeport LNG Development, L.P. (Freeport LNG); FLNG Liquefaction, LLC; FLNG Liquefaction 2, LLC; and FLNG Liquefaction 3, LLC. See Request at 1 n.3; Freeport LNG Expansion, L.P., *et al.*, Semi-Annual Report, Docket Nos. 12-06-LNG, *et al.*, at 1-2 (Apr. 1, 2026), <https://www.energy.gov/documents/flex-doe-semi-annual-report-april-2026combinedpdf>.

trade is not prohibited by U.S. law or policy (non-FTA countries), pursuant to NGA section 3(a).⁷ FLEX4 is authorized to export this LNG for a term extending through December 31, 2050.⁸

FLEX4 is currently developing the Train 4 Project, which is comprised of a proposed fourth natural gas liquefaction train and pretreatment unit, as well as associated infrastructure.⁹ On May 17, 2019, the Federal Energy Regulatory Commission (FERC) issued an order authorizing FLEX4 to site, construct, and operate the Train 4 Project.¹⁰ FLEX4's authorized exports of 262.8 Bcf/yr of natural gas reflect the liquefaction capacity of the Train 4 Project as approved by FERC (equivalent to 5.1 million metric tons per annum (mtpa) of LNG).¹¹ FERC initially required FLEX4 to complete construction of the Project and make it available for service within four years of the date of the FERC Order—*i.e.*, by May 17, 2023.¹²

FERC Extension Proceedings. At FLEX4's request, FERC has extended the original construction and in-service deadline for the Train 4 Project three times to date:

- On September 10, 2020, FERC issued a letter order granting the first extension until May 17, 2026;¹³

⁷ See *Freeport LNG Expansion, L.P. and FLNG Liquefaction 4, LLC*, DOE/FE Order No. 4374 (as amended). 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.

⁸ See *Freeport LNG Expansion, L.P. and FLNG Liquefaction 4, LLC*, DOE/FE Order No. 4374-A, at 8 (Ordering Para. B); see also U.S. Dep't of Energy, *Extending Natural Gas Export Authorizations to Non-Free Trade Agreement Countries Through the Year 2050*; Notice of Final Policy Statement and Response to Comments, 85 Fed. Reg. 52,237 (Aug. 25, 2020).

⁹ See *Freeport LNG Expansion, L.P. and FLNG Liquefaction 4, LLC*, DOE/FE Order No. 4374-A, at 22.

¹⁰ *Freeport LNG Development, L.P., et al.*, Order Granting Authorization Under Section 3 of the Natural Gas Act, FERC Docket No. CP17-470-000, 167 FERC ¶ 61,155 (2019) https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20190517-3020 [hereinafter FERC Authorization Order].

¹¹ *Freeport LNG Expansion, L.P. and FLNG Liquefaction 4, LLC*, DOE/FE Order No. 4374, at 2 (citing FERC Authorization Order at P 6).

¹² See FERC Authorization Order at 42 (Ordering Para. B).

¹³ *Freeport LNG Development, L.P. and FLNG Liquefaction 4, LLC*, Letter Order Granting Request for Extension of Time, FERC Docket No. CP17-470 (Sept. 10, 2020), https://elibrary.ferc.gov/eLibrary/docinfo?accession_number=20200910-3030 [hereinafter FERC 2020 Ext. Order].

- On October 13, 2022, FERC issued an order granting the second extension until August 1, 2028;¹⁴ and
- On July 17, 2025—shortly after FLEX4 filed the Request in this proceeding—FERC issued a letter order granting a third extension (FERC 2025 Extension Order).¹⁵ DOE takes administrative notice of this FERC order, which gives FLEX4 “until and including December 1, 2031, to complete construction of their Train 4 Project and make it available for service.”¹⁶

FERC granted this most recent extension “[b]ased on the facts presented in the request and the case record”¹⁷—namely, evidence of an explosion that occurred at the Terminal on June 8, 2022 (June 8 Incident), resulting in “the entire Terminal being taken offline” by FLEX4’s affiliate, Freeport LNG,¹⁸ as well as FLEX4’s efforts to actively market the Train 4 Project now that the Terminal has returned to full service.¹⁹

DOE Extension Proceeding. Under Order No. 4374, DOE required FLEX4 to “commence export operations using the planned liquefaction facilities no later than seven years from the date of issuance of this Order”—*i.e.*, by May 28, 2026.²⁰ In the Request, FLEX4 asks DOE to extend this export commencement deadline to December 1, 2031, consistent with the in-service deadline then-pending and now approved in the FERC 2025 Extension Order.²¹ This requested amendment, if granted, would extend FLEX4’s current export commencement deadline by approximately 5.5 years, to December 1, 2031, and “align the timelines under the

¹⁴ *Freeport LNG Development, L.P. and FLNG Liquefaction 4, LLC*, Order Granting Extension of Time Request, FERC Docket No. CP17-470, 181 FERC ¶ 61,023 (2022) https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20221013-3088 [hereinafter FERC 2022 Ext. Order].

¹⁵ Letter Order Granting Request for Extension of Time, FERC Docket No. CP17-470 (July 17, 2025) https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20250717-3028 [hereinafter FERC 2025 Ext. Order].

¹⁶ *Id.* at 2 (emphasis added).

¹⁷ *Id.*

¹⁸ *Id.*; *see also supra* note 6.

¹⁹ FERC 2025 Ext. Order at 2.

²⁰ *See Freeport LNG Expansion, L.P. and FLNG Liquefaction 4, LLC*, DOE/FE Order No. 4374, at 48 (Term & Condition B), 53 (Ordering Para. D); *see also* Request at 1-2.

²¹ *See* Request at 3.

[NGA] authorizations for the Train 4 Project from both agencies.”²² The end date of the order—December 31, 2050—would remain the same.²³

On July 9, 2025, DOE published a Notice of Request (Notice) in the *Federal Register*.²⁴ DOE invited the public to submit protests, motions to intervene, notices of intervention, and written comments in response to the Notice by August 8, 2025.²⁵ In response to the Notice, DOE received one timely-filed anonymous comment that takes no position on the Request but urges DOE to consider climate impacts from the requested extension.²⁶ No protests or motions to intervene in opposition to the Request were filed, and therefore the Request is uncontested.²⁷

With respect to FLEX4’s Request, DOE recently affirmed that it “will consider applications to extend an authorization holder’s export commencement deadline and grant such extensions for good cause shown on a case-by-case basis.”²⁸ Upon review of the record, and for the reasons set forth below, DOE finds that FLEX4 has shown good cause for the requested extension to FLEX4’s export commencement deadline, such that FLEX4 now has until December 1, 2031, to commence non-FTA exports from the Train 4 Project.

Amendment to Establish Make-Up Period. Additionally, to align the authorization with DOE’s current practice, DOE has determined that it is necessary and appropriate to allow

²² *Id.*; see also *id.* at 2, 6.

²³ See *Freeport LNG Expansion, L.P. and FLNG Liquefaction 4, LLC*, DOE/FE Order No. 4374-A, *supra* note 8.

²⁴ U.S. Dep’t of Energy, *Freeport LNG Expansion, L.P. & FLNG Liquefaction 4, LLC*; Request for Extension of Export Commencement Deadline, 90 Fed. Reg. 30,222 (July 9, 2025).

²⁵ See *id.* DOE finds that the requirement for public notice of applications in 10 C.F.R. Part 590 is applicable only to non-FTA applications under NGA section 3(a).

²⁶ See Comment of Anonymous, Docket No. 18-26-LNG (Aug. 5, 2025) [hereinafter Anon. Comment]; see also *infra* § IV.

²⁷ 10 C.F.R. § 590.102(b).

²⁸ U.S. Dep’t of Energy, *Rescission of Policy Statement on Export Commencement Deadlines in Authorizations to Export Natural Gas to Non-Free Trade Agreement Countries*, 90 Fed. Reg. 14,411 (Apr. 2, 2025) [hereinafter *Rescission Notice*]. Previously, on April 21, 2023, DOE issued a “Policy Statement on Export Commencement Deadlines” for non-FTA authorizations (Policy Statement), which established mandatory criteria that an authorization holder must meet for DOE to consider an export commencement extension. However, on April 2, 2025, DOE rescinded the Policy Statement in the *Rescission Notice*, stating that DOE was returning to its prior practice of granting such extensions upon a showing of good cause on a case-by-case basis. *Id.*

three additional years for FLEX4 to export the approved non-FTA volume of LNG under Order No. 4374, as amended (262.8 Bcf/yr of natural gas) beyond the export term ending on December 31, 2050, solely to export any approved volume of LNG that it is unable to export during the original export term (the Make-Up Volume).²⁹ This three-year term during which the Make-Up Volume may be exported, known as the Make-Up Period, will extend through December 31, 2053, as reflected in the amendment below.³⁰

Categorical Exclusion. DOE’s procedures for the National Environmental Policy Act of 1969 (NEPA)³¹ provide for a categorical exclusion if neither an environmental assessment nor an environmental impact statement is required. Specifically, DOE has determined that categorical exclusion B5.7, *Export of natural gas and associated transportation by marine vessel*, applies to this proceeding, as discussed below.³²

II. STANDARD OF REVIEW

As relevant here, NGA section 3(a) authorizes the exportation of natural gas from the United States to non-FTA countries unless, after opportunity for hearing, DOE “finds that the proposed exportation . . . will not be consistent with the public interest.”³³ DOE also “may from time to time, after opportunity for hearing, and for good cause shown, make such supplemental

²⁹ See *supra* note 8 (Order No. 4374-A extending the original export term under the authorization to Dec. 31, 2050). For a discussion of the background of the Make-Up Period and DOE’s decision to reinstate the Make-Up Period through December 31, 2053, for long-term non-FTA authorizations, see *Port Arthur LNG Phase II, LLC*, DOE/FECM Order No. 5292-A, Docket No. 20-23-LNG, Order Amending Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations (June 30, 2025), <https://www.energy.gov/sites/default/files/2025-06/ord5292-A.pdf>.

³⁰ FLEX4 is not permitted to increase its annual non-FTA export volume under this order over the three-year Make-Up Period, absent appropriate authorization by DOE. See *infra* § VI (Ordering Para. A).

³¹ 42 U.S.C. § 4321 *et seq.*

³² See 10 C.F.R. Part 1021, Subpt. D, App. B, Categorical Exclusion B5.7. This categorical exclusion amended the prior B5.7 categorical exclusion. See *generally* 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].

³³ 15 U.S.C. § 717b(a).

order in the premises as it may find necessary or appropriate.”³⁴ Additionally, under NGA section 16, DOE may “prescribe, issue, make, amend, and rescind such orders . . . as it may find necessary or appropriate to carry out the provisions of this chapter.”³⁵ When reaching a final decision on an application, DOE also complies with NEPA.³⁶

III. DESCRIPTION OF REQUEST

In asking DOE to grant an extension of the export commencement deadline in Order No. 4374, as amended, until December 1, 2031, FLEX4 states that it “encountered unanticipated circumstances following the issuance of Order No. 4374, [but] such circumstances have now abated.”³⁷ FLEX4 further states that it “is committed to moving forward with the Train 4 Project and the requested extension will provide the necessary certainty . . . to do so.”³⁸ Additionally, FLEX4 asserts that the requested extension is consistent with both DOE precedent and the public interest. In particular, FLEX4 states that the public interest “will be served by facilitating the delivery of needed LNG to our global allies and trading partners, and current U.S. policy to ‘unleash America’s affordable and reliable energy and natural resources.’”³⁹ Accordingly, as discussed in more detail below, FLEX4 maintains that there is good cause for DOE to grant the requested extension.⁴⁰

³⁴ *Id.*

³⁵ *Id.* § 7170; *see also, e.g., Appalachian Voices v. Fed. Energy Regul. Comm’n*, 139 F.4th 903 (D.C. Cir. 2025) (holding that FERC reasonably concluded that good cause existed to extend deadline to construct natural gas pipeline facilities and denying petition for review, citing NGA § 16 and FERC regulations).

³⁶ *See Sierra Club v. U.S. Dep’t of Energy*, 867 F.3d 189, 192 (D.C. Cir. 2017).

³⁷ Request at 5-6.

³⁸ *Id.* at 6.

³⁹ *Id.* (quoting Exec. Order No. 14154 of Jan. 20, 2025, *Unleashing American Energy*, 90 Fed. Reg. 8353, 8354 (§ 3) (Jan. 29, 2025)).

⁴⁰ *Id.* at 4-5.

A. Inability to Meet the Current Export Commencement Deadline

FLEX4 states that, although it “has undertaken significant efforts and expended substantial capital towards the development of the Train 4 Project,” it encountered unanticipated circumstances after the issuance of Order No. 4374 that have hindered its progress and made its existing May 28, 2026 export commencement deadline infeasible.⁴¹

First, FLEX4 cites the onset of the COVID-19 pandemic and the resulting economic impacts that occurred shortly after DOE issued Order No. 4374 in May 2019.⁴² According to FLEX4, the pandemic “had long-lasting effects on global markets, including global LNG markets, the global supply-chain and the financing of large-scale infrastructure,” in turn making it “extremely difficult to secure long-term LNG commercial commitments for the Project for several years.”⁴³ Second, FLEX4 states that, in June 2020, its engineering, procurement, and construction (EPC) contractor for the Project, KBR, Inc. (KBR), “announced its decision to exit the LNG EPC business, requiring [FLEX4] to restart the years-long bidding process to select a new EPC contractor.”⁴⁴ FLEX4 notes that, in light of these events, it requested and received from FERC its first two commencement extensions in 2020 and 2022, respectively, to complete construction and place the Train 4 Project in service.⁴⁵

Next, FLEX4 discusses the June 8 Incident, stating that the explosion resulted in the entire Terminal being taken offline beginning on June 8, 2022.⁴⁶ According to FLEX4, FERC staff subsequently issued a letter requiring Freeport LNG to “receive written authorization

⁴¹ *Id.* at 2.

⁴² *Id.*

⁴³ Request at 2.

⁴⁴ *Id.*

⁴⁵ *Id.* (noting that FERC found “that good cause exists for an extension and that [FLEX4] has made a good faith effort at meeting the deadline in its authorization”) (quoting 2022 FERC Extension Order at P 12); *see also supra* at 2-3 (summarizing FERC extension orders).

⁴⁶ Request at 2.

before restarting any non-emergency operations in existing facilities, constructing new or modified facilities, and commissioning and placing any facilities back into service.”⁴⁷

FLEX4 states that, although it intends to move forward with pursuing financing and commencement of construction on the Train 4 Project as soon as practicable, it is “not possible” to meet the current May 28, 2026 export commencement deadline in Order No. 4374, “given the anticipated minimum 48-56 month period required to construct the Train 4 Project, and longer than anticipated lead times associated with ordering and obtaining required equipment, material and components.”⁴⁸

B. Ongoing Efforts to Advance the Train 4 Project

FLEX4 states that the new facilities approved by FERC for the Train 4 Project “require use of the shared Terminal facilities.”⁴⁹ FLEX4 further states that, since the June 8 Incident, it has been necessary for FLEX4 and its affiliates to “prioritiz[e] restoration efforts and the return of the existing facilities at the Terminal to service.”⁵⁰ Specifically, FLEX4 states that Freeport LNG “has undertaken significant efforts to restore and return the Terminal to service in a safe and diligent manner, including repairing and replacing damaged equipment and facilities.”⁵¹ According to FLEX4, Freeport LNG also has made numerous improvements to the Terminal’s existing operations.⁵² FLEX4 states that, on May 21, 2025, FERC staff authorized Freeport LNG to return the Terminal to full service.⁵³

⁴⁷ *Id.* at 2-3 (quoting Freeport LNG Development, L.P., Letter Discussing LNG Terminal Operation, FERC Docket Nos. CP03-75-000, *et al.* (June 30, 2022)) (emphasis added).

⁴⁸ *Id.* at 4.

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Id.* at 3.

⁵² Request at 3 (stating that such improvements include enhancements related to operational excellence, process safety management, and equipment reliability, among others).

⁵³ *Id.* (citing Freeport LNG Development, L.P., Letter Order Granting Approval to Return to Service Phase 3 Facilities, FERC Docket Nos. CP03-75-000, *et al.* (May 21, 2025)).

FLEX further states that, to account for delays to the Train 4 project schedule resulting from the June 8 Incident-related restoration activities, FLEX4 submitted a third request to FERC to extend the Project’s commencement deadline until December 1, 2031—which, as noted above, FERC granted on July 17, 2025.⁵⁴

FLEX4 states that, “[a]t this point, the impacts of the COVID-19 pandemic have subsided, restoration of the Terminal is now complete, the Terminal has returned to full service and normal operations have resumed.”⁵⁵ Additionally, FLEX4 asserts that it has attempted in good faith to meet the current May 28, 2026 export commencement deadline by “obtaining and maintaining all required permits and expending approximately \$111 million in capital to progress the development of the Train 4 Project,” as well as rebidding the EPC contract for the Project after KBR exited the market and maintaining a new EPC contract with Kiewit Energy Group Inc.⁵⁶

In light of these developments, FLEX4 states that it is now “actively marketing the Train 4 Project and engaging in discussions with a number of potential customers.”⁵⁷ FLEX4 maintains, however, that further commercial progress “necessitates certainty that FLEX4’s permits and authorizations will remain valid throughout construction of the Train 4 Project.”⁵⁸ According to FLEX4, its inability to meet the current May 28, 2026 export commencement deadline “is impeding, and will continue to impede, FLEX4’s efforts to commercialize the Train 4 Project and structure the complex financing associated with reaching a final investment decision.”⁵⁹

⁵⁴ *Id.*; *see also* FERC 2025 Ext. Order at 2.

⁵⁵ Request at 4 (internal citations omitted).

⁵⁶ *Id.* at 4-5.

⁵⁷ *Id.* at 4.

⁵⁸ *Id.*

⁵⁹ *Id.*

C. Additional Considerations

FLEX4 also states that its extension request “does not alter any facts associated with FLEX4’s original non-FTA application and does not affect any requirements of its non-FTA authorization beyond providing for additional time.”⁶⁰ Therefore, FLEX4 maintains that “nothing in the instant request alters [DOE’s] public interest determinations nor any of its conclusions in Order No. 4374.”⁶¹

Finally, FLEX4 asserts that the timely commercialization and completion of the Train 4 Project under the requested export commencement deadline will provide “needed LNG exports that [DOE] has already found to be consistent with the public interest, and which DOE recently confirmed will ‘enhance national and energy security for the United States as well as U.S. allies and trading partners.’”⁶² FLEX4 thus maintains that granting the extension “will help the United States realize the benefits articulated in the 2024 LNG Export Study,” including but not limited to increased gross domestic product (GDP) and beneficial impacts on the U.S. trade balance.⁶³

IV. DOE PROCEEDING

In response to the Notice of Request, DOE received one anonymous comment.⁶⁴ The commenter does not support or oppose the Request, instead urging DOE to “condition any such extension on a meaningful consideration of the climate consequences associated with expanded [LNG] exports, particularly with respect to carbon dioxide (CO₂) emissions.”⁶⁵ The commenter adds that “climate impacts are central to the public interest,” such that “[e]ven procedural

⁶⁰ Request at 5.

⁶¹ *Id.*

⁶² (quoting U.S. Dept. of Energy, Office of Fossil Energy and Carbon Management, *Energy, Economic, and Environmental Assessment of U.S. LNG Exports: Response to Comments*, at 48 (May 19, 2025) [hereinafter *Response to Comments*]).

⁶³ *Id.* (citing *Response to Comments* at 47-49).

⁶⁴ See Anon. Comment, *supra* note 26.

⁶⁵ *Id.* at 1.

changes such as deadline extensions must not be viewed as administrative formalities devoid of consequence” due to the “direct implications” for U.S. climate strategy and global emissions.⁶⁶ The commenter also argues that “economic, security, and environmental consequences” must be assessed together, and thus “CO₂ and other GHG [greenhouse gas] emissions must . . . be factored into DOE’s determination on whether to approve [the] extension.”⁶⁷

V. DISCUSSION AND CONCLUSIONS

A. Requested Export Commencement Extension

FLEX4 asserts that it has demonstrated good cause for an extension of the export commencement deadline set forth under Order No. 4374, from May 28, 2026, to December 1, 2031, and that this extension is necessary to provide FLEX4 with the “necessary certainty” to move forward with the Train 4 Project.⁶⁸

As noted above, FERC has issued an order extending FLEX4’s construction and in-service deadline for the Project to December 1, 2031,⁶⁹ and FLEX4’s requested commencement extension would align the FERC and DOE deadlines. Although DOE has the responsibility to independently evaluate any application to extend the deadline by which exports must commence from the Train 4 Project (and the discretion to impose a different deadline than FERC), we nonetheless find FERC’s grant of the extension to be a compelling factor. FERC closely oversees both the operation of the Freeport LNG Terminal and FLEX4’s activities to advance the construction and operation of the Train 4 Project at the Terminal.⁷⁰ Based on the same facts

⁶⁶ *Id.* at 1-2 (removing title case).

⁶⁷ *Id.* at 2 (recommending that DOE prepare “an updated lifecycle CO₂ emissions assessment before granting this export deadline extension”).

⁶⁸ Request at 6.

⁶⁹ See FERC 2025 Ext. Order at 2.

⁷⁰ *Id.*

submitted to DOE in the Request, FERC determined that an extension of the construction and in-service deadline to December 1, 2031, was appropriate.⁷¹

Turning to the facts presented by FLEX4, we find that FLEX4's development of the Train 4 Project has been delayed by a variety of significant circumstances outside of its control, including: (i) adverse market conditions and logistical issues associated with the COVID-19 pandemic; (ii) the withdrawal of its original EPC contractor, which required FLEX4 to restart the lengthy bidding process to select a new EPC contractor; and (iii) the June 8 Incident at the Terminal, which resulted in a multi-year delay in FLEX4's ability to develop and commercialize the Train 4 Project as Freeport LNG worked to restore the Terminal's operations under FERC's oversight. We find that these delays and associated uncertainties have impeded FLEX4's ability to meet the current export commencement deadline of May 28, 2026.

Further, we find that FLEX4 has demonstrated good faith efforts to progress the Train 4 Project to meet its existing export commencement deadline to the extent practicable, given the extended disruption to its original project schedule. FLEX4 has obtained and maintained all required permits for the Project; selected a new EPC contractor (Kiewit Energy Group Inc.); maintained a valid EPC contract; and spent approximately \$111 million in capital to progress the development of the Train 4 Project, among other ongoing activities.

Additionally, DOE agrees with FLEX4 that extending the deadline to commence non-FTA exports from the Project does not alter DOE's public interest determination in granting Order No. 4374, as amended, under NGA section 3(a).⁷² No facts associated with FLEX4's original non-FTA application, and no requirements of the non-FTA authorization, are affected by this extension beyond the additional time period for FLEX4 to commence export operations.

⁷¹ See *id.*

⁷² See Request at 5-6.

Indeed, because the term of FLEX4's non-FTA authorization ends on December 31, 2050, and its annual authorized export volume is fixed at 262.8 Bcf/yr of natural gas, a grant of the Request will postpone the commencement deadline and thus could result in a *lower* total volume of LNG exports over the term of the authorization. The requested extension therefore does not affect the cumulative volume of non-FTA exports that DOE has approved to date.⁷³

Nonetheless, based on the evidence discussed herein, we find that the requested extension would support the economic and energy security benefits identified by DOE in approving the exports in Order No. 4374, as amended. To the extent more recent data is relevant, we agree with FLEX4 that DOE's 2024 LNG Export Study⁷⁴ supports continued exports of U.S. LNG on the basis of far-reaching positive benefits to the U.S. economy and energy security.⁷⁵

As noted above, the anonymous commenter asserts that DOE should condition the requested extension "on a meaningful consideration of the climate consequences associated with expanded [LNG] exports, particularly with respect to carbon dioxide (CO₂) emissions."⁷⁶ In the recent *Delfin LNG LLC* export commencement proceeding, however, DOE explained that environmental arguments about non-transport related GHG emissions associated with LNG

⁷³ See *Southern LNG Company, L.L.C.*, DOE/HGEO Order No. 5404, Docket No. 23-109-LNG, Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations, at 49-54 (Apr. 2, 2026) (summarizing cumulative volume of non-FTA exports approved by DOE).

⁷⁴ See 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).

⁷⁵ See Request at 5; see also U.S. Dep't of Energy, Office of Fossil Energy & Carbon Management, *Energy, Economic, and Environmental Assessment of U.S. LNG Exports: Response to Comments*, at 46-48 (May 19, 2025), https://www.energy.gov/sites/default/files/2025-10/ENERGY%2C%20ECONOMIC%2C%20AND%20ENVIRONMENTAL%20ASSESSMENT%20OF%20U.S.%20LNG%20EXPORTS_RESPONSE%20TO%20COMMENTS_0.pdf. Although the 2024 Study included an environmental analysis, DOE has determined that it is appropriate to rely "only on the economic analysis in the 2024 Study, as well as DOE's related findings on energy security." *Venture Global Calcasieu Pass, LLC*, DOE/FECM Order No. 4346-B, Docket No. 15-25-LNG, Order Amending Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations, at 15-16 (Aug. 4, 2025).

⁷⁶ Anon. Comment at 1.

exports and their alleged “contributions to climate change”⁷⁷ are “beyond the scope of this proceeding, as DOE does not have statutory authority over such issues under either NGA section 3(a) or NEPA.”⁷⁸ We thus reaffirm that the ““potential environmental effects associated with marine transport, the only reasonably foreseeable environmental impacts associated with DOE natural gas export authorizations, are minimal,”” and that such impacts are considered in this proceeding by DOE’s categorical exclusion under NEPA.⁷⁹ For these reasons, we dismiss the commenter’s arguments.

In sum, DOE has observed that, to demonstrate good cause for an export commencement extension, “it is sufficient for an authorization holder to demonstrate that it has made good faith efforts to meet its existing export commencement deadline but encountered circumstances that prevented it from doing so.”⁸⁰ For the reasons set forth above, we find that FLEX4 has met this standard.

B. Environmental Review

DOE’s NEPA procedures provide for a categorical exclusion if neither an environmental assessment (EA) nor an environmental impact statement (EIS) is required. Specifically,

⁷⁷ *Delfin LNG LLC*, DOE/FECM Order Nos. 3393-E and 4028-F, Docket Nos. 13-129-LNG and 13-147-LNG, Order Amending Long-Term Authorizations to Export Liquefied Natural Gas to Free Trade Agreement and Non-Free Trade Agreement Countries, at 15 (Nov. 25, 2025) (internal quotation omitted).

⁷⁸ *Id.* at 20; *see also id.* (addressing the Environmental Advocates’ “mention [of] GHG emissions resulting from the ‘transportation’ of LNG to be exported”).

⁷⁹ *Delfin LNG, LLC*, DOE/FECM Order Nos. 3393-E and 4028-F, at 21 (quoting NEPA Implementing Procedures Final Rule, 85 Fed. Reg. at 78,199); *see also Venture Global CP2 LNG, LLC*, DOE/FECM Order No. 5264-A, Docket No. 21-131-LNG, Final Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations, at 55-57 (Oct. 21, 2025), *reh’g denied*, DOE/HGEO Order No. 5264-B, at 23-32 (Mar. 26, 2026). Sierra Club and Natural Resources Defense Council have filed a petition for review of the Venture Global CP2 LNG, LLC 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 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.

⁸⁰ *Lake Charles LNG Export Co., LLC*, DOE/FECM Order Nos. 3868-E and 4010-E, Docket Nos. 13-04-LNG and 16-109-LNG, Order Amending Long-Term Authorizations to Export Liquefied Natural Gas to Non-Free Trade Agreement Countries, at 35 (Aug. 22, 2025).

categorical exclusion B5.7, *Export of natural gas and associated transportation by marine vessel*, applies to this proceeding.⁸¹ On May 26, 2026, DOE issued a categorical exclusion determination for these amendments to FLEX4's non-FTA authorization (Order No. 4374, as amended) under this provision.⁸²

C. Conclusion

Based on the evidence in the record, DOE finds that FLEX4 has demonstrated good cause for the requested extension to the export commencement deadline in its non-FTA authorization. Accordingly, FLEX4 now has until December 1, 2031, to commence exports from the Train 4 Project to non-FTA countries.

Additionally, as discussed above, DOE finds it necessary and appropriate to amend the authorization to provide three additional years for FLEX4 to export the approved non-FTA volume of LNG under Order No. 4374, as amended (262.8 Bcf/yr of natural gas), beyond the export term for the authorization ending on December 31, 2050 (Make-Up Period).⁸³ During this Make-Up Period, which will extend through December 31, 2053, FLEX4 will be permitted to export any approved volume of LNG that it is unable to export during the original export term (the Make-Up Volume).⁸⁴

VI. ORDER

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

A. Ordering Paragraph A of Order No. 4374, as amended, is further amended to state as follows:

⁸¹ See 10 C.F.R. Part 1021, Subpt. D, App. B, Categorical Exclusion B5.7.

⁸² U.S. Dep't of Energy, Categorical Exclusion Determination, Freeport LNG Expansion, L.P. and FLNG Liquefaction 4, LLC, Docket No. 18-26-LNG (May 26, 2026).

⁸³ 15 U.S.C. § 717o; see also *supra* note 8.

⁸⁴ See *supra* at 4-5.

Freeport LNG Expansion, L.P. and FLNG Liquefaction 4, LLC (together, FLEX4) are jointly authorized to export domestically produced LNG by vessel from the proposed Train 4 Project, to be located at the Freeport LNG Terminal on Quintana Island near Freeport, Texas. The volume authorized in this Order is equivalent to 262.8 Bcf/yr of natural gas for a term commencing on the date of first export and extending through December 31, 2050. FLEX4 may continue exporting any Make-Up Volume for a three-year Make-Up Period following this export term, *i.e.*, through December 31, 2053.⁸⁵ FLEX4 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.⁸⁶

This amended Ordering Paragraph A supersedes Ordering Paragraph A in Order No. 4374, as previously amended, in its entirety.

B. Ordering Paragraph D of Order No. 4374 is amended to state as follows:

FLEX4 must commence export operations using the planned liquefaction facilities no later than December 1, 2031.

This amended Ordering Paragraph D supersedes Ordering Paragraph D in Order No. 4374 in its entirety.

C. Any other references to an export commencement deadline in the

⁸⁵ This three-year Make-Up Period does not affect or modify FLEX4's approved non-FTA volume in this Order. Insofar as FLEX4 may seek to export additional volumes not previously authorized, it will be required to obtain appropriate authorization from DOE.

⁸⁶ 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).

Terms and Conditions or Ordering Paragraphs of DOE/FE Order No. 4374, as amended, are now moot.

D. All other obligations, rights, and responsibilities established by DOE/FE Order No. 4374, as amended, remain in effect.

Issued in Washington, D.C., on May 26, 2026.

KYLE HAUSTVEIT Digitally signed by KYLE
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Date: 2026.05.26 11:34:51 -04'00'

Kyle Haustveit
Under Secretary of Energy