

UNITED STATES OF AMERICA

DEPARTMENT OF ENERGY

OFFICE OF FOSSIL ENERGY

_____)	FE DOCKET NO. 10-85-LNG
SABINE PASS LIQUEFACTION, LLC)	FE DOCKET NO. 10-111-LNG
)	FE DOCKET NO. 13-30-LNG
)	FE DOCKET NO. 13-42-LNG
)	FE DOCKET NO. 13-121-LNG
)	FE DOCKET NO. 14-92-LNG
)	FE DOCKET NO. 15-63-LNG
)	FE DOCKET NO. 19-125-LNG
_____)	

ORDER EXTENDING EXPORT TERM FOR AUTHORIZATIONS
TO FREE TRADE AND NON-FREE TRADE AGREEMENT
NATIONS THROUGH DECEMBER 31, 2050

DOE/FE ORDER NO. 2833-A
DOE/FE ORDER NO. 2961-D
DOE/FE ORDER NO. 3306-B
DOE/FE ORDER NO. 3307-B
DOE/FE ORDER NO. 3384-B
DOE/FE ORDER NO. 3595-A
DOE/FE ORDER NO. 3669-C
DOE/FE ORDER NO. 3792-B
DOE/FE ORDER NO. 4520-A

OCTOBER 28, 2020

I. DESCRIPTION OF REQUEST

On September 3, 2020, Sabine Pass Liquefaction, LLC (SPL) filed an application (Application)¹ with the Office of Fossil Energy (FE) of the Department of Energy (DOE) under section 3 of the Natural Gas Act (NGA).² As explained below, SPL asks DOE/FE to extend the export term set forth in its long-term authorizations, pursuant to DOE/FE's policy statement entitled, "Extending Natural Gas Export Authorizations to Non-Free Trade Agreement Countries Through the Year 2050" (Policy Statement).³

SPL is currently authorized to export domestically produced liquefied natural gas (LNG) by vessel from the Sabine Pass LNG Terminal,⁴ located in Cameron Parish, Louisiana, under the following orders:

- (i) DOE/FE Order Nos. 2833,⁵ 3306,⁶ 3307,⁷ 3384,⁸ 3595,⁹ and 4520,¹⁰ authorizing

¹ Sabine Pass Liquefaction, LLC, Application to Amend Export Term for Existing Long-Term Authorizations Through December 31, 2050, FE Docket Nos. 10-85-LNG, *et al.* (Sept. 3, 2020) [hereinafter App.].

² 15 U.S.C. § 717b. Authority to regulate the imports and exports of natural gas, including liquefied natural gas, under NGA section 3 has been delegated to the Assistant Secretary for FE in Redelegation Order No. 00-002.04G, issued on June 4, 2019.

³ 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) [hereinafter Policy Statement].

⁴ SPL's facilities include the Liquefaction Project (Trains 1-4) and the Liquefaction Expansion Project (Trains 5-6).

⁵ *Sabine Pass Liquefaction, LLC*, DOE/FE Order No. 2833, FE Docket No. 10-85-LNG, Order Granting Long-Term Authorization to Export Liquefied Natural Gas from Sabine Pass LNG Terminal to Free Trade Nations (Sept. 7, 2010).

⁶ *Sabine Pass Liquefaction, LLC*, DOE/FE Order No. 3306, FE Docket No. 13-30-LNG, Order Granting Authorization to Export Liquefied Natural Gas by Vessel Pursuant to the Long-Term Contract with Total Gas & Power North America, Inc. from the Sabine Pass LNG Terminal to Free Trade Agreement Nations (July 11, 2013), *amended by* DOE/FE Order No. 3306-A (Oct. 31, 2017) (clarifying terms of export authorization).

⁷ *Sabine Pass Liquefaction, LLC*, DOE/FE Order No. 3307, FE Docket No. 13-42-LNG, Order Granting Authorization to Export Liquefied Natural Gas by Vessel Pursuant to the Long-Term Contract with Centrica PLC from the Sabine Pass LNG Terminal to Free Trade Agreement Nations (July 12, 2013), *amended by* DOE/FE Order No. 3307-A (Oct. 31, 2017) (clarifying terms of export authorization).

⁸ *Sabine Pass Liquefaction, LLC*, DOE/FE Order No. 3384, FE Docket No. 13-121-LNG, Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Sabine Pass LNG Terminal to Free Trade Agreement Nations (Jan. 22, 2014), *amended by* DOE/FE Order No. 3384-A (Oct. 31, 2017) (clarifying terms of export authorization).

⁹ *Sabine Pass Liquefaction, LLC*, DOE/FE Order No. 3595, FE Docket No. 14-92-LNG, Order Granting Long-Term Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Sabine Pass LNG Terminal in Cameron Parish, Louisiana, to Free Trade Agreement Nations (Feb. 12, 2015).

¹⁰ *Sabine Pass Liquefaction, LLC*, DOE/FE Order No. 4520, FE Docket No. 19-125-LNG, Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Free Trade Agreement Nations (Apr. 14, 2020).

exports to any country with which the United States currently has, or in the future will have, a free trade agreement (FTA) requiring national treatment for trade in natural gas (FTA countries), under NGA section 3(c);¹¹ and

- (ii) DOE/FE Order Nos. 2961-A,¹² 3669,¹³ and 3792,¹⁴ authorizing exports to any other country with which trade is not prohibited by U.S. law or policy (non-FTA countries), under NGA section 3(a).¹⁵

These orders authorize exports of LNG in a total combined volume equivalent to 1,509.3 billion cubic feet per year (Bcf/yr) of natural gas to both FTA and non-FTA countries on a non-additive basis, and an additional volume equivalent to 152.64 Bcf/yr of natural gas to FTA countries (solely under DOE/FE Order No. 4520).¹⁶ SPL is authorized to export LNG under the FTA orders for terms ranging from 20 to 30 years, and under the non-FTA orders for a 20-year term.¹⁷ In the Application, SPL asks DOE/FE to amend each order to extend the existing export term through December 31, 2050.¹⁸

¹¹ 15 U.S.C. § 717b(c). The United States currently has FTAs requiring national treatment for trade in natural gas with Australia, Bahrain, Canada, Chile, Colombia, Dominican Republic, El Salvador, Guatemala, Honduras, Jordan, Mexico, Morocco, Nicaragua, Oman, Panama, Peru, Republic of Korea, and Singapore. FTAs with Israel and Costa Rica do not require national treatment for trade in natural gas.

¹² *Sabine Pass Liquefaction, LLC*, DOE/FE Order No. 2961-A, FE 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), *reh'g denied* DOE/FE Order No. 2961-B (Jan. 25, 2013), *amended by* DOE/FE Order No. 2961-C (May 4, 2016) (authorizing make-up period).

¹³ *Sabine Pass Liquefaction, LLC*, DOE/FE Order No. 3669, FE Docket Nos. 13-30-LNG, *et al.*, 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), *reh'g denied* DOE/FE Order No. 3669-A (May 26, 2016), *amended by* DOE/FE Order No. 3669-B (Oct. 31, 2017) (clarifying terms of export authorization).

¹⁴ *Sabine Pass Liquefaction, LLC*, DOE/FE Order No. 3792, FE 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), *reh'g denied* DOE/FE Order No. 3792-A (Oct. 20, 2016).

¹⁵ 15 U.S.C. § 717b(a).

¹⁶ App. at 4. DOE/FE notes that, in FE Docket No. 19-125-LNG, SPL has requested authority to export LNG in the same volume of 152.64 Bcf/yr to non-FTA countries on a non-additive basis. That application is pending before DOE/FE.

¹⁷ Additional information is set forth in each order.

¹⁸ App. at 5. Although the Policy Statement does not apply to exports of natural gas to FTA countries under NGA section 3(c), 15 U.S.C. § 717b(c), DOE anticipated that authorization holders would seek to align their long-term FTA and non-FTA export terms through December 31, 2050, for administrative efficiencies. *See* Policy Statement, 85 Fed. Reg. at 52,238 n.3, 52,248.

In this Order, DOE/FE grants SPL's Application and authorizes the requested term extension for all nine orders. Specifically, DOE/FE grants the FTA portion of the Application under NGA section 3(c). Section 3(c) was amended by section 201 of the Energy Policy Act of 1992 (Pub. L. 102-486) to require that FTA applications "shall be deemed to be consistent with the public interest" and granted "without modification or delay."¹⁹ The FTA portion of the Application falls within NGA section 3(c) and, therefore, DOE/FE approves the requested term extension for the FTA authorizations (Order Nos. 2833, 3306, 3307, 3384, 3595, and 4520, as amended, where applicable) without modification or delay. Accordingly, none of the public interest analysis discussed below applies to the FTA portion of this authorization.

DOE/FE also grants the non-FTA portion of the Application under NGA section 3(a). As discussed below, DOE/FE received no filings in response to the Application, and therefore the Application is uncontested.²⁰ Upon review of the record in this proceeding, DOE/FE finds that it has not been shown that the term extension for the non-FTA authorizations (Order Nos. 2961-A, 3669, and 3792, as amended, where applicable) are inconsistent with the public interest, as would be required to deny the non-FTA portion of the Application under NGA section 3(a).

In sum, DOE/FE is amending SPL's long-term authorizations (DOE/FE Order Nos. 2833, 2961-A, 3306, 3307, 3384, 3595, 3669, 3792, and 4520, as amended, where applicable) to extend each existing export term through December 31, 2050 (inclusive of any make-up period), with an attendant increase in the total export volume over the life of each authorization owing to the additional period that exports may occur.²¹ These orders remain unchanged in all other respects.

¹⁹ 15 U.S.C. § 717b(c).

²⁰ 10 C.F.R. § 590.102(b).

²¹ See Policy Statement, 85 Fed. Reg. at 52,247. In many long-term FTA and non-FTA authorizations, DOE/FE has approved a three-year "make-up period" following the end of the original export term, during which the

II. APPLICANT'S PUBLIC INTEREST ANALYSIS FOR REQUESTED NON-FTA TERM EXTENSION

SPL states that the requested term extension is in the public interest for the reasons set forth in the Policy Statement—namely, because the United States will experience economic benefits associated with exporting LNG through December 31, 2050.²² Additionally, SPL states that there is “myriad evidence” in the public record that continuing exports of LNG is in the public interest.²³ In support of this argument, SPL incorporates by reference the record that it has developed in its various docket proceedings—which (according to SPL) demonstrates the public interest benefits of exports from the Sabine Pass LNG Terminal.²⁴ Finally, SPL maintains that extending the term of the export authorizations will serve to make U.S. LNG more competitive with foreign buyers.²⁵

III. DOE/FE PROCEEDING

On October 1, 2020, DOE/FE published a notice of the non-FTA portion of the Application in the *Federal Register* (Notice of Application).²⁶ The Notice of Application invited interested persons to submit protests, motions to intervene, notices of intervention, or comments addressing the requested term extension by October 16, 2020.²⁷ DOE/FE received no filings in response to the Notice of Application.

authorization holder may continue to export any “make-up volume” that it was unable to export during the export term. *See id.* at 52,239.

²² App. at 6.

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.* at 7.

²⁶ U.S. Dep’t of Energy, Sabine Pass Liquefaction, LLC; Application to Amend Export Term Through December 31, 2050, for Existing Non-Free Trade Agreement Authorizations, 85 Fed. Reg. 61,942 (Oct. 1, 2020).

²⁷ *Id.* DOE finds that the requirement for public notice of applications and other hearing-type procedures in 10 C.F.R. Part 590 is applicable only to non-FTA applications under NGA section 3(a).

IV. DISCUSSION FOR REQUESTED NON-FTA TERM EXTENSION

A. Standard of Review

Section 3(a) of the NGA sets forth the applicable standard of review for the non-FTA portion of the Application. Section 3(a) provides:

[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] authorizing it to do so. The [Secretary] shall issue such order upon application, unless after opportunity for hearing, [he] 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 part, with such modification and upon such terms and conditions as the [Secretary] may find necessary or appropriate.²⁸

DOE, as affirmed by the U.S. Court of Appeals for the District of Columbia Circuit, has consistently interpreted NGA section 3(a) as creating a rebuttable presumption that a proposed export of natural gas is in the public interest.²⁹ Accordingly, DOE will conduct an informal adjudication and grant a non-FTA application unless DOE finds that the proposed exportation will not be consistent with the public interest.³⁰

NGA section 3(a) does not define “public interest” or identify criteria that must be considered in evaluating the public interest. In prior decisions, DOE has identified a range of factors that it evaluates when reviewing an application for export authorization. These factors include economic impacts, international impacts, security of natural gas supply, and

²⁸ 15 U.S.C. § 717b(a).

²⁹ See *Sierra Club v. U.S. Dep't of Energy*, 867 F.3d 189, 203 (D.C. Cir. 2017) (“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)).

³⁰ 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. Regulatory Admin.*, 822 F.2d 1105, 1111 (D.C. Cir. 1987)).

environmental impacts, among others. To conduct this review, DOE looks to record evidence developed in the application proceeding.

Before reaching a final decision, DOE must also comply with the National Environmental Policy Act of 1969 (NEPA).³¹ DOE's environmental review process under NEPA may result in the preparation or adoption of an environmental impact statement (EIS) or environmental assessment (EA) describing the potential environmental impacts associated with the application. In other cases, DOE may determine that an application is eligible for a categorical exclusion from the preparation or adoption of an EIS or EA, pursuant to DOE's regulations implementing NEPA.

B. Public Interest Review Under NGA Section 3(a)

In the Policy Statement, DOE/FE discontinued its practice of granting a standard 20-year export term for long-term authorizations to export domestically produced natural gas, including LNG, from the lower-48 states to non-FTA countries.³² On the basis of the record evidence, DOE/FE adopted a term through December 31, 2050, as the standard export term for long-term non-FTA authorizations.³³ DOE/FE implemented this policy change after considering its obligations under NGA section 3(a), the public comments supporting and opposing the proposed Policy Statement,³⁴ and a wide range of information bearing on the public interest—including the 2018 LNG Export Study that analyzed exports of U.S. LNG through the year 2050, the U.S. Energy Information Administration's (EIA) most recent projections for U.S. natural gas, and

³¹ 42 U.S.C. § 4321 *et seq.*

³² Policy Statement, 85 Fed. Reg. at 52,247.

³³ *Id.*; *see also id.* at 52,239-40 (summarizing reasons supporting the term extension).

³⁴ *See* U.S. Dep't of Energy, Extending Natural Gas Export Authorizations to Non-Free Trade Agreement Countries Through the Year 2050; Notice of Proposed Policy Statement and Request for Comments, 85 Fed. Reg. 7,672 (Feb. 11, 2020).

relevant environmental issues.³⁵ DOE/FE stated that, for applications to amend existing authorizations submitted pursuant to this Policy Statement, DOE/FE would provide notice and an opportunity for comment on the requested term extension. DOE/FE further stated that, following the notice and comment period, it would conduct a public interest analysis under NGA section 3(a) limited to the requested term extension.³⁶

In this uncontested proceeding, SPL asks DOE/FE to amend the export term in its non-FTA authorizations—Order Nos. 2961-A, 3669, and 3792—through December 31, 2050, pursuant to the Policy Statement. DOE/FE notes that this term extension will increase SPL’s total volume of exports over the life of the authorizations (by extending the duration of each authorization through December 31, 2050), but it will not affect the day-to-day liquefaction and export operations of the Sabine Pass LNG Terminal previously approved by DOE and the Federal Energy Regulatory Commission (FERC).³⁷ Upon review, DOE/FE has determined that it has not been demonstrated that the requested term extension to each order will be inconsistent with the public interest, as would be required to deny the non-FTA portion of SPL’s Application.

C. Environmental Review Under NEPA

SPL states that approval of the term extension will not require any construction of new facilities or modifications to the previously authorized facilities.³⁸ DOE’s regulations at 10 CFR Part 1021, Subpart D, Appendix B provide a list of categorical exclusions from preparation of either an EA or EIS under NEPA. Categorical exclusion B5.7 applies to natural gas import or export approvals that do not involve new construction but may require minor operational

³⁵ See Policy Statement, 85 Fed. Reg. 52,247; see also *id.* at 52,240 (discussing the 2018 LNG Export Study and DOE’s most recent life cycle analysis of greenhouse gas emissions associated with exports of U.S. LNG), 52,243-44 (discussing EIA’s *Annual Energy Outlook 2020*), 52,244-45 (discussing additional environmental issues).

³⁶ See *id.* at 52,239, 52,247.

³⁷ See *id.* at 52,247; see also App. at 5, Appendix A (citing FERC orders).

³⁸ App. at 7.

changes to existing projects. On October 27, 2020, DOE/FE issued a categorical exclusion under this provision.³⁹ This Order grants the non-FTA portion of the Application, in part, on the basis of this categorical exclusion.

V. FINDINGS

(1) Section 3(c) of the NGA was amended by section 201 of the Energy Policy Act of 1992 (Pub. L. 102-486) to require that applications requesting authority for (a) the import and export of natural gas, including LNG, from and to a nation with which there is in effect an FTA requiring national treatment for trade in natural gas, and/or (b) the import of LNG from other international sources, be deemed consistent with the public interest and granted without modification or delay. The portion of SPL's Application requesting an amendment to its FTA authorizations (DOE/FE Order Nos. 2833, 3306, 3307, 3384, 3595, and 4520, as amended, where applicable) falls within NGA section 3(c), as amended.⁴⁰ Therefore, DOE/FE is charged with granting the requested term extension for these orders without modification or delay.

(2) Upon a review of the record, DOE/FE finds that a grant of the non-FTA portion of the Application has not been shown to be inconsistent with the public interest under NGA section 3(a).⁴¹ Additionally, the non-FTA portion of the Application qualifies for a categorical exclusion under NEPA, such that no EA or EIS will be required. DOE/FE therefore grants the requested term extension for SPL's non-FTA authorizations (Order Nos. 2961-A, 3669, and 3792, as amended, where applicable).

³⁹ U.S. Dep't of Energy, Categorical Exclusion Determination, *Sabine Pass Liquefaction, LLC*, FE Docket Nos. 10-85-LNG, *et al.* (Oct. 27, 2020) [hereinafter Categorical Exclusion].

⁴⁰ 15 U.S.C. § 717b(c).

⁴¹ *Id.* § 717b(a).

(3) In connection with SPL's long-term authorizations discussed herein, SPL commenced commercial exports of LNG from the Sabine Pass LNG Terminal in 2016.⁴²

ORDER

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

A. The Application filed by Sabine Pass Liquefaction, LLC (Sabine Pass or SPL) is granted.

B. In DOE/FE Order No. 2833 (FE Docket No. 10-85-LNG), Ordering Paragraph A is amended to state:

Sabine Pass is authorized to export domestically produced LNG by vessel from the Sabine Pass LNG Terminal up to the equivalent of 16 million tons per annum (mtpa) (approximately 803 billion cubic feet (Bcf) per year) for a term beginning on the earlier of the date of first export, or September 7, 2020, and extending through December 31, 2050, pursuant to one or more long-term export contracts (greater than two years) with third parties with terms not to exceed the term of this authorization.

C. In DOE/FE Order No. 2961-A, as amended by Order No. 2961-C (FE Docket No. 10-111-LNG), Ordering Paragraph A is amended to state:

Sabine Pass is authorized to export domestically produced LNG by vessel from the Sabine Pass LNG Terminal up to the equivalent of 803 Bcf per year of natural gas for a term to commence on the earlier of the date of first export or five years from the date of the issuance

⁴² See Policy Statement, 85 Fed. Reg. at 52,244.

of this authorization, and extending through December 31, 2050. SPL is authorized to export this LNG on its own behalf or as agent for others pursuant to one or more long-term contracts (a contract with a term greater than two years) that do not exceed the term of this authorization.

D. In DOE/FE Order No. 3306, as amended by Order No. 3306-A⁴³ (FE Docket No. 13-30-LNG), Ordering Paragraph A is amended to state:

SPL is authorized to export domestically produced LNG by vessel from the Sabine Pass LNG Terminal up to the equivalent of 101 Bcf per year of natural gas for a term beginning on the earlier of the date of first commercial delivery from the fifth liquefaction train or 8 years from the date the authorization is issued (July 11, 2021), and extending through December 31, 2050, pursuant to the LNG Sale and Purchase Agreement between SPL as seller and Total Gas & Power North America, Inc. as buyer dated December 14, 2012.

E. In DOE/FE Order No. 3307, as amended by Order No. 3307-A⁴⁴ (FE Docket No. 13-42-LNG), Ordering Paragraph A is amended to state:

SPL is authorized to export domestically produced LNG by vessel from the Sabine Pass LNG Terminal up to the equivalent of 88.3 Bcf

⁴³ In this amendment (DOE/FE Order No. 3306-A), DOE/FE authorized SPL to utilize Order No. 3306 in conjunction with any sale and purchase agreement (SPA) filed (or to be filed) in the consolidated dockets (FE Docket Nos. 13-30-LNG, 13-42-LNG and 13-121-LNG), as long as the volume and term of the SPA(s) are consistent with the scope of the authorization.

⁴⁴ In this amendment (DOE/FE Order No. 3307-A), DOE/FE authorized SPL to utilize Order No. 3307 in conjunction with any sale and purchase agreement (SPA) filed (or to be filed) in the consolidated dockets (FE Docket Nos. 13-30-LNG, 13-42-LNG and 13-121-LNG), as long as the volume and term of the SPA(s) are consistent with the scope of the authorization.

per year of natural gas for a term beginning on the earlier of the date of first commercial delivery from the fifth liquefaction train or 8 years from the date the authorization is issued (July 12, 2021), and extending through December 31, 2050, pursuant to the LNG Sale and Purchase Agreement between SPL as seller and Centrica plc as buyer dated March 22, 2013.

F. In DOE/FE Order No. 3384, as amended by Order No. 3384-A⁴⁵ (FE Docket No. 13-121-LNG), the relevant sentence in Ordering Paragraph A is amended to state:

The volume authorized in this order is up to the equivalent of 314 Bcf/yr of natural gas for a term beginning on the earlier of the date of first export or 8 years from the date the authorization is issued (January 22, 2022), and extending through December 31, 2050.

G. In DOE/FE Order No. 3595 (FE Docket No. 14-92-LNG), the relevant sentence in Ordering Paragraph A is amended to state:

The volume authorized in this Order is equivalent to approximately 203 Bcf/yr of natural gas for a term beginning on the earlier of the date of first export or eight years from the date the authorization is issued (February 12, 2023), and extending through December 31, 2050, and is additive to the volume authorized for Trains 1-4 in DOE/FE Order No. 2833 (DOE/FE Docket No. 10-85-LNG).

⁴⁵ In this amendment (DOE/FE Order No. 3384-A), DOE/FE authorized SPL to utilize Order No. 3384 in conjunction with any sale and purchase agreement (SPA) filed (or to be filed) in the consolidated dockets (FE Docket Nos. 13-30-LNG, 13-42-LNG and 13-121-LNG), as long as the volume and term of the SPA(s) are consistent with the scope of the authorization.

H. In DOE/FE Order No. 3669, as amended by Order No. 3669-B⁴⁶ (FE Docket Nos. 13-30-LNG, 13-42-LNG, and 13-121-LNG), the relevant sentence in Ordering Paragraph A is amended to state:

Sabine Pass Liquefaction, LLC is authorized to export domestically produced LNG by vessel from the Sabine Pass LNG Terminal located in Cameron Parish, Louisiana, using Trains 5 and/or 6, up to the combined total volume of 503.3 Bcf/yr of natural gas for a term to commence on the earlier of the date of first commercial export from Train 5 or seven years from the date that this Order is issued (June 26, 2022), and extending through December 31, 2050.

This term extension supersedes any references to a 20-year export term in the Terms and Conditions and Ordering Paragraphs of DOE/FE Order No. 3669.

I. In DOE/FE Order No. 3792 (FE Docket No. 15-63-LNG), the relevant sentence in Ordering Paragraph A is amended to state:

Sabine Pass Liquefaction, LLC is authorized to export domestically produced LNG by vessel from the Sabine Pass LNG Terminal located in Cameron Parish, Louisiana, using Trains 1 through 4, in a volume up to the equivalent of 203 Bcf/yr of natural gas for a term to commence when SPL commences commercial export of domestically sourced LNG, and extending through December 31, 2050.

⁴⁶ In this amendment (DOE/FE Order No. 3669-B), DOE/FE authorized SPL to utilize Order No. 3669 in conjunction with any sale and purchase agreement (SPA) filed (or to be filed) in the consolidated dockets (FE Docket Nos. 13-30-LNG, 13-42-LNG and 13-121-LNG), as long as the volume and term of the SPA(s) are consistent with the scope of the authorization.

This term extension supersedes any references to a 20-year export term in the Terms and Conditions and Ordering Paragraphs of DOE/FE Order No. 3792.

J. In DOE/FE Order No. 4520 (FE Docket No. 19-125-LNG), the relevant sentence in Ordering Paragraph A is amended to state:

The volume authorized in this Order is equivalent to 152.64 Bcf/yr of natural gas for a term beginning on the date of first commercial export of the authorized volume and extending through December 31, 2050.

K. These export terms lasting through December 31, 2050, are inclusive of any make-up period previously authorized in the orders, during which the authorization holder may continue to export any make-up volume that it was unable to export during the original export term.⁴⁷ Accordingly, as relevant here, any references to make-up periods and make-up volumes in the Terms and Conditions and Ordering Paragraphs of DOE/FE Order Nos. 2961-C, 3669, and 3792 are now moot.

L. All other obligations, rights, and responsibilities established by DOE/FE Order Nos. 2833, 2961-A, 3306, 3307, 3384, 3595, 3669, 3792, and 4520 (and any subsequent amendments, as applicable) remain in effect.

Issued in Pittsburgh, Pennsylvania, on October 28, 2020.

Steven E. Winberg

Steven E. Winberg
Assistant Secretary
Office of Fossil Energy

⁴⁷ See *supra* at 4-5; see also Policy Statement, 85 Fed. Reg. at 52,239, 52,247.