197 FERC ¶ 61,036
DEPARTMENT OF ENERGY
FEDERAL ENERGY REGULATORY COMMISSION

18 CFR Parts 2, 153, 375

[Docket No. RM26-2-001]

Authorizations for Certain Activities at Liquefied Natural Gas Plants

RIN 1902-AG43

(Issued October 15, 2026)

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission proposes to revise its regulations to establish procedures for authorizing activities at liquefied natural gas plants without case-specific authorization orders under sections 3 or 7 of the Natural Gas Act.

DATES: Comments are due **[INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

ADDRESSES: Comments, identified by docket number, may be filed in the following ways. Electronic filing through http://www.ferc.gov, is preferred.

- Electronic Filing: Documents must be filed in acceptable native applications and print-to-PDF, but not in scanned or picture format.
- For those unable to file electronically, comments may be filed by USPS mail or by hand (including courier) delivery.
    - Mail via US Postal Service Only: Addressed to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street,

NE, Washington, DC 20426.

- Hand (including courier) delivery: Deliver to: Federal Energy Regulatory Commission, Secretary of the Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

The Request for Comments section of this document contains more detailed filing procedures.

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SUPPLEMENTARY INFORMATION:

197 FERC ¶ 61,036
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Laura V. Swett, Chairman;
David Rosner, Lindsay S. See,
Judy W. Chang, and David LaCerte.

Authorizations for Certain Activities at Liquefied Natural Gas Plants — Docket No. RM26-2-001

NOTICE OF PROPOSED RULEMAKING

(Issued October 14, 2026)

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1. The Federal Energy Regulatory Commission (Commission) in this notice of proposed rulemaking (NOPR) proposes to amend its regulations to establish procedures for authorizing activities at liquefied natural gas (LNG) plants without the need for operators to file case-specific applications or for the Commission to issue case-specific orders under sections 3 or 7 of the Natural Gas Act (NGA).[1] This NOPR includes proposed revisions to Parts 2, 153, and 375 of the Commission's regulations.

I. Background

A. What is an LNG Plant?

2. An LNG plant is a collection of facilities where natural gas is processed and cooled to about –260°F until it becomes a liquid and is stored for later delivery, or where LNG is produced or delivered and stored for later regasification. Liquefying the gas dramatically reduces its volume (by about 600 times), making it easier and more economical to store and transport in bulk, especially by ocean-going marine vessels. Broadly, there are three types of LNG plants subject to the Commission's jurisdiction: (1) LNG export terminals; (2) LNG import terminals; and (3) LNG facilities that receive natural gas, produce and store LNG, and regasify it to deliver in interstate commerce.

3. For LNG export terminals, the LNG plant typically receives natural gas from a pipeline and processes it through a series of integrated systems—including feed-gas handling, pretreatment, liquefaction, and storage—to produce and store LNG. From there, the LNG is transferred to a marine vessel for export.

[1] 15 U.S.C. 717b; 717f.

4. For LNG import terminals, the LNG plant typically receives LNG from a marine vessel and stores that LNG to regasify it in vaporization facilities, then sends out the natural gas to a pipeline or end user.[1]

5. LNG plants operating in interstate commerce are typically peak shaving plants that receive and liquefy natural gas during low demand periods, store it as LNG, and then regasify the LNG and send out the gas to an interstate pipeline during peak demand periods.

6. An LNG plant is composed of two distinct categories of facilities: LNG facilities and auxiliary systems. LNG facilities are those components of an LNG plant that receive, unload, load, store, transport, gasify, liquefy, or process natural gas. LNG facilities include, but are not limited to:[2]

> (1) feed gas facilities, which include metering stations to receive natural gas; processing vessels to remove water and particulate matter; and compression, pressure regulation, and heating and cooling equipment;
>
> (2) pretreatment facilities, which include equipment to remove carbon dioxide, sulfur compounds, mercury, water, or other impurities from the natural gas to safely and reliably liquefy the natural gas;
>
> (3) natural gas liquid (NGL) facilities to extract or remove NGLs from natural gas,[3] store NGLs, and use them as part of refrigerant makeup in liquefaction facilities or fuel gas for

[1] The Commission would also have jurisdiction over an LNG terminal operating in interstate commerce where the LNG is received or sent out via waterborne vessel. *Id.* 717a(11).

[2] These facilities and some of their components are also described in FERC Office of Energy Projects, *Guidance Manual for Environmental Report Preparation for Applications Filed Under the Natural Gas Act*, Volume II (Feb. 2017), https://www.ferc.gov/sites/default/files/2020-04/guidance-manual-volume-2.pdf.

fired equipment, or to transfer them to truck, rail, or marine loading facilities or send them out in pipelines;

(4) heavy hydrocarbon condensate facilities to extract or remove condensates from natural gas, store condensates, and transfer them to truck, rail, or marine loading facilities, or send them out through pipelines, or re-vaporize condensates to use as fuel gas;

(5) liquefaction facilities used to safely and reliably liquefy the natural gas into LNG and transfer it through piping prior to entering the LNG storage facilities;[4]

(6) LNG storage facilities, including piping and valves used to fill the LNG tanks or vessels, and piping, valves, and in-tank pumps used to withdraw the LNG and transfer it to marine, truck, or rail loading or unloading transfer facilities or vaporization facilities;

(7) marine transfer facilities, including transfer arms, hoses, piping and valves, and other components used to unload or load marine vessels;

(8) truck and rail transfer facilities, including transfer arms, hoses, piping and valves, and other components used to unload or load truck or rail cars;

(9) vaporization or regasification facilities to convert the LNG back into natural gas prior to being sent out in a pipeline or to an end user;

(10) sendout gas conditioning facilities to meet pipeline quality specifications for the sendout gas; and

(11) sendout facilities, including sample stations and metering stations to measure the composition, flow, or other characteristics of the natural gas being sent out to a pipeline.

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[3] NGLs include ethane, propane, butane, isobutane, and pentanes.

[4] Liquefaction facilities include refrigerant truck unloading, refrigerant storage containers, refrigerant transfer pumps, refrigeration compressors, air- or water-cooled heat exchangers to cool compressed refrigerants, refrigerant-cooled heat exchangers to cool natural gas to LNG, turboexpanders or hydraulic turbines, end flash gas vessels, and other components.

7. Auxiliary systems are those components of an LNG plant that are not LNG facilities but are necessary to support safe and reliable operation of the plant. Auxiliary systems include, but are not limited to:

> (1) vapor handling systems to receive, process, and deliver boiloff gas from LNG containers, flash gas from process vessels, and any vapor generated or displaced from truck, rail, or marine transfer facilities;
>
> (2) fuel gas systems to deliver natural gas to fired equipment;
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> (3) nitrogen and inert gas systems to unload, produce, and store nitrogen to create an inert nonflammable atmosphere where flammable fluids are handled;
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> (4) plant, utility, and instrument air systems to supply pneumatic pressure used by valve actuators and other equipment or tools;
>
> (5) utility water systems to store and supply water used by power generation, boilers, heat exchangers, and other components;
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> (6) power generation and electrical systems, including any onsite main gas turbine, heat recovery steam generators, and emergency backup diesel engine generators, used to generate and supply power;
>
> (7) emission control systems to reduce, control, capture, or transport air emissions;
>
> (8) cathodic protection systems;
>
> (9) relief valve and flare/vent systems used to safely and reliably discharge effluent from releases;
>
> (10) security systems;
>
> (11) spill containment systems used to contain any hazardous liquid spills from components and keep spill containment systems free of stormwater;

(12) passive protection systems, including cryogenic spill protection, vapor barriers, blast walls, passive fire protection, firewalls, radiant heat shields, foam glass blocks, or other systems to prevent cascading damage from hazardous fluid releases;

(13) hazard detection systems;

(14) hazard control systems used to extinguish or control fires;

(15) firewater systems;

(16) structural support systems;

(17) natural hazard mitigation used to monitor, measure, record, or protect LNG plant facilities and components from natural hazards; and

(18) emergency response systems, including any fire brigade buildings and apparatus, used to house and respond to hazardous fluid releases.

B. Existing Statutory and Regulatory Framework for the Commission's Authorization and Regulation of LNG Plants

8. The Commission regulates the siting, construction, expansion, and operation of LNG plants pursuant to sections 3 and 7 of the NGA. Section 3(a) provides for Federal jurisdiction over the siting, construction, expansion, and operation of facilities used to export or import natural gas.[5] Section 3(e)(1) states that "[t]he Commission shall have the exclusive authority to approve or deny an application for the siting, construction, expansion, or operation of an LNG terminal."[6] And under section 7(c), the Commission issues certificates of public convenience and necessity for the construction and operation of natural gas and LNG facilities used for the transportation of natural gas in interstate commerce.[7] Under both section 3 and section 7, the Commission has the authority to include terms and conditions in any order authorizing an LNG plant.[8]

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[5] 15 U.S.C. 717b(a).

[6] 15 U.S.C. 717b(e)(1). LNG terminal is defined as: "all natural gas facilities located onshore or in State waters that are used to receive, unload, load, store, transport, gasify, liquefy, or process natural gas that is imported to the United States . . . , exported to a foreign country . . . , or transported in interstate commerce by waterborne vessel, but does not include (A) waterborne vessels used to deliver natural gas to or from any such facility; or (B) any pipeline or storage facility subject to the jurisdiction of the Commission under [section 7]." *Id.* 717a(11). For purposes of this rulemaking an LNG terminal is a type of LNG plant.

[7] *Id.* 717f(c)(1)(A).

[8] *Id.* 717b(a), 717b(e)(3), 717f(e). For a discussion of the Commission's authority to condition its approvals of LNG plants under section 3 of the NGA, *see, e.g.*, *Distrigas Corp. v. FPC*, 495 F.2d 1057, 1063-64 (D.C. Cir. 1974), *cert. denied*, 419 U.S. 834 (1974); *Dynegy LNG Prod. Terminal, L.P.*, 97 FERC ¶ 61,231 (2001).

9. The NGA also includes additional requirements that must be met prior to authorizing the construction of LNG terminals under section 3.[9] Consistent with section 3A(a),[10] the Commission promulgated regulations requiring LNG applicants to use a pre-filing process for an application for authorization to construct or modify an LNG terminal.[11] Section 3(f) requires that the Commission obtain the concurrence of the Secretary of War before authorizing the siting, construction, expansion, or operation of LNG terminals affecting the training or activities of an active military installation.[12] Section 3A(e) states that "[i]n any order authorizing an LNG terminal the Commission shall require the LNG terminal operator to develop an Emergency Response Plan [that] shall be prepared in consultation with the United States Coast Guard and State and local agencies and be approved by the Commission prior to any final approval to begin construction [and] shall include a cost-sharing plan."[13] Additionally, section 3A(c)

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[9] These requirements do not apply to NGA section 7 LNG plants, including LNG peak shaving facilities, which store gas in interstate commerce.

[10] 15 U.S.C. 717b-1(a).

[11] 18 CFR 157.21. Pre-filing is not required where the Director of the Office of Energy Projects (OEP) determines that prospective modifications to an existing LNG terminal do not involve significant state and local safety considerations that have not been previously addressed. *Id.* 157.21(a).

[12] 15 U.S.C. 717b(f). Pursuant to a Memorandum of Understanding (MOU) with the Department of War (DoW), the Commission issues a letter to the Department, which then responds indicating whether there are no or minimal impacts to military installations and operations. *Memorandum of Understanding Between the Federal Energy Regulatory Commission and the Department of Defense to Ensure Consultation and Coordination on the Effect of Liquefied Natural Gas Terminals on Active Military Installations* (Nov. 21, 2007, updated Aug. 29, 2014), https://www.ferc.gov/media/2007-mou-dod.

[13] *Id.* 717b-1(e).

allows states to provide a report on state and local safety considerations, which "the Commission shall review and respond specifically to the issues raised . . . ."[14]

10. LNG operators may make modifications to already-approved, operating LNG plants during the life of the plant.[15] To receive authorization for such modifications, the operator may need to file a case-specific application, which the Commission must evaluate, followed by a public interest determination.[16]

[14] *Id.* 717b-1(c).

[15] LNG projects occurring during operation may include, but are not limited to: safety system installations, existing equipment upgrades or replacements, emissions controls, system modifications to enable integration with non-jurisdictional activities (helium extraction or offsite carbon capture and sequestration), uprates, extra power generation, and new LNG trains, storage tanks, or loading berths. *See, e.g.*, *Freeport LNG Dev., L.P.*, 175 FERC ¶ 61,237 (2021) (authorizing a non-jurisdictional helium extraction and purification plant); *Distrigas of Mass. LLC*, 193 FERC 61,143 (2025) (authorizing the installation of a boil-off gas compressor); *Corpus Christi Liquefaction, LLC*, 195 FERC ¶ 61,161 (2026) (authorizing an uprate).

[16] 18 CFR part 153 (detailing the requirements for applications filed pursuant to section 3 of the NGA); 18 CFR part 157 (detailing the requirements for applications filed pursuant to section 7 of the NGA).

C. The Commission's Existing Regulations for Authorizing Routine Pipeline Activities under Section 7 Provide an Analogue for a Program for LNG Plants

11. Under Part 157, Subpart F of the Commission's regulations,[17] interstate pipelines that hold certificates of public convenience and necessity under NGA section 7 may apply for a blanket certificate to undertake, without case-specific authorizations, certain activities automatically, subject only to annual reporting requirements,[18] and certain other activities after prior notice.[19] Both sets of activities are subject to cost limits.[20] The section 7 pipeline blanket certificate program "provide[s] streamlined procedures which increase flexibility and reduce regulatory burden" for a generic class of routine activities with particular conditions and procedures for consistency with the Commission's statutory obligations under the NGA and environmental statutes.[21]

12. In 1982, the Commission instituted this program, explaining that:

> [T]he final regulations divide the various actions that the Commission certificates into several categories. The first

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[17] 18 CFR part 157, subpart F.

[18] *Id.* 157.203(b), 157.208(a), (e).

[19] *Id.* 157.203(c), 157.208(b).

[20] *Id.* 157.208(d), 157.215(a)(5).

[21] *Interstate Pipeline Certificates for Routine Transactions*, Order No. 234, FERC Stats. & Regs. ¶ 30,368, at 30,201 (1982) (cross-referenced at 19 FERC ¶ 61,216); *see also Revisions to the Blanket Certificate Regulations & Clarification Regarding Rates*, Order No. 686, 117 FERC ¶ 61,074, at P 7 (2006) ("The blanket certificate program was designed to provide an administratively efficient means to authorize a generic class of routine activities, without subjecting each minor project to a full, case-specific NGA section 7 certificate proceeding.").

> category applies to certain activities performed by interstate pipelines that either have relatively little impact on ratepayers, or little effect on pipeline operations. This first category also includes minor investments in facilities which are so well understood as an established industry practice that little scrutiny is required to determine their compatibility with the public convenience and necessity. The second category of activities provides for a notice and protest procedure and comprises certain activities in which various interested parties might have a concern. In such cases there is a need to provide an opportunity for a greater degree of review and to provide for possible adjudication of controversial aspects. Activities not authorized under the blanket certificate are those activities which may have a major potential impact on ratepayers, or which propose such important considerations that close scrutiny and case-specific deliberation by the Commission is warranted prior to the issuance of a certificate.[22]

13. The notice and protest procedures for prior notice projects allow anyone, including Commission staff, to protest a prior notice project within 60 days and, if a protest is not withdrawn or dismissed, the project is reviewed as an application for case-specific authorization under NGA section 7.[23]

14. Section 7 pipeline blanket certificate activities are subject to the conditions in the Commission's regulations implementing the National Environmental Policy Act (NEPA),[24] as well as requirements that all activities be consistent with applicable laws, including the Endangered Species Act (ESA), National Historic Preservation

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[22] Order No. 234, FERC Stats. & Regs. ¶ 30,368 at 30,200.

[23] 18 CFR 157.205(h).

[24] *Id.* part 380. Certain activities undertaken pursuant to the blanket certificate are categorically excluded from NEPA review. *Id.* 380.4(a)(21).

Act (NHPA), Clean Water Act (CWA), Clean Air Act, and other statutes relating to environmental concerns.[25]

15. In addition to the section 7 pipeline blanket certificate program, § 2.55 of the Commission's regulations allows interstate pipeline companies to perform auxiliary installations and facility replacements without a case-specific authorization.[26] For activities undertaken pursuant to either the blanket certificate program or § 2.55, section 7(c) certificate holders are required to provide advance notice to affected landowners.[27]

16. In two earlier section 7 pipeline blanket certificate rulemakings, the Commission declined to extend the program to include LNG plants. In the 1982 rulemaking, the Commission excluded LNG plants from the program, finding that they "may have a significant impact on ratepayers" and therefore "should not be authorized under a blanket certificate, but should be subjected instead to the scrutiny of a case-specific

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[25] *Id.* 157.206.

[26] *Id.* 2.55. LNG facilities authorized under section 7 of the NGA may use the procedures outlined in § 2.55.

[27] *Id.* 157.203(d)(1) (requiring affected landowners to be notified of automatic authorization projects at least 45 days prior to commencing construction or at the time it initiates easement negotiations, whichever is earlier); *id.* 157.203(d)(2) (requiring affected landowners to be notified of prior notice projects within three days following the date that a docket number is assigned to the application or at the time the certificate holder initiates easement negotiations, whichever is earlier); *id.* 2.55(c) (requiring a good faith effort to notify in writing each affected landowner at least five days prior to commencing any activity except for activities for which all ground disturbance will be within an existing above-ground site or those done for safety, US Department of Transportation (DOT) compliance, or environmental or unplanned maintenance reasons that are not foreseen and that require immediate attention).

determination."[28] In 2006, the Commission again declined to extend the program to include LNG plants,[29] explaining that "LNG plant facilities are not within the class of minor, well-understood, routine activities that the blanket certificate program is intended to embrace; LNG plant facilities necessarily require a review of engineering, environmental, safety, and security issues that the Commission believes only can be properly considered on a case-by-case basis."[30]

17. The Commission's experience with LNG plants has changed considerably since the 1982 and 2006 rulemakings. Specifically, both the Commission and the LNG industry have gained significant experience regarding the engineering, environmental, safety, and security issues at LNG plants. The Commission has evaluated more than 100 applications related to LNG plants since 2006. Staff has also engaged in extensive coordination with the DOT's Pipeline and Hazardous Materials Safety Administration (PHMSA) and the US Coast Guard (USCG), which are involved in the safety and security of these facilities, as well as the LNG industry, to proactively develop safety and security standards and best practices.[31]

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[28] Order No. 234, FERC Stats. & Regs. ¶ 30,368 at 30,206.

[29] Order No. 686, 117 FERC ¶ 61,074 at PP 18-23.

[30] *Id.* P 21 (quoting *Revisions to the Blanket Certificate Reguls. & Clarification Regarding Rates*, NOPR, 115 FERC ¶ 61,338, at PP 29-30 (2006)); *see also Revisions to the Blanket Certificate Regulations & Clarification Regarding Rates*, Order No. 686-A, 72 FR 37431 (July 10, 2007), 119 FERC ¶ 61,303, at P 22 (2007) ("[T]he blanket certificate program is not well suited to address the complexity inherent in issues raised by LNG . . . facilities").

[31] In individual proceedings, the Commission has issued over 4,500 requirements, including approximately 4,000 requirements that have been coordinated with PHMSA and the USCG regarding the engineering, safety, security, and reliability of those projects

18. Changes in the LNG market since 2006 have led to an expansion in the number of projects that the Commission regulates. The United States emerged as the world's largest LNG exporter in 2023[32] with seven large-scale LNG export terminals currently in operation, eight new or expanded LNG export projects in construction, and additional LNG terminals and expansions expected over the next several years. Although certain changes and variances are permitted during the construction of an LNG plant, changes to an operating LNG plant—in some cases even routine adjustments like equipment replacements—may currently require case-specific authorization. The current case-by-

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in accordance with a 2004 Interagency Agreement. *Interagency Agreement Among the Federal Energy Regulatory Commission, United States Coast Guard, and Research and Special Programs Administration for the Safety and Security Review of Waterfront Import/Export Liquefied Natural Gas Facilities* (Feb. 11, 2004), https://www.ferc.gov/media/2004-interagency-dot-and-uscg. Approximately 30 of these orders were issued after a 2018 MOU with DOT for coordination between the Commission and PHMSA on determining whether proposed LNG facilities comply with PHMSA's siting requirements contained in 49 CFR Part 193, Subpart B. *Id.*; *see also Memorandum of Understanding Between the Department of Transportation and the Federal Energy Regulatory Commission Regarding Liquefied Natural Gas Transportation Facilities* (Aug. 31, 2018), https://cms.ferc.gov/media/mou-phmsa-regarding-lng-transportation-facilities-0. Commission staff, along with DOT PHMSA and USCG representatives, have also actively participated in an LNG Technical Committee, and Commission staff has made over 300 proposals since 2016 to update subsequent versions of the National Fire Protection Association (NFPA) 59A, *Standard for the Production, Storage, and Handling of LNG*, to improve the safety, security, and reliability of LNG projects consistent with the requirements that the Commission imposes on LNG facilities in its authorization orders.

[32] US Energy Info. Admin., *The United States Was the World's Largest Liquefied Natural Gas Exporter in 2023* (Apr. 1, 2024), https://www.eia.gov/todayinenergy/detail.php?id=67864; *see also* US Energy Info. Admin., *Global Liquefied Natural Gas Trade Volumes Reached Record High in 2025* (July 14, 2026), https://www.eia.gov/todayinenergy/detail.php?id=67864; US Dep't of Energy, Office of Fossil Energy & Carbon Mgmt., *Liquefied Natural Gas (LNG) Exports* (Dec. 31, 2025), https://www.energy.gov/sites/default/files/2025-12/LNG%20Snapshot%20Dec%2031%202025_0.pdf.

case review process for certain replacements, modifications, and expansions is administratively inefficient and slows down the authorization of needed projects.

19. Based on these considerations, the Commission believes that the establishment of an LNG blanket program allowing the automatic or prior notice authorization for certain activities is warranted.

II. Notice of Inquiry

20. On November 20, 2025, the Commission issued a notice of inquiry (NOI) in this proceeding, requesting information and comments on whether and if so how to revise its regulations to allow for the authorization of activities at LNG plants without case-specific authorization under section 3 or 7 of the NGA.[1] The NOI was published in the Federal Register on November 25, 2025,[2] and established a 60-day comment period expiring on January 27, 2026.[3] In response to the NOI, the Commission received 18 comments—eight from LNG and natural gas companies and related trade associations,[4] one from an energy technology company, two from engineering consulting firms, six from public interest organizations, and one on behalf of nine states' attorneys general.[5] The comments addressed a variety of issues, including: support for a blanket program as it would allow certain activities at LNG plants to proceed in an expedited fashion; recommendations on how the Commission should implement a program with a tiered authorization system that would allow automatic approval for minor, in-footprint

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[1] *Authorizations for Certain Activities at Liquefied Nat. Gas Plants*, 193 FERC ¶ 61,141 (2025) (NOI).

[2] 90 FR 53251 (Nov. 25, 2025).

[3] 18 CFR 385.2007(a)(2) (the last day of time period does not end until the close of the Commission business of the next day which is not a day on which the Commission closes due to adverse conditions).

[4] Cheniere Energy, Inc. (Cheniere), Interstate Natural Gas Association of America (INGAA), Natural Gas Supply Association (NGSA), and Rio Grande LNG, LLC, filed comments in support of Center for LNG's (CLNG) proposal for a section 3 blanket authorization. Where entities filed comments in support of a particular proposal offered by CLNG, that is noted below, but similar arguments are not repeated.

[5] The Commission also received motions to intervene from Atmos Energy Corp., Symmetry Energy Solutions, and the Maryland Office of the Attorney General.

modifications and a prior notice process for moderate changes; recommendations that the LNG blanket program not include costs limits; questions pertaining to how the public and state agencies would receive notice; concerns about environmental effects and safety impacts; and questions as to whether the LNG industry is suitable for a blanket authorization program. The comments are addressed below.

III. Discussion

21. After reviewing the comments received in response to the NOI, the Commission proposes to establish an LNG blanket program to authorize certain activities at LNG plants without case-specific authorization orders under sections 3 and 7 of the NGA.

22. Specifically, the Commission proposes adopting a tiered blanket authorization program like the section 7 pipeline blanket certificate program, including activities that are eligible for automatic authorization or prior notice authorization. In general, activities that would not: (a) increase the authorized capacity of the LNG plant;[1] (b) expand the authorized vertical or horizontal extents within the footprint[2] of the LNG plant; or (c) result in flows, levels, volumes, pressures, temperatures, compositions, or loads outside any of the design limits of the new, replaced, or modified LNG facilities, auxiliary systems, and components and within the authorized design limits of the remaining LNG facilities, auxiliary systems, and components[3] would be eligible for

[1] *Capacity* would be defined at § 153.102(a)(8) as the (i) import or export capacity of the LNG terminal or (ii) storage and delivery capacity of the interstate LNG plant.

[2] *Footprint* would be defined at § 153.102(a)(9) to mean the area located (i) within an LNG plant's security systems; and (ii) within the areas protected from natural hazards.

[3] *Design limits* would be defined at § 153.102(a)(10) as the (i) minimum and maximum design flows; (ii) minimum and maximum liquid design levels and volumes;

automatic authorization.[4] Activities that would increase the authorized capacity of the LNG plant, be located within the footprint of the LNG plant, not result in any change in flows, levels, volumes, pressures, temperatures, compositions, or loads outside the design limits of the new, replaced and modified LNG facilities, auxiliary systems, and components, and not result in any aforementioned changes outside the authorized design limits of the remaining LNG facilities, auxiliary systems, and components, would be subject to a 60-day prior notice period. Construction of new LNG facilities, such as liquefaction trains, LNG tanks, and marine berths, and auxiliary systems outside of the footprint of the plant would be subject to a 90-day prior notice period.

23. The Commission also proposes standard environmental and engineering design conditions to address the impacts of blanket projects as well as requirements to ensure compliance with applicable law. To the extent practicable, the proposed LNG blanket program is modeled after the pipeline blanket program. But unlike the pipeline blanket program, LNG blanket projects would not be subject to cost limits because in the Commission's experience the cost of LNG activities does not serve as an appropriate proxy to determine whether those activities should be eligible for the blanket authorization program. Moreover, LNG terminals authorized under section 3 of the NGA do not implicate the same ratepayer concerns because the Commission does not regulate

(iii) minimum (vacuum) and maximum design pressures; (iv) minimum design metal temperature and maximum design temperature; (v) minimum and maximum compositions; and (vi) maximum structural design loads and criteria.

[4] The authorized capacity and design limits include those approved by staff under delegated authorities.

rates under NGA section 3.[5] Rather, the Department of Energy (DOE) evaluates the economic impact of a proposal to export natural gas as part of its decision whether to authorize the export of natural gas, as a commodity,[6] to non-Free Trade Agreement countries.[7]

[5] With respect to section 7 LNG plants, as described below in section III.B.5, the Commission proposes to impose the same rate requirements as under the blanket certificate program.

[6] The Commission does not authorize importation or exportation of the commodity itself. Rather, an application for authorization to import or export natural gas must be submitted to the DOE. 15 U.S.C. 717b(a).

[7] Under section 3(c) of the NGA, the exportation of natural gas to a Free Trade Agreement country is deemed to be consistent with the public interest. 15 U.S.C. 717b(c).

A. Applicability to Section 7 LNG Plants

24. As detailed above in section I.B, section 3 and section 7 LNG plants share some characteristics; however, their statutory and regulatory structure is different, as are the facilities that are constructed and operated under sections 3 and 7, respectively.

25. In the NOI, the Commission sought comment on whether modifications to section 7 LNG plants should be included under the blanket program.[8] The NOI also requested comment on whether cost-based limits would be appropriate for such projects.[9]

26. Commenters support the expansion of the Part 157 blanket program to include LNG facilities in interstate commerce.[10] Eastern Shore Natural Gas Company (Eastern Shore)[11] states that small LNG storage facilities would benefit from blanket authority to conduct routine modifications and improvements.[12]

27. We propose that section 7 LNG plants be eligible for the blanket authorization program, and that the eligible activities be the same as under the section 3 blanket program, albeit with some additional requirements detailed below.

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[8] NOI, 193 FERC ¶ 61,141 at P 13, Question B6.

[9] *Id.* P 13, Question B7.

[10] *See* BLUE January 23, 2026 Comments at 3, 7-8.

[11] Eastern Shore is the certificate holder for the Worcester Resiliency Upgrade, which is under construction and includes an LNG storage facility in Bishopville, Maryland.

[12] Eastern Shore January 26, 2026 Comments at 2-3.

B. Eligible Facilities

28. The NOI sought comment on whether to adopt a tiered approach to the proposed LNG blanket authorization program under which certain activities are automatically authorized and other activities are authorized after prior notice, and if so how the Commission should define the activities and establish tiers for them.[13]

29. Generally, in response to the NOI, commenters propose a structure similar to the Commission's section 7 pipeline blanket program, where certain categories of actions would be eligible for automatic authorization and a larger, more complex group of actions would be eligible for prior notice authorization. CLNG,[14] American Petroleum Institute,[15] and INGAA[16] (collectively, CLNG) propose that the Commission adopt a three-tiered approach which includes: automatic authorizations; standard prior notice authorization for facility modifications that would not result in changes to hazards or public safety; and an expanded prior notice for larger activities like new liquefaction trains, storage tanks, or marine berths.[17] CLNG requests that the Commission continue to allow some modifications at operational LNG terminals through disclosure in semi-

[13] NOI, 193 FERC ¶ 61,141 at P 13, Questions A3, B1-B4.

[14] The Center for Liquefied Natural Gas is a trade association that promotes public policies advancing the use of natural gas in the United States and its export internationally.

[15] The American Petroleum Institute is a nationwide, non-profit trade association that represents all facets of the natural gas and oil industry.

[16] INGAA is a trade association that advocates regulatory and legislative positions of importance to the interstate natural gas pipeline industry in the United States.

[17] CLNG January 26, 2026 Comments at 10-11.

annual operational reports and management of change (MOC) logs (together, Change Reporting Process).[18] Each order authorizing an LNG plant contains requirements for the authorization or certificate holder to file a semi-annual operational report listing modifications undertaken at the LNG plant and any significant modifications proposed for the next 12 months.[19] These reports provide early notice to staff of anticipated future construction and maintenance and allow staff to advise LNG companies on whether such modifications require a separate amendment application. Authorizations also include a condition that allows Commission staff to inspect LNG facilities and issue data requests to LNG companies throughout the life of the facilities. Under those delegated powers, Commission staff request MOC logs to verify that modifications undertaken at LNG terminals and plants are consistent with the semi-annual operational reports and that there are no safety or reliability impacts from those changes. CLNG notes, however, that the existing Change Reporting Process lacks clarity, creating "regulatory inconsistencies, inefficiency, and . . . potential non-compliance risk."[20]

30. Earthjustice[21] and the Attorneys General for the States of Maryland, Oregon, Connecticut, Delaware, Massachusetts, Michigan, New York, Rhode Island, and Vermont (collectively, States) oppose allowing expansions of new or existing LNG

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[18] *Id.* at 4 n.7, 10-11.

[19] *See, e.g.*, *Corpus Christi Liquefaction, LLC*, 190 FERC ¶ 61,149, at app. A, env't condition 100 (2025).

[20] *Id.* at 8.

[21] Earthjustice is a nonprofit public interest environmental law organization.

terminals or facilities under a blanket program.[22] The States assert that this would infringe upon the state and local interests protected by the NGA.[23]

31. Our proposal here, consistent with the structure and rationale of the longstanding section 7 pipeline blanket program, would streamline the review of LNG authorization requests to increase flexibility and reduce regulatory burden through the establishment of an LNG blanket program.[24] In other words, the blanket program, coupled with the existing authorization process, would provide blanket authorization holders with procedural mechanisms for authorization of facilities that are commensurate with the degree of associated effects (i.e., a range from automatic authorization through prior notice to a full authorization application) while continuing to fully consider state and local interests.

32. Below we detail the proposed LNG blanket program, which would establish a tiered approach for blanket-eligible activities. This would include a category of actions eligible for automatic authorization and a category of actions that would be eligible following prior notice procedures. Under the prior notice procedures, the Commission would issue notice of the proposed activity and interested stakeholders, as well as Commission staff, would have an opportunity to protest. If a protest is filed and not withdrawn or dismissed, the project would be reviewed as an application for case-specific

[22] States Comments at 11; Earthjustice January 26, 2026 Comments at 3.

[23] States Comments at 11-12.

[24] Order No. 234, FERC Stats. & Regs. ¶ 30,368 at 30,200-01.

authorization under the NGA; otherwise, the project could proceed at the end of the notice period.

1. Automatic Authorization

33. The NOI sought comment on what types of activities the Commission should find eligible for automatic authorization procedures.[25]

34. CLNG commented that the automatic authorization tier should cover modifications, additions, or improvements to LNG plants that extend beyond the routine activities covered by the Change Reporting Process (which CLNG advocates that the Commission maintain after the LNG blanket program is authorized), but that do not involve any changes to overall design, new offsite thermal radiation or flammable vapor impacts, increases in permitted noise levels, new types of pollutants or hazards, or new landowner or public use impacts.[26] Under CLNG's proposal, automatic authorization could allow for increases in capacity through uprates if the uprate is based upon efficiencies realized after the original authorization.

35. Specifically, CLNG's proposed automatic authorization tier would require: (i) the proposed activity be within the existing LNG plant footprint or located on adjacent or nearby land that is currently owned or controlled by the blanket authorization holder; (ii) no effects to sensitive environmental resources outside the original scope of the NEPA review of the plant; (iii) all construction or modifications comply with the conditions and environmental mitigation methods from the original section 3

[25] NOI, 193 FERC ¶ 61,141 at P 13, Question B1.

[26] CLNG January 26, 2026 Comments at 11-13.

authorization order; (iv) no increase to the authorized annual total LNG production or storage capacity that exceeds the design limits of existing systems and equipment; and (v) continued compliance with USCG, PHMSA, and other permitting agency regulations.[27]

36. CLNG provides the following examples of automatic authorization activities: (i) equipment uprates or rearrangements that improve efficiency, safety, capacity, emissions, or reliability; (ii) installation of additional safety systems or emission control devices; (iii) installation of auxiliary systems; (iv) replacements and upgrades of infrastructure that are not an in-kind replacement but result in no greater hazard footprint or environmental impacts; (v) installation of addition of instrumentation, monitoring systems, or controls; (vi) installation of new or improved components that do not introduce new unmitigated hazards; (vii) uprating of capacities through activities such as debottlenecking, optimizing existing trains, or implementing improvements during construction; (viii) installation of redundant components that introduce no new unmitigated hazards; (ix) installation of components required to operate within the authorized facility design limits; (x) installation of new or additional truck loading facilities for non-hazardous material transport; and (xi) activities required for maintaining compliance with regulations, regardless of the complexity of the project.[28]

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[27] *Id.* at 14.

[28] *Id.* at 12-13.

37. CLNG and Cheniere[29] maintain that many optimizations and in-kind modifications that are performed within the existing footprint—such as replacing older equipment with newer, safer models, installing advanced leak detection systems, upgrading fire and gas detection systems, debottlenecking activities, or installing pollution control devices or emissions monitoring devices—would result in no adverse environmental impacts and would yield reliability and safety benefits.[30]

38. The Center for Regulatory Freedom[31] proposes that the automatic authorization tier include low-impact and routine activities such as equipment replacements, maintenance actions, safety system upgrades, and efficiency improvements.[32]

39. Blue Engineering and Consulting Company (BLUE)[33] recommends that the automatic authorization tier include modifications focused on operations, maintenance, safety, reliability, and efficiency improvements that would result in no impacts to the

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[29] Cheniere, through its subsidiaries, is the owner of the Sabine Pass LNG Terminal and Corpus Christi LNG Terminal located near the Sabine Pass Channel, Cameron Parish, Louisiana, and on the northern shore of Corpus Christi Bay in San Patricio and Nueces Counties, Texas, respectively.

[30] CLNG January 26, 2026 Comments at 28, 32; Cheniere January 26, 2026 Comments at 5-6.

[31] The Center for Regulatory Freedom is a project of the Conservative Political Action Coalition Foundation, a non-profit, non-partisan 501(c)(3) research and education foundation.

[32] Center for Regulatory Freedom Comments at 9.

[33] BLUE is an engineering and consulting firm which provides regulatory services to various LNG facilities during the permitting, construction, commissioning, and in-service phases.

public or the environment.[34] It provides the following examples of modifications: (i) debottlenecking activities to improve efficiency and increase throughput; (ii) installation of redundant equipment to increase reliability and minimize downtime; (iii) installation of nitrogen rejection units, helium removal, component injection into feed gas streams, or other removal/injection to handle changes in feed gas composition; (iv) installation or modification of pretreatment technologies to account for feed gas changes; and (v) modification of technologies to meet permit requirements, account for changes in feed gas composition, or account for operational changes.

40. Woodside Energy (USA) Inc. (Woodside)[35] supports automatic authorizations for activities that do not materially expand or alter the facility's previously authorized environmental footprint or LNG capacity.[36] EcoEléctrica, L.P. (EcoEléctrica),[37] supports allowing automatic authorization for modifications related to operations, maintenance, safety, reliability, and efficiency improvements that result in no impacts to the public or the environment.[38]

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[34] BLUE January 23, 2026 Comments at 4.

[35] Woodside is the owner of Woodside Louisiana LNG, formerly the Driftwood LNG project, which is under construction near the city of Carlyss in Calcasieu Parish, Louisiana.

[36] As examples of projects that it proposes should fall under an automatic authorization, Woodside suggests rearrangements or replacements of piping, equipment replacements, and improvements to support infrastructure such as electric and water distribution. Woodside January 26, 2026 Comments at 2.

[37] EcoEléctrica is the owner and operator of EcoEléctrica LNG at Guayanilla Bay, Peñuelas, about nine miles west of Ponce, Puerto Rico.

[38] EcoEléctrica Comments at 1.

41. As the Commission explained in its section 7 pipeline blanket certificate proceeding, activities eligible for automatic authorization are "so well understood as an established industry practice that little scrutiny is required to determine their compatibility with the public convenience and necessity."[39] Here, we agree with commenters that certain activities at LNG plants are so well understood they would similarly require little scrutiny to determine that they are not inconsistent with the public interest, as required by section 3, or are in the public convenience and necessity, as required by section 7.

42. The automatic authorization category would establish a regulatory path for efficient implementation of modifications at existing LNG plants without unnecessary regulatory burdens, while maintaining compliance with both the NGA and NEPA. The proposed automatic authorization category is limited to facilities that (1) do not result in expansions or increases of the authorized capacity of the LNG plant, (2) are within the existing horizontal and vertical extents of the footprint and design limits,[40] (3) do not result in adverse safety or reliability impacts at the plant, and (4) would have only minor or no environmental effects.

43. We propose at § 153.108 and § 153.109 to include the following activities under the automatic authorization category:

Abandonment

[39] Order No. 234, FERC Stats. & Regs. ¶ 30,368 at 30,200.

[40] Changes shall not result in flows, levels, volumes, pressures, temperatures, compositions, or loads outside any of the design limits of the new, replaced, or modified LNG facilities, auxiliary systems, and components and the authorized design limits for the remaining LNG facilities, auxiliary systems, and components.

Abandonment of any components, systems, or facilities that do not impact existing customers under contract and do not adversely affect the continued safety, reliability, or environmental protection of operational facilities.

Components within LNG Facilities

For the components listed below,[41] replacements (in-kind or upgraded[42]) including the abandonment of existing equipment, modifications,[43] or new components at authorized LNG facilities that do not increase the authorized capacity of the LNG terminal or plant and within the authorized vertical and horizontal extents of the footprint and design limits of the LNG plant facilities and auxiliary systems:

(a) piping and valves;
(b) process vessels;
(c) storage containers;
(d) rotating equipment;
(e) fired equipment;
(f) instrumentation and control system components;
(g) safety instrumented system components;
(h) buildings and structures; and
(i) electrical components.

Auxiliary Systems

Replacements (in-kind or upgraded) including the abandonment of existing equipment, modifications, or additions of the following components or systems to maintain or improve the safety and reliability of operations of LNG facilities and that do not increase the authorized capacity of

[41] We propose to define individual components in § 153.102.

[42] Upgraded would be defined in § 153.102(a)(13) as providing equal or greater level of safety, security, reliability, operability, efficiency, and environmental protection.

[43] Modify would be defined in § 153.102(a)(14) as changes to the siting, design, construction, or operational conditions of components within authorized LNG facilities and auxiliary systems, including but not limited to changes in process controls, software, setpoints, size/diameter, wall thickness, materials of construction, routing, location, or other process, mechanical, electrical, hazard mitigation, or structural related specifications, designs, or operations.

> the LNG terminal or plant and within the authorized vertical and horizontal extents of the footprint and design limits of the LNG facilities and auxiliary systems:
>
> (a) vapor handling systems;
> (b) fuel gas systems;
> (c) nitrogen and inert gas systems;
> (d) instrument, plant/utility air systems;
> (e) utility water and other utility systems;
> (f) power generation and electrical systems;
> (g) emission control systems;
> (h) cathodic protection systems;
> (i) security systems;
> (j) relief valve and flare/vent systems;
> (k) spill containment systems;
> (l) passive protection systems;
> (m) hazard detection systems;
> (n) hazard control systems;
> (o) firewater systems;
> (p) structural systems;
> (q) natural hazard mitigation systems; and
> (r) emergency response systems.

Related Pipeline Facilities

> Construction of pipeline facilities under section 3 of the NGA to the same extent as is allowed under the section 7 pipeline blanket certificate program.

44. Activities that would not be eligible for automatic authorization include increases in capacities of the LNG terminal or plant and projects that would extend beyond the existing LNG plant footprint because these activities have the potential for safety and environmental impacts and thus are better suited for the prior notice category of actions.

45. Further, we do not propose to allow increases of the authorized capacity through uprates under automatic authorization, even where efficiencies are realized during construction, because such increases may implicate hazards, safety concerns, and

environmental effects associated with increased throughput. Such issues historically have been addressed through safety and environmental reviews prior to start-up. Moreover, the changes vary from plant to plant and may result in more or larger LNG marine vessels, requiring a more detailed analysis by Commission staff or its federal agency partners. Further, these changes could also require a new letter of recommendation from USCG; a letter of determination from PHMSA; concurrence from the DoW; the opportunity for state agencies to submit a state safety advisory report; updated Emergency Response Plans developed in consultation with USCG and state and local agencies; and ESA consultation. Therefore, such uprates would be eligible under prior notice procedures.

46. As for CLNG's proposal that the existing Change Reporting Process[44] be preserved as a means to modify LNG plants separate from the blanket program, we disagree. The existing Change Reporting Process does not provide a clear, consistent, and certain regulatory path for modifying LNG plants.[45] Conversely, the proposed blanket program will provide a path for routine, well understood repairs, replacements, and additions at LNG plants to receive regulatory approval with a shorter time frame, compared with traditional case-specific authorizations. The automatic authorization activities would include those intended to be covered by the semi-annual operational reports and the prior notice procedures would establish a separate streamlined

[44] *See supra* P 29 ("Change Reporting Process" is the term used by CLNG to cover modifications made at LNG terminals through both the semi-annual reporting and the MOC processes).

[45] *See* CLNG January 26, 2026 Comments at 8 (recognizing that the Change Reporting Process lacks clarity).

authorization process to provide more consistency and regulatory certainty for those activities while balancing the potential impacts of those activities. Nevertheless, as described below in section III.C.7, the semi-annual reporting requirements would be maintained and would continue to keep staff apprised of planned changes at each LNG plant.

2. Prior Notice

47. The NOI sought comment on what types of activities the Commission should find eligible for prior notice procedures.[46]

48. CLNG proposes that prior notice projects be divided into two tiers. The first tier of prior notice projects would entail "facility modifications short of a new liquefaction train, LNG storage tank, or loading berth."[47] CLNG's proposal would allow increases in LNG production or feed gas throughput that may have offsite impacts or implicate other potential issues (e.g., safety modeling, effects on landowners, environmental impacts, etc.), but would remain within the scope and magnitude of the impacts already reviewed and approved as part of the terminal's original authorization. For this tier, CLNG proposed a 30-day notice period.[48]

49. Examples of the types of projects CLNG proposes to include in its first prior notice tier include: (i) LNG production increases beyond the previously authorized limit; (ii) adding a new process unit, system, or equipment to improve functionality or

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[46] NOI, 193 FERC ¶ 61,141 at P 13, Question B1.

[47] CLNG January 26, 2026 Comments at 10.

[48] *Id.* at 17.

emissions but that does not expand storage; (iii) limited construction such as adding an extra power generator or a new control room that is consistent with previously assessed land use; (iv) modifications to the jurisdictional portions of an LNG terminal to enable integration with a complementary non-jurisdictional activity; (v) installation of new units or components as replacements of existing units or components with substantially equivalent design delivery capacity; and (vi) activities required for maintaining compliance with regulations, regardless of the complexity of the project, that otherwise do not meet the criteria for automatic authorization.[49]

50. CLNG proposes that this tier include activities that increase LNG production or throughput capacity without the construction of new liquefaction trains, storage tanks, or LNG loading berths provided that: (i) any environmental effects must have been analyzed within the previous NEPA analysis or will be addressed in a new NEPA analysis by another agency and the blanket authorization holder will obtain all required permits prior to commencement of construction; (ii) the project either does not require new land beyond the existing site or right-of-way or any new land is already under control of the blanket authorization holder; (iii) the project does not impact traffic and thermal radiation zones such that adjacent parcels not previously impacted would now be impacted; (iv) the project continues to comply with USCG, PHMSA, and other agency permits and requirements; and (v) preliminary noise modeling shows no exceedance of a

[49] *Id.* at 15-16.

day-night level (L_{dn}) of 55 dBA at the nearest noise sensitive area and a noise survey will be filed no later than 60 days after the in-service date.[50]

51. In its second prior notice tier, CLNG proposes to allow the construction of new liquefaction trains, storage tanks, and LNG loading berths.[51] Specifically, CLNG proposes that obtaining prior notice authorization for new trains, storage tanks, and berths would require: (i) that the design of the proposed facility be based on an existing design of the blanket authorization holder or its affiliate, as modified to account for site-specific conditions, new models of equipment, safety, efficiency, and maintenance improvements, integration with existing facilities at the LNG plant, and any updates in applicable Federal regulations; (ii) continued compliance with all conditions present in the underlying section 3 authorization order except any changes necessary due to changed regulations; (iii) that any new site-specific environmental impacts be of the same kind as those reviewed in the underlying NEPA analysis or be covered in a new NEPA analysis prepared by another agency; (iv) that new waterway suitability assessments or environmental permits be obtained if needed; (v) that any changes to the plant's existing safety design criteria are within the assumptions of prior models or else do not result in any parcels being included within the impact zones; (vi) that construction on new land adjacent or near the existing site will not significantly impact traffic; and (vii) that preliminary noise modeling shows no exceedance of an L_{dn} of 55 dBA at the nearest noise

[50] *Id*. at 16.

[51] *Id.* at 18. BLUE proposes essentially the same activities for 60-day prior notice authorization as CLNG. BLUE January 23, 2026 Comments at 5-6.

sensitive area and a noise survey must be filed within 60 days of the in-service date.[52] CLNG states that all of its proposed prior notice activities would either replicate the design of existing facilities that were previously subject to NEPA review or that would be *de minimis* or not have significant impacts.[53] For this tier of activities, CLNG proposes a notice period of 60 days.[54]

52. In addition to the activities proposed by other commenters, Woodside proposes that dredging or marine adjustment within existing operational limits be allowed under a prior notice tier.[55]

53. As the Commission explained in the 1982 section 7 pipeline blanket rulemaking, the prior notice tier of activities "provides for a notice and protest procedure and comprises certain activities in which various interested parties might have a concern," such that "there is a need to provide an opportunity for a greater degree of review and to provide for possible adjudication of controversial aspects."[56] We propose to establish a category of actions that would be eligible for prior notice authorization, which we have subdivided into two subcategories, one with a 60-day notice period and the other with a 90-day notice period, based on the Commission's experience reviewing both initial requests for authorization and requests for modifications during construction,

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[52] CLNG January 26, 2026 Comments at 18-19.

[53] *See id*. at 11.

[54] *Id.* at 19.

[55] Staff notes that the US Army Corps of Engineers, not the Commission, has jurisdiction over dredging.

[56] Order No. 234, FERC Stats. & Regs. ¶ 30,368 at 30,200.

commissioning, and operation of LNG plants. Our proposed notice periods differ from CLNG's and BLUE's, but we believe the additional time—30 additional days for each prior notice category, as compared to CLNG's proposal—is needed to enable the Commission, its staff, the public, affected landowners, and other interested parties sufficient time to review the proposals. Protest procedures for the blanket authorization program are discussed below, in section III.C.4.

54. We propose at § 153.108(d)(1) to make the following activities eligible under prior notice procedures with a 60-day notice period:

Components within LNG Facilities

> Replacements, including the abandonment of existing components; upgrades; and modifications of existing components or the addition of new components designed to increase the authorized capacity of the LNG terminal or plant and that are within the authorized footprint and design limits.

Auxiliary Systems

> Replacements, including the abandonment of existing components; modifications; or new auxiliary components and systems associated with existing LNG facilities designed to increase the authorized capacity of the LNG terminal or plant and that are within the authorized footprint and design limits.

Related Pipeline Facilities

> Construction of pipeline facilities under section 3 of the NGA to the same extent as is allowed under the section 7 pipeline blanket certificate program.

55. We propose at § 153.108(d)(2) to make the following activities eligible under prior notice procedures with a 90-day notice period:

New LNG Facilities and Auxiliary Systems

New LNG facilities and auxiliary systems that would be constructed outside the authorized footprint.

56. Any projects undertaken under the 90-day prior notice category would be subject to the following conditions: (i) any expansion of facilities must be either within the existing LNG plant footprint or adjacent to the LNG plant and permanently occupy no more than 25 acres, occupy only previously-disturbed or developed land or waterways, and be within industrial zoned areas or areas without zoning; (ii) requests must demonstrate that any modifications outside the existing footprint will comply with all environmental and engineering conditions of the authorization for the plant; and (iii) the facilities must be of the same type (in-kind or upgraded) as those previously authorized by the Commission at the same LNG plant or terminal or reviewed and approved by Commission staff for the underlying authorization. We propose limiting the facility type to ensure sufficient time to analyze, within the limited timeframes contemplated under the proposed prior notice regulations, projects' potential hazards and safety and environmental impacts in light of the site-specific siting, design, construction, and operation of the LNG facilities in question. Further, § 153.108(f)(1) of the Commission's proposed regulations, which staff will enforce, prohibit blanket authorization holders from segmenting, separating, or dividing projects in order to meet the acreage limitation.

3. Blanket Activities Outside of the LNG Plant Footprint

57. The NOI sought comment on whether the Commission should allow the construction and operation of facilities outside of the footprint of the currently authorized LNG plant.[57]

58. Some commenters support allowing projects to occur both within and outside of the existing project footprint.[58] CH-IV International, LLC (CH-IV),[59] however, opposes allowing construction and operation of facilities outside of the plant limits but does not explain why.[60]

59. As stated above, we propose to allow for the construction and operation of facilities outside of the LNG plant footprint. However, such facilities would be limited to a 25-acre area and would only be eligible for construction under the 90-day prior notice procedures.

60. We believe it would be unwise to limit expansions to those within the existing footprint. First, we understand, based on the experience of Commission staff, that an appropriately limited category of actions outside LNG plants' existing footprints can be fully and appropriately assessed through the proposed prior notice procedures. In particular, the engineering and environmental conditions (e.g., requiring that the new

[57] NOI, 193 FERC ¶ 61,141 at P 13, Question B4.

[58] *E.g.*, CLNG January 26, 2026 Comments at 14; Cheniere January 26, 2026 Comments at 6.

[59] CH-IV is a global engineering and consulting firm serving asset developers, regulators, owners, operators, and lenders across the energy, infrastructure, and resources industries.

[60] CH-IV January 16, 2026 Comments at 6.

facilities be of the same type (in-kind or upgraded) as those previously authorized by the Commission at the same LNG plant or terminal) and the limitation on the location and size of the expansion permanently occupying no more than 25 acres on adjacent land help ensure that such projects will not have a significant impact on public safety or the environment. The prior notice procedures also allow for interested stakeholders to have an opportunity to evaluate proposals and raise particular concerns regarding a project's impact. Moreover, limiting blanket-eligible expansions to those within a plant's existing footprint could incentivize artificially congested development, resulting in potential safety concerns due to equipment congestion, which can create new hazards for and from maintenance activities, increase consequences from hazards, and impede emergency access and egress. Therefore, we find that such projects may qualify for the faster and more streamlined blanket procedures, so as to facilitate and expedite important infrastructure development without significant adverse impacts on public safety or the environment.

61. Regarding the proposed 25-acre limit on blanket-eligible expansions outside a plant's existing footprint, Commission staff evaluated prior authorizations to determine what acreage would allow an LNG blanket authorization holder to construct new facilities of an appropriate scope for eligibility under the proposed 90-day prior notice tier. Staff determined that 25 acres would allow for the construction of two LNG tanks, a single large liquefaction train (e.g., 7.8 MTPA (1.08 Bcfd)), approximately 10 smaller liquefaction blocks (e.g., 20 liquefaction units totaling 12.5 MTPA (1.73 Bcfd)), or five combined-cycle power generation facilities. Staff determined based on its experience

that the safety and environmental effects of such projects would be less than significant based on prior examples.[61] We emphasize that this analysis does not alter or diminish an applicant's obligation to comply with the requirements set forth in § 153.108(e)(4). In addition, the proposed regulations include general, environmental, and engineering conditions and criteria as delineated in §§ 153.106 and 153.108 to limit the impacts. However, we seek comment on:

- Whether 25 acres beyond the existing plant footprint is an appropriate acreage limitation?
- Whether the Commission should consider any additional limits or criteria for blanket eligibility for projects that extend beyond the existing plant footprint?

62. In addition, we propose to allow certain pipeline tie-in facilities to be constructed outside the existing plant footprint. These facilities would allow LNG blanket authorization holders to interconnect with pipeline systems without case-specific

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[61] For example, in *Corpus Christi Liquefaction, LLC*, 190 FERC ¶ 61,149, the Commission authorized the construction and operation of the CCL Midscale Trains 8 & 9 Project, two midscale trains that would permanently occupy approximately 40 acres (i.e., each train would occupy 20 acres) and that the proposed project "would not constitute a major federal action significantly affecting the quality of the human environment." *Id*. P 130. Similarly, in *Port Arthur LNG Phase II*, 184 FERC ¶ 61,184 (2023), the Commission authorized the construction and operation of the Port Arthur LNG Expansion Project, two large scale liquefaction trains that would permanently occupy approximately 60 acres (i.e., each train occupied 30 acres) and found that the proposed project "would not constitute a major federal action significantly affecting the quality of the human environment." *Id*. P 130. *See also Sabine Pass Liquefaction Expansion, LLC*, 151 FERC ¶ 61,012, at P 122 (2015) (finding that the construction and operation of two liquefaction trains and other facilities would not constitute a major federal action significantly affecting the quality of the human environment).

authorization. Such facilities are well understood because many similar facilities have been constructed under the Commission's section 7 pipeline blanket program.[62]

4. Cost Limits for LNG Facilities and Auxiliary Systems

63. The NOI sought comment on whether the Commission should use cost limits as a proxy to determine what activities are eligible under the proposed LNG blanket program.[63]

64. Under the section 7 pipeline blanket certificate regulations, activities are limited based on the cost of the proposed project.[64] Several commenters oppose cost limits for the construction and operation of LNG facilities under an LNG blanket program because of the high variability in equipment cost and supply chain factors.[65] States comment that cost limits are not an appropriate surrogate for determining whether a project should be eligible for automatic or prior notice authorization because the Commission has not shown LNG facility projects and activities to be routine or generic.[66]

65. We do not propose to include cost limits as part of the LNG blanket program for LNG plants. The costs associated with LNG and auxiliary systems do not serve as a reasonable proxy for their associated effects. Instead, the classifications we have proposed, which are based on the physical and operational nature of the activities at issue,

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[62] *See* 18 CFR 157.202(b)(2)(i).

[63] NOI, 193 FERC ¶ 61,141 at P 13, Question B7.

[64] *See supra* P 11 & note 21.

[65] *See* Cheniere January 26, 2026 Comments at 6; BLUE January 23, 2026 Comments at 3; Woodside January 26, 2026 Energy Comments at 2.

[66] States January 26, 2026 Comments at 8-9.

provide a more appropriate proxy for the covered projects' expected environmental, safety, and hazard effects, and hence a better criterion for eligibility under the blanket program. Moreover, the Commission does not regulate rates under NGA section 3 as it does under section 7, so concerns about effects on ratepayers—one of the primary reasons for the section 7 cost limits—are not implicated.[67]

5. Rate Treatment of Section 7 LNG Activities

66. The NOI sought comment on whether the Commission should treat section 7 LNG plants different from other interstate natural gas facilities.[68]

67. Eastern Shore comments that the Commission should not place cost-based limits on section 7 LNG facilities as long as required environmental and landowner impact conditions are satisfied.[69] Given its experience, Eastern Shore states that these facilities are more costly than linear pipeline projects.[70] CH-IV states that the program should be structured in a manner that ensures automatic authorization projects have little impact on ratepayers or interstate pipeline operations and prior notice procedures should be

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[67] *See Hackberry LNG Terminal, L.L.C.*, 101 FERC ¶ 61,294, at P 21 (2003) (citing Energy Policy Act of 1992, Pub. L. No. 102-486, 106 Stat. 2776 (1992)) (noting that the prices, terms, and conditions of service for first sales of natural gas, including sales of imported LNG, have been deregulated by statute and finding there is no regulatory need to require a tariff and rate schedule as a condition of approving an LNG terminal under section 3).

[68] NOI, 193 FERC ¶ 61,141 at P 13, Question B7.

[69] *Id.* at 4.

[70] *Id.*

available for projects likely to have significant impacts on ratepayers or interstate pipeline operations.[71]

68. As discussed above, we do not propose to include cost limits for LNG blanket activities. However, any section 7 LNG blanket activities would be subject to the same rate treatment applicable under the section 7 pipeline blanket program and our proposed regulations include reference to the relevant portions of the pipeline blanket regulations. Thus, for section 7 LNG activities completed under the automatic authorization category, we propose that the costs be presumptively eligible for rolled-in rate treatment because the eligible activities will be for enhanced reliability and safety.[72] As for activities completed under the prior notice category, we note that the Commission is proposing changes to its section 7 pipeline blanket program to allow for incremental rates and any changes made in that proceeding would apply to the section 7 LNG blanket activities.[73]

6. Replacements under § 2.55 for Section 7 LNG Plants

69. Currently, section 7 LNG certificate holders can replace facilities that "have or will soon become physically deteriorated or obsolete" under § 2.55 of the Commission's regulations.[74] Such a replacement must have a substantially equivalent design capacity, be located in the same right-of-way or on the same site as the facilities being replaced,

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[71] CH-IV January 16, 2026 Comments at 6.

[72] *Certification of New Interstate Nat. Gas Pipeline Facilities*, 88 FERC ¶ 61,227, at 61,746 n.12 (1999).

[73] *See Revisions to the Blanket Certificate Program*, 91 FR 31371 (May 27, 2026), 195 FERC ¶ 61,128 (2026).

[74] 18 CFR 2.55(b).

and be constructed using the temporary work space used to construct the existing facility.[75] Section 2.55 also allows LNG certificate holders to construct auxiliary installations, which includes installations for more efficient or economical operation.[76] As the activities that are eligible under § 2.55 would be redundant with the activities under the proposed LNG blanket authorization program, we propose to remove the eligibility for section 7 LNG facilities, including auxiliary systems, under § 2.55 for those entities that choose to apply for and receive a blanket authorization. To ensure that the activities undertaken pursuant to § 2.55 meet the same safety and engineering conditions as those done under the proposed blanket authorization program, we will also require that section 7 LNG plant operators comply with the requirements in § 153.106(c) and § 153.107(a)(3) and (4) for activities undertaken pursuant to § 2.55. Recognizing that LNG certificate holders may have planned projects under § 2.55 and that a sunset period may accordingly be necessary to avoid unwarranted disruption, we propose to include a provision that would make the proposed amendments to § 2.55 effective 2 years after the effective date of the rule. After that time, LNG certificate holders with effective blanket authorizations would have to rely exclusively on the provisions of the LNG blanket program.

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[75] *Id.*

[76] *Id.* 2.55(a).

C. Blanket Authorization Procedures

1. Obtaining Blanket Authority

70. When instituting the section 7 pipeline blanket certificate program in 1982, the Commission required each existing certificate holder to apply for a blanket certificate[77] and delegated authority to staff to act on such applications.[78] Applying NGA section 7(e)'s standards, staff issued approximately 65 blanket certificate orders to existing section 7 pipeline companies in the first two years.[79] When a new natural gas company[80] requests a certificate to construct and operate interstate transportation facilities, it typically also requests a section 7 pipeline blanket certificate, and the Commission acts on such requests in the certificate proceeding for the project.[81]

71. The NOI sought comment on whether the Commission should require LNG authorization and certificate holders to apply for a blanket authorization as it does for

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[77] Order No. 234, FERC Stats. & Regs. ¶ 30,368 at 30,201; *see also* 18 CFR 157.204 (section 7 pipeline blanket certificate application procedures).

[78] 18 CFR 375.308(v)(8).

[79] *E.g.*, *E. Tenn. Nat. Gas Co*., 20 FERC ¶ 62,413 (1982) (finding the "applicant is able and willing properly to do the acts and to [perform] the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder") (citing NGA section 7(e), 15 U.S.C. 717f(e)).

[80] Under the NGA a "natural gas company" is defined as a person engaged in the transportation of natural gas in interstate commerce, or the sale in interstate commerce of such gas for resale. 15 U.S.C. 717a(6).

[81] *E.g.*, *Double E Pipeline, LLC*, 173 FERC ¶ 61,074, at P 38 (2020); *Adelphia Gateway, LLC*, 169 FERC ¶ 61,220, at P 52 (2019).

natural gas pipeline companies.[82] The NOI also sought comment on whether, and if so how, the Commission should consider an applicant's compliance history when determining whether to grant blanket authorization.

72. Industry commenters generally support the automatic grant of LNG blanket authority to existing authorization and certificate holders and inclusion of a new standard condition in any future section 3 authorization orders.[83] Other commenters request that the Commission require LNG authorization and certificate holders to apply for a blanket authorization.[84] Earthjustice states that requiring authorization and certificate holders to request a blanket authorization would not be burdensome and would allow the public to comment and provide perspective on whether specific authorization and certificate holders should not be granted a blanket authorization.[85]

73. Cheniere does not recommend considering prior compliance history.[86] Similarly, CLNG does not recommend considering prior compliance history unless there is an egregious record or a history of not being forthright in reporting to the Commission.[87] CLNG notes that the Commission's Office of Enforcement could address any compliance

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[82] NOI, 193 FERC ¶ 61,141 at P 13, Question A1 (citing 18 CFR 157.204(a)).

[83] Center for LNG January 26, 2026 Comments at 21; Cheniere Energy, Inc. January 26, 2026 Comments at 4.

[84] *E.g.*, BLUE January 23, 2026 Comments at 3.

[85] Earthjustice January 26, 2026 Comments at 7.

[86] Cheniere January 26, 2026 Comments at 4.

[87] CLNG January 26, 2026 Comments at 21-22.

issues.[88] Other commenters propose that the Commission consider the company's compliance history when acting on a request for a blanket authorization and retain the ability to revoke such authorization.[89]

74. We propose in § 153.104 to require LNG authorization and certificate holders to apply for blanket authorization before availing themselves of the proposed LNG blanket program.[90] This appropriately mirrors the approach taken under the section 7 pipeline blanket certificate program. We also propose to establish a delegation for the Director of the Office of Energy Projects (OEP) to act on such requests, to avoid the need for the Commission to address each case.[91] By requiring LNG authorization and certificate holders to apply for a blanket authorization, Commission staff will ensure that the authorization or certificate holder has requisite plans and procedures in place (such as an Emergency Response Plan as required under NGA section 3A). Finally, we note, consistent with other authorizations, that the Commission retains authority to rescind or decline to grant a blanket authorization for non-compliance.[92]

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[88] *Id.* at 21-22.

[89] CH-IV January 16, 2026 Comments at 2; BLUE January 23, 2026 Comments at 3.

[90] As with the section 7 pipeline blanket certificate program, a new applicant can request a blanket authorization concurrently with its request for authorization under section 3 or section 7.

[91] *See* 18 CFR 375.308(v)(8) (delegation to the Director of OEP to approve blanket certificate applications).

[92] *See* Order No. 234, FERC Stats. & Regs. ¶ 30,368 at 30,203 (explaining, in the section 7 blanket pipeline certificate proceeding, that the Commission has "the authority to revoke any certificate, including a blanket certificate, under appropriate circumstances").

2. Stakeholder Notification

75. The NOI sought comment on what stakeholder notification the Commission should require for projects constructed pursuant to an LNG blanket program.[93]

76. In response to the NOI, CLNG proposes that for projects requiring prior notice, the Commission adopt procedures consistent with § 157.6(d), which requires notification of "all affected landowners and towns, communities, and local, state and Federal governments and agencies involved in the project."[94] In addition, CLNG proposes that notification also be provided to all customers of the requesting LNG facility.[95] Cheniere proposes a more circumscribed approach, stating that notification should be limited to agencies with jurisdictional authority and affected landowners only when activities occur outside the existing, previously-authorized plant boundary; otherwise, routine in-boundary modifications should not require public notice.[96]

77. We propose to establish landowner notification procedures akin to the Commission's existing regulations for the section 7 pipeline blanket program.[97] For automatic authorization projects, the notification procedures proposed in § 153.103(d)(1) would require LNG blanket authorization holders to notify affected landowners, as

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[93] NOI, 193 FERC ¶ 61,141 at P 13, Question A7.

[94] CLNG January 26, 2026 Comments at 25.

[95] *Id*.

[96] Cheniere January 26, 2026 Comments at 5.

[97] 18 CFR 157.203(d). *See infra* section III.C.8.

defined by the Commission's regulations,[98] 45 days prior to commencing construction unless the activity does not involve ground disturbance, changes to operational air and noise emissions, or adverse effects on hazards or safety. In addition to the landowner notification procedures, we propose to add a requirement for automatic authorization activities that each local municipality (i.e., the city, town, or similar local political subdivision) in which the LNG terminal or plant is located be notified, subject to the same exclusion applicable to landowner notification. For prior notice projects, blanket authorization holders would be required, as proposed in § 153.103(d)(2), to notify affected landowners and each local municipality (i.e., the city, town, or similar local political subdivision) in which the LNG terminal or plant is located within at least three business days following the date that a docket number is assigned to the request and at the time the blanket authorization holder initiates easement negotiations. Last, notification to certain Federal, state, and local agencies is required under specified circumstances, as discussed in section III.E.

3. Advance Notice for Automatic Authorization Activities

78. Section 2.55(b) requires notice to the Commission prior to the commencement of construction of certain larger-scale replacement projects because the Commission determined that, consistent with NEPA,[99] it needed to review replacement activities that could pose serious, adverse environmental impacts before they occur.[100] The NOI sought

[98] *Id.* 157.6(d)(2).

[99] NEPA requires Federal agencies to analyze the reasonably foreseeable effects of a proposed major Federal action. 42 U.S.C. 4332, *et seq.*

[100] *Revisions to Reguls. Governing NGPA Sec. 311 Constr. & the Replacement of*

comment on whether the Commission should require advance notification to Commission staff of blanket activities prior to implementation and, if so, whether 30 days is sufficient.[101]

79. Numerous commenters state that no advance notice should be required for automatic authorization projects.[102] CH-IV recommends a 30-day notice procedure.[103]

80. We do not propose to require advance notice for the relatively minor activities eligible for automatic authorization, beyond the proposed semi-annual operational reporting discussed below in section III.C.7, and the inspection requirements that are included in each authorization order. The proposed activities that would be eligible for automatic authorization are well-understood and must not result in significant environmental effects. Moreover, the technical reviews, inspections, and semi-annual operational reporting requirements already ensure that staff is aware of any significant modifications.

Facilities, Order No. 544, 57 FR 46487 (Sept. 21, 1992), FERC Stats. & Regs. ¶ 30,951, at 30,686-87 (1992) (cross-referenced at 60 FERC ¶ 61,253).

[101] NOI, 193 FERC ¶ 61,141 at P 13, Question A4.a.

[102] BLUE January 23, 2026 Comments at 4-5; Cheniere January 26, 2026 Comments at 5; CLNG January 26, 2026 Comments at 22.

[103] CH-IV January 16, 2026 Comments at 2. *See* 18 CFR 2.55(b)(2).

4. Notice and Protest Procedures for Prior Notice Projects

81. The NOI sought comment on whether the Commission should adopt the same prior notice procedures as in the section 7 pipeline blanket regulations.[104] The NOI also asked which types of protests should be dismissed, if any.[105]

82. Most commenters recommend that the Commission adopt a process similar to the prior notice procedures used in the section 7 pipeline blanket program. Both Cheniere and BLUE recommend that the Commission adopt the same 60-day prior notice timeline.[106] Conversely, and as discussed above, CLNG recommends a two-tiered approach where smaller projects would have a 30-day timeline and larger projects (e.g., new liquefaction trains, tanks, and marine berths) would have a 60-day timeline.[107]

83. As for limiting potential range of eligible protestors, CLNG proposes that the Commission limit eligible protesters to customers of the LNG plant and adjacent landowners who can show that they may be affected by the prior notice project in a different manner than by the project approved in the original section 3 authorization. CLNG asserts that these restricted eligibility criteria would prevent individuals or groups without demonstrated and tangible interests in a project from delaying it.[108] CLNG also proposes that the Director of OEP be authorized to dismiss protests and be required to

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[104] NOI, 193 FERC ¶ 61,141 at P 13, Question A6 (citing 18 CFR 157.205).

[105] *Id.*

[106] Cheniere January 26, 2026 Comments at 4; BLUE January 23, 2026 Comments at 3.

[107] CLNG January 26, 2026 Comments at 17.

[108] *Id.* at 24.

dismiss any protest that seeks to relitigate the section 3 authorization or other earlier proceedings.[109]

84. BLUE proposes that the Director of OEP have 30 days to dismiss a protest if it does not raise a substantive issue, thus providing staff more time to review the filings than under the section 7 pipeline blanket program, under which the Director of OEP has only 10 days to issue such a dismissal.[110]

85. Woodside supports the establishment of minimum requirements that a protest must satisfy. Specifically, Woodside states that a protest should be required to: (i) identify with particularity the substantive issue presented by the activity; (ii) set forth in detail the substantive basis for the protest; and (iii) establish with substantial supporting evidence that the protestor or the individuals it represents stand to be materially and substantially affected in an adverse manner by the activity.[111]

86. As discussed above, we propose that the regulations establish a tiered approach for the notice and protest procedures for prior notice activities. We propose to establish a 60-day comment period as the foundation for the LNG blanket authorization program and a longer 90-day comment period for a second tier of larger prior notice activities (e.g., liquefaction trains, storage tanks, and marine berths).

87. A shorter time period would be too restrictive to allow interested parties, including state and local agencies who, within 30 days, might furnish an advisory report under

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[109] *Id.* at 17.

[110] BLUE January 23, 2026 Comments at 7.

[111] Woodside January 26, 2026 Comments at 1-2.

NGA section 3A(c),[112] to review the request, and then for Commission staff to perform its review of environmental and safety issues, respond to any issues raised, and protest if necessary.

88. For larger-scale facilities, we propose to establish a 90-day notice period. This longer notice period will provide stakeholders and the Commission sufficient time to evaluate environmental and safety effects associated with the construction and operation of such facilities while still providing a more streamlined approval process as compared to a full section 3 or 7 application. Based on its decades of experience analyzing such projects, the Commission does not believe a shorter notice period would be appropriate for these larger scale facilities.

89. Regarding eligibility criteria for protesters, we propose to adopt the same approach as our current part 157, subpart F regulations governing protests. Under those regulations, a protest to a prior notice is dismissed if it fails to "raise a substantive issue and fails to provide any specific detailed reason or rationale for the objection." We note that the Director of the Office of Energy Projects dismisses protests for failure to raise substantive issues pertaining to the project and failure to provide any specific detailed reason or rationale for objecting to the pending proposal, thereby allowing the project to proceed under a blanket authorization.[113] However, we seek comment on whether

[112] 15 U.S.C. 717b-1(c). Although section 3A does not apply to section 7 LNG approvals, a 60-day notice period is still appropriate to provide stakeholders time to review a proposal and to provide staff sufficient time to complete any environmental review.

[113] *Transwestern Pipeline Co., LLC*, 194 FERC ¶ 62,131 (2026); *S. Star Cent. Pipeline, Inc.*, 194 FERC ¶ 62,097 (2026); *Nw. Pipeline LLC*, 194 FERC ¶ 62,021 (2026).

establishing more prescriptive criteria for protestors could focus prior notice proceedings and help promote the intended efficiencies of the blanket program. This could include limiting the persons that may protest a prior notice request to only those with a substantial interest, Commission staff, and affected landowners, so as to preclude protests based solely on generic or irrelevant concerns. We therefore seek comment on the following:

- Whether, and if so how, to establish eligibility criteria so that only persons with a demonstrated substantial interest may protest;
- Other potential defined eligibility criteria for protestor eligibility, including adopting criteria similar to the Commission's intervention standards[114] and whether the Commission should require membership organizations seeking to protest prior notice requests to provide evidence that they have a member in the relevant geographic area, or are representing a specific member that is or will be directly affected by the proposed project. Any proposals should demonstrate how the criteria do not prevent persons meaningfully impacted by a proposed project from protesting;

[114] 18 CFR 385.214(b)(2); *Am. Elec. Power Servs. Corp.*, 120 FERC ¶ 61,052, at P 12 (2007).

- Whether the Commission should establish a designated timeline within which it will seek to issue orders adjudicating prior notice protest proceedings (e.g., 60 days), noting that individual cases present differing issues and information needs, and thus require differing processing times. We also seek comment on whether such procedures would inhibit blanket authorization holders and protestors from negotiating a settlement that would resolve the protest.

5. Notice to Proceed with Construction

90. The NOI sought comment on whether the Commission should require blanket authorization holders to request a notice to proceed from the Director of OEP or the Director's designee prior to the start of construction, introduction of hazardous fluids, or other milestones.[115]

91. CLNG opposes requiring blanket authorization holders to obtain notices to proceed with blanket activities, except for any automatic activities that exceed the footprint of the underlying authorization, for which it recommends requiring a notice to proceed prior to the start of construction.[116] Cheniere opposes requiring notices to proceed for blanket activities altogether, asserting that this requirement poses an unnecessary administrative burden.[117]

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[115] NOI, 193 FERC ¶ 61,141 at P 13, Question D4.

[116] CLNG January 26, 2026 Comments at 48.

[117] Cheniere January 26, 2026 Comments at 7.

92. CH-IV and BLUE support requiring notices to proceed. BLUE recommends that the Commission require LNG blanket authorization holders to submit one or multiple implementation plans for site preparation, construction, commissioning, hazardous fluid introduction, and in-service, all of which would require a notice to proceed.[118] CH-IV states that requiring notices to proceed would ensure compliance with safety and environmental measures.[119]

93. We do not propose to require notices to proceed for blanket activities under an automatic authorization. These activities are well understood and would not result in changes to hazards and safety, and environmental effects will be analyzed in the programmatic NEPA document that will be prepared for this rulemaking. Further, the LNG blanket authorization holder will need to report automatic authorization activities in its semi-annual report under proposed § 153.106(c)(2).

94. As for prior notice activities, we propose to require: (1) a notice to proceed for the commissioning or introduction of hazardous fluids or to ensure all necessary safety and security systems are installed and functional, and (2) a notice to commence service. Requiring just two notices would reduce the burden on both industry and Commission staff given that a typical case-specific proceeding may involve hundreds of notices to proceed for each new construction activity. The proposed approach also balances safety and security checks done in coordination with other Federal agencies. Although such

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[118] BLUE January 23, 2026 Comments at 7. BLUE specifies in its response to NOI Question C1 that implementation plans would be needed for authorized prior notice activities. *Id.*

[119] CH-IV January 16, 2026 Comments at 9.

notices are not required for section 7 pipeline blanket activities, the proposed regulations would require blanket authorization holders to request notices to proceed for section 7 LNG prior notice activities due to the Commission's role in maintaining safety and security oversight in coordination with other Federal agencies throughout the life of an LNG plant.

6. In-Service Deadline

95. The NOI sought comment on whether the Commission should require completion of construction and in-service of blanket projects within a specified timeframe and, if so, what timeframe.[120]

96. CLNG and BLUE do not recommend that the Commission include any in-service timeline as part of an LNG blanket program.[121] Cheniere comments that blanket activities should be completed "within normal operational schedules."[122]

97. We propose to require section 3 LNG activities under a blanket authorization to be constructed and made available for service within five years of the date on which the activity is deemed authorized. This is the standard deadline included in orders amending authorizations under section 3 and therefore should allow sufficient time to complete

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[120] NOI, 193 FERC ¶ 61,141 at P 13, Question A8.

[121] CLNG January 26, 2026 Comments at 25; BLUE January 23, 2026 Comments at 4.

[122] Cheniere January 26, 2026 Comments at 5.

proposed blanket activities.[123] We propose to adopt the same five-year time limit for section 7 LNG facilities constructed pursuant to a blanket authorization.

7. Reporting Requirements

98. Semi-annual operational reports are required by authorization orders and must "identify changes in facility design and operating conditions" and "plant modifications, including future plans and progress thereof," and include a section entitled "Significant Plant Modifications Proposed for the Next 12 Months."[124]

99. The NOI sought comment on whether the Commission should require blanket authorization holders to document automatic authorization activities undertaken during the previous calendar year in semi-annual operational reports and, if so, what information should be required to be included.[125]

100. CLNG, the Center for Regulatory Freedom, and Cheniere support using the semi-annual operational reports to report any activities undertaken automatically pursuant to a blanket authorization program.[126] CLNG proposes that each semi-annual operational report include a list of projects undertaken under blanket authorization, along with

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[123] *See, e.g.*, *Corpus Christi Liquefaction, LLC*, 190 FERC ¶ 61,149 at ordering para. (B); *Elba Liquefaction Co., L.L.C.*, 189 FERC ¶ 61,133, at ordering para. (E) (2024).

[124] *See, e.g.*, *Corpus Christi Liquefaction, LLC*, 190 FERC ¶ 61,149 at app. A, env't condition 100.

[125] NOI, 193 FERC ¶ 61,141 at P 13, Question A4(b).

[126] CLNG January 26, 2026 Comments at 14; Center for Regulatory Freedom January 26, 2026 Comments at 11; Cheniere January 26, 2026 Comments at 5.

descriptions and completion dates for each project.[127] CLNG also proposes that blanket authorization holders would demonstrate PHMSA compliance, if required, in the operational reports.[128] CLNG proposes that if a blanket authorization holder files the details of a blanket project as privileged, the blanket authorization holder would provide a public version that identifies the type of project and its general title.[129] BLUE comments that semi-annual operational reports should include a description, any applicable environmental permits and certifying statements that applicable state and Federal permits were obtained, a management of change process, updated design details, and, if needed, demonstration of PHMSA compliance.[130]

101. States express concern with the lack of publicly available information regarding activities at LNG plants.[131] States and Earthjustice express the general concern that activities approved subject to an automatic authorization might not be disclosed to the public until blanket authorization holders' semi-annual operational reports that would be filed after the activities were completed.[132]

102. We propose that blanket authorization holders be required to report automatic authorization activities completed under the blanket authorization program using the

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[127] CLNG January 26, 2026 Comments at 14.

[128] *See id.* at 35.

[129] *Id.* at 14-15.

[130] BLUE January 23, 2026 Comments at 5.

[131] States January 26, 2026 Comments at 16-17.

[132] *Id.* at 20; Earthjustice January 26, 2026 Comments at 7.

existing semi-annual operational reports. As explained above, activities eligible for automatic authorization are so well understood as an established industry practice that little scrutiny is required to determine that they are, for section 3 terminals, not inconsistent with the public interest or, for section 7 plants, in the public convenience and necessity.[133] Although automatic authorization activities might not be disclosed to the public until after their completion, requiring their inclusion in semi-annual operational reports will provide the public information on a more expedited basis than pursuant to our annual reporting requirement for automatic activities undertaken under the section 7 pipeline blanket program, with respect to which we have not encountered timeliness concerns.[134] In our proposed regulations, at §§ 153.106(c)(2) and 153.107(a), we require blanket authorization holders to report a description of the facilities installed; the specific purpose, location, and beginning and completion date of construction of the facilities installed, the date service commenced, and, if applicable, a statement indicating the extent to which the facilities were jointly constructed; a description of the contacts made, reports produced, and results of consultations which took place to ensure compliance with the NHPA, Coastal Zone Management Act (CZMA), ESA, and NGA; documentation, including images, showing that restoration of work areas is progressing appropriately; and a discussion of problems or unusual construction issues, including those identified by affected landowners, and corrective actions taken or planned. We remind blanket authorization holders that the semi-annual report must conform with the

[133] *See supra* note 41.

[134] *See* 18 CFR 157.207.

Commission's regulations regarding filings and privileged or critical energy infrastructure information (CEII), including the requirement that anything filed under these regulations must include a public version and a justification for the privileged or CEII treatment.[135] Generally, information pertaining to items such as offsite emergency response procedures for public notification and evacuation, and construction and operating reporting requirements is subject to public disclosure. In addition to complying with our regulations regarding non-public information, we propose in § 153.107(c) to require that if any of the information provided in paragraphs §§ 153.107(a)(1) or (a)(5) through (13) is filed as non-public, the blanket authorization holder shall file a public summary of all changes undertaken pursuant to blanket authorization.

103. As for reporting costs, for NGA section 3 blanket activities, we do not propose to require any specific reporting because the Commission does not regulate the rates for section 3 LNG terminals.[136] For NGA section 7 activities, we propose, as discussed above in section III.B.5, that blanket authorization holders be required to include the costs associated with LNG facilities or auxiliary systems constructed under an LNG blanket authorization.

8. Delegations to the Director of the Office of Energy Projects

104. We propose to update the delegations to the Director of the Office of Energy Projects in our regulations to conform with the addition of the LNG blanket program. These delegations are proposed at: 18 CFR 375.308(v)(6), to dismiss a protest to a prior

[135] *See id.* 388.112(b)(1).

[136] *See supra* note 105.

notice project that does not raise a substantive issue and fails to provide a specific detailed reason or rationale; 18 CFR 375.308(v)(8), for approving applications for an initial blanket certificate or blanket authorization; 18 CFR 375.308(w)(5), for approving requests for waiver of landowner notification or local municipality notification requirements consistent with the proposed regulations; and 18 CFR 375.308(x)(5), for rejecting requests under the blanket programs that patently fail to comply with the proposed regulations.

D. Environmental and Engineering Conditions

1. Statutory and Regulatory Compliance

105. The NOI sought comment on how blanket activities would comply with enumerated Federal statutes.[137] CLNG comments that compliance with applicable Federal laws, regulations, and permits can be assured by the conditions in the underlying authorization and recommends that the blanket authorization framework require as a condition compliance with Federal permits, including any new permit requirements updated or revised since issuance of the blanket authorization.[138] Cheniere comments that the Commission can rely on established frameworks to ensure compliance with applicable laws.[139]

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[137] NOI, 193 FERC ¶ 61,141 at P 13, Question D2. The NOI listed the following statues: Rivers and Harbors Act; CWA; Migratory Bird Treaty Act; Fish and Wildlife Coordination Act; Bald and Golden Eagle Protection Act; Marine Protection, Research, and Sanctuaries Act; Marine Mammal Protection Act; ESA; Magnuson-Stevens Fishery Conservation and Management Act, NHPA; Farmland Protection Policy Act; CZMA; Clean Air Act; Pipeline Safety Act; Ports and Waterways Safety Act; and Marine Transportation Security Act.

[138] CLNG January 26, 2026 Comments at 35, 44.

[139] Cheniere January 26, 2026 Comments at 6-7.

106. Similar to the pipeline blanket program,[140] we propose in § 153.106(b)(2) that LNG blanket activities that involve ground disturbance or increases in operational air emissions, operational noise emissions, or public safety risks must be consistent with all applicable law including: (1) the CWA and the National Pollution Discharge Elimination System Program; (2) the Clean Air Act and air quality regulations and state implementation plans; (3) NHPA; (4) the Archeological and Historic Preservation Act; (5) CZMA; (6) ESA; (7) E.O. 11988 (requiring Federal agencies to evaluate the potential effects of any actions they may take on a floodplain); (8) E.O. 11990 (requiring an evaluation of the potential effects of construction on wetlands); (9) the Wild and Scenic Rivers Act; (10) the National Wilderness Act; (11) the National Parks and Recreation Act; (12) the Magnuson-Stevens Fishery Conservation and Management Act; (13) the Rivers and Harbors Act; (14) the Migratory Bird Treaty Act; (15) the Fish and Wildlife Coordination Act; (16) the Bald and Golden Eagle Protection Act; (17) the Marine Protection, Research, and Sanctuaries Act; (18) the Marine Mammal Protection Act; (19) the Farmland Protection Policy Act; (20) the Pipeline Safety Act;[141] (21) the Ports

[140] *See* 18 CFR 157.206(b)(2) (requiring activities that involve ground disturbance or changes to operational air and noise emissions to be consistent with all applicable law including: (1) the CWA and the National Pollution Discharge Elimination System Program; (2) the Clean Air Act and air quality regulations and state implementation plans; (3) NHPA; (4) the Archeological and Historic Preservation Act; (5) CZMA; (6) ESA; (7) Executive Order (E.O.) 11988 (requiring Federal agencies to evaluate the potential effects of any actions they may take on a floodplain); (8) E.O. 11990 (requiring an evaluation of the potential effects of construction on wetland); (9) the Wild and Scenic Rivers Act; (10) the National Wilderness Act; (11) the National Parks and Recreation Act; and (12) the Magnuson-Stevens Fishery Conservation and Management Act).

[141] The Pipeline Safety Act is the entire collection of laws amending and consolidating the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979.

and Waterways Safety Act; (22) the Marine Transportation Security Act and (23) Coast Guard Authorization Act of 2010.[142]

107. We also propose in § 153.106(b)(3)(iv) to adopt the requirement of the pipeline blanket program that to be deemed in compliance with the CWA and E.O. 11988, blanket authorization holders must adhere to the FERC Plan and Procedures[143] or obtain written approval from staff or the appropriate Federal or state agency for the use of project-specific alternatives.[144]

108. Additionally, we propose adopting the requirements of the pipeline blanket program for compliance with the NHPA, ESA, as proposed to be amended, and CZMA. For NHPA compliance,[145] we propose in § 153.106(b)(3)(i) that the State or Tribal Historic Preservation Officer, as appropriate, must find that the project would have no

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[142] We note that the list of statutes is more comprehensive than that listed in the section 7 blanket certificate program. However, regardless of the statutes listed, blanket certificate and authorization holders must comply with "all applicable laws."

[143] The FERC Plan and Procedures area a set of baseline construction and mitigation measures developed to minimize the potential environmental effects of construction on upland areas, wetlands, and waterbodies. They can be viewed on the Commission's website at: http://www.ferc.gov/industries/gas/enviro/plan.pdf and https://www.ferc.gov/sites/default/files/2020-04/wetland-waterbody-construction-mitigation-procedures.pdf.

[144] *See* 18 CFR 157.206(b)(3)(iv).

[145] The NHPA requires Federal agencies to take into account the effect of any proposed undertaking on properties listed or eligible for listing in the National Register of Historic Places (defined as historic properties) and afford the Advisory Council on Historic Preservation a reasonable opportunity to comment on the undertaking by consulting with the State or Tribal Historic Preservation Officer to determine whether and how a proposed action may affect historic properties and to seek ways to avoid any adverse effects. 54 U.S.C. 306108.

effect on historic properties, consistent with the pipeline blanket program.[146] For compliance with the ESA,[147] we propose in § 153.106(b)(3)(ii) that blanket authorization holders must conduct informal consultation and receive a determination from the appropriate Federal agency that the activity is not likely to adversely affect a listed species or critical habitat or that no further consultation is necessary prior to proceeding under a blanket authorization, consistent with the pipeline blanket program.[148] The Commission, in its May 21, 2026 notice of proposed rulemaking, proposed to revise the pipeline blanket regulations to clarify that for activities for which the certificate holder finds, using appropriate Federal databases such as the FWS's Information for Planning and Consultation website, that an activity has no effect to listed species or critical habitat, the certificate holder need only provide documentation of that finding.[149] We propose to adopt this clarification for the LNG blanket program.

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[146] *See* 18 CFR 157.206(b)(3)(ii); *id.* part 157, subpart F, app. II.

[147] The ESA requires Federal agencies to ensure that their actions are not likely to jeopardize the continued existence of Federally listed threatened or endangered species or result in the destruction or adverse modification of the critical habitat of such species by consulting with the US Fish and Wildlife Service (FWS) or National Marine Fisheries Service if a proposed action may affect a listed species or critical habitat. 16 U.S.C. 1536(a).

[148] *See* 18 CFR 157.206(b)(3)(i); *id.* part 157, subpart F, app. I.

[149] *Revisions to the Blanket Certificate Program*, 195 FERC ¶ 61,128 at P 89.

109. For compliance with the CZMA,[150] we propose in § 153.106(b)(3)(iii) that, prior to construction for automatic authorization projects and prior to filing a request for prior notice projects, blanket authorization holders must obtain from the appropriate state agency a determination that the new automatic or prior notice project complies with the state's coastal zone management plan or waive its right of review, consistent with the pipeline blanket program.[151] Coastal States Organization (CSO)[152] comments that "[c]hanges to the footprint of a project, new facilities or operations outside of an existing project, and modifications to operations within a project can create reasonably foreseeable impacts on coastal uses and resources subject to CZMA Federal consistency review."[153] It calls on the Commission to complete a national Federal consistency review and to require that blanket authorization holders secure state review of consistency with the CZMA prior to approving any blanket activities with reasonably foreseeable coastal effects not covered by a national analysis.[154] Although we do not propose to complete a

[150] The CZMA provides that "[n]o license or permit shall be granted by [a] Federal agency until the state or its designated agency has concurred with the applicant's certification" that "the proposed activity complies with the enforceable policies of the state's approved [coastal management] program and that such activity will be conducted in a manner consistent with the program." 16 U.S.C. 1456(c)(3)(A). The state's concurrence is conclusively presumed by its failure to act within 6 months of its receipt of the applicant's certification. *Id.*

[151] *See* 18 CFR 157.206(b)(3)(iii).

[152] CSO represents the nation's coastal states, commonwealths, and territories on policy issues relating to coastal, Great Lakes, and ocean management.

[153] CSO January 27, 2026 Comments at 2.

[154] *Id.* at 1-2. The National Oceanic and Atmospheric Administration's regulations allow Federal agencies to provide states with consistency determinations for Federal agency activities that are national or regional in scope and that affect any coastal use or

national Federal consistency review, our proposal to adopt the requirements of the pipeline blanket program for compliance with the CZMA would provide for activity-specific review, as CSO requests.

110. CSO also asserts that any stakeholder notification, public comment, or protest procedures are not on their own adequate to satisfy the CZMA and recommends requiring all data necessary for, and aligning the review timeline with, a Federal or state CZMA consistency review, which CSO states is typically six months.[155] Instead, we propose that blanket authorization holders independently complete CZMA review prior to constructing automatic authorization projects or prior to filing prior notice requests, such that aligning filing requirements and review timelines is not necessary.

111. Finally, CSO recommends that the Commission restrict any LNG blanket program "to locales where existing LNG facilities and associated data, analyses, and expertise are concentrated."[156] LNG blanket authorizations would be limited to operators of existing facilities or those which will receive a case-specific authorization or certificate, consistent with CSO's recommendation.

112. The NOI also sought comment on how blanket authorization holders should demonstrate compliance with applicable Federal permitting requirements.[157] CLNG proposes that blanket authorization holders document all consultations and authorizations

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resource of more than one state. 15 CFR 930.36(e)(1).

[155] *Id.* at 2-3.

[156] *Id.* at 3.

[157] NOI, 193 FERC ¶ 61,141 at P 13, Question C1(1).

either in semi-annual operational reports for automatic activities or in prior notice filings.[158] Cheniere recommends that blanket authorization holders certify their adherence to Federal statutes and regulations, including the Clean Air Act (Title V and New Source Review).[159] CH-IV suggests that blanket authorization holders document consultations and authorizations in requests for notice to proceed prior to the start of construction, introduction of hazardous fluids, or other milestones.[160] BLUE recommends requiring implementation plans for authorized prior notice activities to document, among other things, consultations and authorizations.[161]

113. For automatic authorization activities, we propose in § 153.107(a)(6) that blanket authorization holders document their compliance with the ESA, NHPA, and CZMA, as proposed above, in semi-annual operational reports and in §§ 153.107(a)(7)-(9) that blanket authorization holders provide a list of other federal permits required for the project. For prior notice filings, consistent with the pipeline blanket program, we propose in § 153.108(e)(4) that the request include documentation of compliance with the ESA, NHPA, and CZMA, as proposed above and in §§ 153.108(e)(7)-(9) that the request provide a list of other federal permits that will be required for the proposed project. Staff will reject prior notice requests that do not meet these criteria or consultation requirements.

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[158] *See* CLNG January 26, 2026 Comments at 21-22.

[159] Cheniere January 26, 2026 Comments at 6-7.

[160] CH-IV January 16, 2026 Comments at 7.

[161] BLUE January 23, 2026 Comments at 7.

2. NEPA Compliance and Categorical Exclusions

114. NEPA requires preparation of an Environmental Impact Statement (EIS) for a proposed major Federal action with a reasonably foreseeable significant effect on the quality of the human environment.[162] For a proposed action that does not have a reasonably foreseeable significant effect on the quality of the human environment or if the significance of such effect is unknown, the agency shall prepare a more concise Environmental Assessment (EA) unless it finds that the proposed action is covered by a categorical exclusion or is exempt from NEPA review under another law.[163] A categorical exclusion describes a category of actions that an agency has determined normally do not result in a significant effect on the human environment and for which, therefore, the preparation of an EIS or EA is not normally required.[164]

115. To comply with NEPA for the creation of the LNG blanket program, we direct Commission staff to prepare a NEPA document to assess the environmental effects of projects that may be constructed pursuant to the automatic authorization as well as the impacts of this rulemaking proceeding.[165] We propose that activities conducted pursuant to prior notice procedures will undergo project-specific NEPA analyses in the form of

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[162] 42 U.S.C. 4336(b)(1).

[163] *Id*. 4336(a)(2), (b)(2).

[164] *Id.* 4336e(1) (defining "categorical exclusion"); *id.* 4336(a)(2), (b)(2) (explaining that an agency is not required to prepare an environmental document for proposed agency actions that are excluded pursuant to a categorical exclusion).

[165] *See infra* section V.B.

either (1) a determination that a categorical exclusion is applicable or (2) an EA, as occurs under the pipeline blanket program.

116. The NOI sought comment on whether the Commission should establish new categorical exclusions for LNG blanket activities or adopt existing categorical exclusions from other Federal agencies.[166] CLNG, CH-IV, and Cheniere support creating new categorical exclusions for actions taken under a blanket authorization program.[167] Cheniere supports a categorical exclusion for in-footprint modifications, similar to PHMSA and DOE regulations.[168] States oppose the creation of new categorical exclusions for LNG blanket activities.[169] They state that unlike the categorical exclusion for pipeline blanket activities determined by the Commission to normally have no significant effect on the human environment, the Commission has not similarly evaluated any category of LNG activities.[170] According to States, activities outside of an LNG plant's footprint would likely involve significant impacts not analyzed in the underlying authorization that would require preparation of an EIS or EA and may not be categorically excluded.[171] The Delaware Riverkeeper Network[172] also opposes any

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[166] NOI, 193 FERC ¶ 61,141 at P 13, Question C3.

[167] CLNG January 26, 2026 Comments at 43; CH-IV January 16, 2026 Comments at 8; Cheniere January 26, 2026 Comments at 7.

[168] Cheniere January 26, 2026 Comments at 7.

[169] States January 26, 2026 Comments at 15.

[170] *Id.*

[171] *Id.* at 16 & n.56.

[172] The Delaware Riverkeeper Network is a nonprofit 501(c)(3) membership

expansion of categorical exclusions for LNG facilities, stating that "[c]limate impacts are cumulative by nature and cannot be meaningfully addressed through generic assumptions or categorical exclusions."[173]

117. We do not propose to establish any categorical exclusions in this rulemaking. Should the Commission determine that certain activities normally do not result in a significant effect on the human environment and for which, therefore, the preparation of a NEPA document is not required, we will initiate a new proceeding to establish categorical exclusions.

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organization that works throughout the entire Delaware River Watershed on the issues, actions, regulations, legislation, policies, programs and decisions that impact the health of the Delaware River Watershed waterways.

[173] Delaware Riverkeeper Network January 26, 2026 Comments at 1, 3 (citing *Balt. Gas & Elec. Co. v. NRDC*, 462 U.S. 87, 97 (1983)).

3. Standard Conditions

118. The NOI sought comment on what Federal requirements could be relied upon, and what conditions the Commission should adopt, to minimize the impacts of LNG blanket projects.[174] Commenters cite various Federal laws (e.g., the Clean Air Act, CWA, Rivers and Harbors Act, and ESA) as well as PHMSA, USCG, and other Federal regulations and the conditions of the underlying authorization order, which could be relied upon to ensure that a blanket authorization project would not have significant impacts.[175] Due to the individualized and tailored nature of the conditions included in NGA section 3 authorizations, CLNG recommends that the Commission require LNG blanket authorization holders to abide by the terms and conditions of underlying authorizations.[176] It also asserts that the Commission's existing inspection process provides the necessary oversight to ensure that blanket authorizations do not compromise safety or environmental protection.[177] BLUE supports the Commission requiring compliance with certain standard conditions as part of the LNG blanket program and specifically identifies various conditions regarding design details, delegated authority to the Director of OEP, and compliance with the conditions of the underlying authorization.[178] Woodside

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[174] NOI, 193 FERC ¶ 61,141 at P 13, Questions D1, D3.

[175] CLNG January 26, 2026 Comments at 44; Cheniere January 26, 2026 Comments at 6.

[176] CLNG January 26, 2026 Comments at 47.

[177] *Id*. at 44.

[178] BLUE January 23, 2026 Comments at 8.

indicates that the US Army Corps of Engineers' Nationwide Permitting system could serve as a model, favorably citing its tiered approach and interagency collaboration.[179]

119. Similar to the pipeline blanket program,[180] we propose in § 153.106(b) to adopt a standard set of conditions with which blanket authorization holders would be required to comply when carrying out both automatic and prior notice activities as part of the LNG blanket program. This will provide for regulatory certainty and ease of implementation. The conditions are based on the Commission's extensive experience with the types of activities that we propose to be eligible for blanket authorization. The proposed standard environmental conditions require, among other things: (1) compliance with all applicable laws, including enumerated Federal environmental statutes;[181] (2) that blanket activities not have a significant adverse effect on a sensitive environmental area, as defined at § 157.202(b)(11) of the pipeline blanket regulations; and (3) that blanket activities comply with certain noise criteria. The conditions also subject LNG blanket activities to: (1) standard engineering requirements as well as regular technical reviews and site inspections by Commission staff; (2) semi-annual reporting; and (3) reporting of significant non-scheduled events.

120. Regarding engineering design conditions, we propose in § 153.106(c) to require blanket authorization holders to provide standard engineering information. For prior notice projects, this engineering information would be filed prior to construction of final

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[179] Woodside Energy January 26, 2026 Comments at 3.

[180] *See* 18 CFR 157.206.

[181] *See supra* P 106.

design and require that, prior to introduction of hazardous fluids or implementation of an uprate, the company shall have all safety and security systems installed and functional, and request and receive written approval from the Director of OEP, or the Director's designee. This would allow staff to further ensure that facilities are safe and secure prior to activities that may result in safety impacts.

E. Statutory and Regulatory Compliance Conditions

1. Pre-Filing Waiver

121. In NGA section 3A(a), Congress directed the Commission to promulgate regulations requiring a pre-filing process of at least six months prior to the filing of an application for authorization to construct an NGA section 3 LNG terminal and encouraging applicants to cooperate with state and local officials.[182] Although the statute requires a mandatory pre-filing process only for prospective applicants for new LNG terminals, the Commission's pre-filing procedures at § 157.21(a) of our regulations also require operators to use the pre-filing process for modifications to existing NGA section 3 LNG facilities and related jurisdictional natural gas facilities that involve unaddressed significant state and local safety considerations.[183] However, pre-filing is not required where the Director of OEP determines that prospective modifications do not involve significant state and local safety considerations that have not been previously addressed.[184]

122. The NOI sought comment on whether the Commission should waive its pre-filing regulations for blanket activities.[185] CLNG and Cheniere support waiving the pre-filing requirements.[186] CLNG proposes addressing any state and local safety considerations

[182] 15 U.S.C. 717b-1(a).

[183] 18 CFR 157.21(a) ("Examples of such modifications include, but are not limited to, the addition of LNG storage tanks; increasing throughput requiring additional tanker arrivals or the use of larger vessels; or changing the purpose of the facility from peaking to base load.").

[184] *See id.*

[185] NOI, 193 FERC ¶ 61,141 at P 13, Question C2.

[186] CLNG January 26, 2026 Comments at 42; Cheniere January 26, 2026

through updates to the Emergency Response Plans or in prior notice filings but does not specify how.[187] BLUE supports waiving pre-filing if there are no significant safety considerations, including activities with identical configurations to equipment previously evaluated within the existing facility footprint.[188] Stellar Energy[189] suggests that the Commission modify its regulations to require pre-filing only for new LNG terminals or liquefaction trains and not for projects that enhance the efficiency of an existing LNG terminal.[190] CH-IV states that the Commission should consider modifying when or how it waives its pre-filing requirements but does not elaborate.[191]

123. States oppose waiving pre-filing procedures for LNG blanket activities, stating that these procedures preserve important statutory consultation and notice rights for impacted state and local agencies regarding LNG activities that implicate significant public safety interests.[192] They further argue that state and local officials are best positioned to determine when a proposed activity involves any significant state or local safety consideration not previously addressed.[193]

Comments at 7.

[187] CLNG January 26, 2026 Comments at 42.

[188] BLUE January 23, 2026 Comments at 6.

[189] Stellar Energy installs technology to enhance and improve the performance of its customers' turbines, in particular Turbine Inlet Air Chilling systems.

[190] Stellar Energy January 23, 2026 Comments at 4.

[191] CH-IV January 16, 2026 Comments at 7.

[192] States January 26, 2026 Comments at 5.

[193] *Id.* at 19.

124. Consistent with our aim of providing a streamlined review process for well-understood activities, we propose to waive our pre-filing regulations for LNG blanket activities. This is appropriate not only in light of the blanket program's purposes, but also because the scope of activities that we propose to be eligible for blanket authorization would not involve significant state and local safety considerations that have not been previously addressed. Therefore, waiving pre-filing requirements is consistent with our current regulatory approach. Regarding States' consultation-related concerns, we discuss opportunities for state agency input in greater detail below.[194]

2. PHMSA Letter of Determination

125. PHMSA has exclusive authority under the Pipeline Safety Act to prescribe and enforce minimum safety standards governing the location, design, construction, operation, and maintenance of LNG facilities subject to the jurisdiction of the Commission under the NGA.[195] PHMSA requires that new, replaced, relocated, or significantly altered LNG facilities comply with its siting regulations at 49 CFR Part 193, Subpart B. In accordance with an MOU with the Commission, PHMSA examines whether a proposed LNG facility complies with its safety standards and issues a Letter of Determination (LOD) memorializing its review.[196] The issuance of an LOD does not abrogate PHMSA's continuing authority and responsibility over the applicant's

[194] *See infra* section III.E.5.

[195] 49 U.S.C. 60101, *et seq.*

[196] *Memorandum of Understanding Between the Department of Transportation and the Federal Energy Regulatory Commission Regarding Liquefied Natural Gas Transportation Facilities* (Aug. 31, 2018), https://cms.ferc.gov/media/mou-phmsa-regarding-lng-transportation-facilities-0.

compliance with its safety standards during construction and future operation of the facility.

126. The NOI sought comment on how LNG blanket activities would comply with PHMSA regulations.[197] CLNG contends that the PHMSA regulations, inspections, procedures, and structural standards provide adequate regulatory oversight.[198] It specifically points to regulations that require Emergency Response Plans and 60-day notification to PHMSA of rehabilitations, modifications, uprates, replacements, or upgrades of facilities.[199]

127. Given the scope of activities that we propose to be eligible for automatic authorization, an LOD would not be required for automatic authorization activities.[200] For prior notice activities, we propose in § 153.108(e)(10) to require that blanket authorization holders obtain from PHMSA and include as part of their request an LOD stating that the blanket activities comply with the federal siting requirements or a letter stating that an LOD is not required. Requests that do not meet these criteria would be rejected by staff.

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[197] NOI, 193 FERC ¶ 61,141 at P 13, Question C1(2).

[198] CLNG January 26, 2026 Comments at 36.

[199] *Id.* at 36-37.

[200] Specifically, proposed § 153.108(c)(3)(iii) requires automatic activities not result in significant modification to LNG facilities beyond what was previously evaluated by PHMSA and considered by the Commission.

128. We acknowledge that PHMSA has solicited feedback on potential amendments to the pipeline safety regulations governing LNG plants[201] and we will work with PHMSA to ensure the effectiveness of both of our efforts.

3. USCG Letter of Recommendation

129. Pursuant to the Ports and Waterways Safety Act of 1972 and USCG regulations, operators of NGA section 3 or 7 facilities that receive or send out LNG by waterborne vessel must, prior to construction that would result in an increase in the size or frequency of LNG marine traffic on the associated waterway, submit a Letter of Intent (LOI) to USCG describing, as pertinent, the characteristics of the vessels intended to visit the facility and the frequency of the visits.[202] The applicant must also prepare a Waterway Suitability Assessment (WSA)[203] for review and approval by the USCG. The WSA identifies security threats and safety hazards to LNG marine transportation and identifies appropriate risk management measures.[204] The USCG reviews the information provided by the applicant and makes a determination, called a Letter of Recommendation (LOR), on the suitability of the waterway for LNG vessels.[205] Section 813 of the Coast Guard Authorization Act of 2010 also directs USCG to make a recommendation to the

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[201] 90 FR 18949 (May 5, 2025).

[202] 33 U.S.C. 1221, *et seq.*; 33 CFR 127.007(a), (c).

[203] 33 CFR 127.007(e).

[204] *Id.* 127.007(f).

[205] 33 CFR 127.009. Factors considered by the USCG under its regulations include: density and characteristics of marine traffic in the waterway; locks, bridges and other man-made obstructions in the waterway; and water depth and tides. *Id.* 127.009(a).

Commission as to the suitability of marine traffic associated with a proposed waterside LNG facility,[206] and the LOR meets that requirement.

130. The NOI sought comment on how LNG blanket activities would comply with USCG regulations.[207] CLNG proposes that blanket authorizations include as a condition a requirement for an updated LOI or WSA, where required.[208] CLNG points to regulations involving one-year notification for increases in the size or frequency of LNG marine traffic, pre-operation annual reviews of WSAs, and the development of emergency manuals as examples of adequate regulatory oversight provided by the USCG.[209]

131. Given the scope of activities that we propose to be eligible for automatic authorization, a new or updated LOR would not be required for automatic authorization activities.[210] Blanket authorization holders would still be required to report modifications to USCG pursuant to applicable laws and regulations.[211] For prior notice activities, we propose in § 153.108(e)(11) to require that blanket authorization holders obtain from USCG and include as part of their request a new or updated LOR or a determination that

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[206] Pub. L. 111-281, § 813, 124 Stat. 2905, 2999 (2010).

[207] NOI, 193 FERC ¶ 61,141 at P 13, Question C1(3).

[208] CLNG January 26, 2026 Comments at 37-38.

[209] *Id*. at 37-38 (citing 33 CFR 127.007(a)(1), (e), 127.019, 127.307).

[210] Specifically, proposed § 153.108(c)(3)(ii) requires automatic activities not result in an increase in frequency or size of LNG marine vessels at the LNG terminal beyond that previously evaluated in a USCG Letter of Recommendation and considered by the Commission.

[211] *See* 33 CFR pt. 105; 33 CFR pt. 127.

a new or updated LOI, WSA, or LOR is not required. Staff will reject requests that do not meet these criteria.

4. DoW Concurrence

132. NGA section 3(f)(3) directs the Commission to obtain the concurrence of the Secretary of War before authorizing the siting, construction, expansion, or operation of LNG terminals affecting the training or activities of an active military installation.[212] This requirement applies only to LNG plants authorized under NGA section 3. As directed by NGA section 3(f)(2), the Commission on November 21, 2007, entered into an MOU with the Secretary of War to ensure coordination and consultation on the siting, construction, expansion, and operation of LNG terminals.[213]

133. The NOI sought comment on how NGA section 3 blanket activities would comply with NGA section 3(f)(3).[214] CLNG contends that activities it proposes as eligible for automatic authorization and 30-day prior notice would not rise to the level of requiring new concurrence from the DoW.[215] It recommends that the Commission consult with DoW to revise their MOU to include "blanket concurrence" for activities undertaken under automatic authorization or prior notice that do rise to the level of requiring a new

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[212] 15 U.S.C. 717b(f)(3).

[213] *Memorandum of Understanding Between the Federal Energy Regulatory Commission and the Department of Defense to Ensure Consultation and Coordination on the Effect of Liquefied Natural Gas Terminals on Active Military Installations* (Nov. 21, 2007, updated Aug. 29, 2014), https://www.ferc.gov/media/2007-mou-dod.

[214] NOI, 193 FERC ¶ 61,141 at P 13, Question C1(4).

[215] CLNG January 26, 2026 Comments at 38-39.

concurrence.[216] CLNG also recommends that the Commission use DoW's existing informal Clearinghouse process for prior notice activities, assuming concurrence can be received within the 60-day notice period.[217] BLUE recommends that prior notice requests document DoW concurrence.[218]

134. In order to ensure that the blanket authorization program complies with both the letter and the purposes of section 3(f) of the NGA, we propose in §§ 153.107(a)(10) and 153.108(e)(13) to require that blanket authorization holders, for both automatic authorization (prior to construction) and prior notice activities, obtain DoW concurrence using DoW's informal Clearinghouse process. However, the Commission will continue to explore whether changes to the MOU with DoW could result in certain activities, particularly those subject to automatic authorization, being undertaken without project-specific concurrence. Blanket authorization holders would document their compliance in semi-annual operational reports for automatic authorization activities or in prior notice filings. Prior notice requests that do not meet these criteria would be rejected by staff.

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[216] *Id*. at 39.

[217] *Id*. The DoW established the Military Aviation and Installation Assurance Siting Clearinghouse to provide a timely, transparent, and repeatable process to coordinate and oversee the military mission compatibility evaluation process for all energy projects or energy-related projects in the United States. Private parties, state and local officials, and the Commission may request informal reviews to provide preliminary compatibility determinations prior to formal project reviews.

[218] BLUE January 23, 2026 Comments at 6-7.

5. State and Local Safety Considerations

135. NGA section 3A(b) requires the Commission to consult with states regarding state and local safety considerations prior to issuing an authorization under NGA section 3.[219] Under NGA section 3A(c), states may (but need not) furnish an advisory report on state and local safety considerations no later than 30 days after an application under section 3 is filed, to which the Commission must specifically respond.[220] Additionally, NGA section 3A(d) allows states in which an operational LNG terminal is located to conduct safety inspections and notify the Commission of any alleged safety violations on which the Commission or the appropriate Federal agency shall take appropriate action.[221] These requirements apply only to LNG plants authorized under NGA section 3.

136. The NOI sought comment on how NGA section 3 blanket activities would comply with NGA sections 3A(b)-(d).[222] CLNG states that existing LNG facility safety standards and air emissions standards under state-administered Clean Air Act programs provide the necessary state oversight to address state and local safety considerations.[223] CH-IV recommends that blanket authorization holders document that state and local safety

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[219] 15 U.S.C. 717b-1(b). State and local safety considerations include "(1) the kind and use of the facility; (2) the existing and projected population and demographic characteristics of the location; (3) the existing and proposed land use near the location; (4) the natural and physical aspects of the location; (5) the emergency response capabilities near the facility location; and (6) the need to encourage remote siting." *Id.*

[220] 15 U.S.C. 717b-1(c).

[221] *Id.* 717b-1(d).

[222] NOI, 193 FERC ¶ 61,141 at P 13, Question C1(5).

[223] CLNG January 26, 2026 Comments at 40.

considerations have been addressed in requests for notice to proceed prior to the start of construction, introduction of hazardous fluids, or other milestones.[224] States raise concerns regarding the compatibility of a blanket authorization program and statutorily required state consultation.[225] They state that the notice and information provided by blanket authorization holders under the current process promote participation by state and local agencies to ensure sufficient conditions are adopted to address the unique safety, security, or environmental impacts associated with the action.[226] States assert that a blanket program would undermine public safety and potentially run afoul of consultation requirements, particularly automatic authorization activities, which may not be disclosed to the public until after they are completed.[227]

137. Given the scope of activities that we propose to be eligible for automatic authorization, we do not think those activities would involve any additional state and local safety considerations not addressed in the underlying authorization. Still, in the proceeding in which the blanket authorization holder receives its blanket authorization, the state designated agency may file comments or an advisory report regarding whether activities eligible for automatic authorization would pose significant safety impacts for that terminal. The Commission would address the state's concerns in that proceeding.

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[224] CH-IV January 16, 2026 Comments at 7.

[225] States January 26, 2026 Comments at 19-20.

[226] *Id.*

[227] *Id.* at 20.

138. For prior notice activities, we propose in § 153.108(e)(14) to require that blanket authorization holders include as part of their prior notice filing a letter from the state designated agency indicating that the activity does not raise any state or local safety concerns. Alternatively, if such a letter cannot be obtained at the time of filing the prior notice request, the blanket authorization holders shall provide evidence that the state designated agency was notified of the request and that it has 30 days to furnish an advisory report on state and local safety considerations or may protest. The proposed 60- or 90-day notice period would provide states with sufficient time to file an advisory report within the 30-day period specified in NGA section 3A(c). If a state advisory report is filed, staff would protest the prior notice request to allow the Commission sufficient time to specifically respond.

6. Emergency Response Plans

139. NGA section 3A(e) requires that operators develop an Emergency Response Plan, including a cost-sharing plan, in consultation with the USCG and state and local agencies for approval by the Commission prior to construction of an LNG terminal.[228] This requirement only applies to LNG plants authorized under NGA section 3.

140. The NOI sought comment on how NGA section 3 blanket activities would comply with NGA section 3A(e).[229] CLNG proposes that the Emergency Response Plan submitted with the underlying authorization would suffice for all future actions taken

[228] 15 U.S.C. 717b-1(e).

[229] NOI, 193 FERC ¶ 61,141 at P 13, Question C1(6).

through any blanket authorization.[230] BLUE comments that activities undertaken pursuant to a blanket authorization program would require minimal updates to Emergency Response Plans and, for automatic activities, only updates to the drawings typically contained in appendices.[231] States comment that blanket activities may require a change in the emergency response and cost-sharing plans.[232]

141. Given the scope of activities that we propose to be eligible for automatic authorization, we do not expect those activities would warrant or necessitate any material updates to the emergency response and cost-sharing plans approved in the underlying authorization proceeding. For prior notice activities, we propose in § 153.108(e)(15) that blanket authorization holders obtain from all relevant state and local emergency response organizations and emergency responders, and include as part of their request, letters stating that such activities are consistent with the Emergency Response Plan, including the cost-sharing plan, for the underlying authorization, or that any changes were developed in consultation with them for the proposed activity. Alternatively, if such letters cannot be supplied, blanket authorization holders must supply evidence in their filings that the emergency response organizations and emergency responders have been notified that they may protest the filing.[233] If the blanket authorization holder believes

[230] CLNG January 26, 2026 Comments at 41. CLNG also points to the PHMSA requirement to file and gain approval of an emergency evacuation plan and the USCG requirement to file an emergency manual and receive notice that it has been examined as further emergency preparedness measures. *Id.* at 41-42.

[231] BLUE January 23, 2026 Comments at 5.

[232] States January 26, 2026 Comments at 19.

[233] In the event that the blanket authorization holder is unable to obtain letters

new or updated plans are needed, the new or updated plans would need to be submitted as part of the prior notice request in order to be approved by the Commission prior to construction.

142. States also raised concerns with the impact of a section 3 blanket authorization program on the availability of data used to inform decisions local and state authorities make in the development of LNG emergency response and cost-sharing plans.[234] We reiterate that blanket authorization holders would be required to comply with the Commission's regulations regarding filings and privileged or CEII treatment thereof and that generally, information pertaining to items such as offsite emergency response procedures for public notification and evacuation, and construction and operating reporting requirements, is subject to public disclosure.[235] We also propose to require that if any of the information provided in paragraphs §§ 153.107(a)(1) or (a)(5) through (13) is filed as non-public, the blanket authorization holder shall file a public summary of all changes made under its blanket authorization.

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because a particular entity does not agree with the conclusion that either no changes to the Emergency Response Plan are needed or that the entity agreed to all changes to the plan, the blanket authorization holder should supply evidence in its filing that the emergency response organizations, emergency responders, and the USCG have been notified that they may protest the filing.

[234] States January 26, 2026 Comments at 19.

[235] *See supra* P 102; 18 CFR 388.112(b)(1) (requiring that any document filed under these regulations must include a public version and a justification for privileged or CEII treatment).

F. Severability

143. We propose to include at § 153.101(d) a proviso that if any provision of the LNG blanket regulations, or the application of any provision thereof to any person or circumstance, is held invalid, the remainder of those regulations and the application thereof to other persons or circumstances shall not be affected thereby. Notably, the regulations proposed herein are not "in any way intertwined" and "operate entirely independently of one another."[236]

IV. Request for Comments

144. The Commission requests and encourages public comments on this NOPR. Comments may include any related matters or alternative proposals that commenters may wish to discuss. The Commission will consider comments it receives and provide responses in a final rule, with changes, if warranted.

145. Comments are due **[INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**. Comments must refer to Docket No. RM26-2-001 and must include the commenter's name, the organization they represent, if applicable, and their address in their comments. All comments will be placed in the Commission's public files and may be viewed, printed, or downloaded remotely as described in the Document Availability section below. Commenters on this proposal are not required to serve copies of their comments on other commenters.

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[236] *Davis Cnty. Solid Waste Mgmt. v. EPA*, 108 F.3d 1454, 1459 (D.C. Cir. 1997) (internal quotation marks and citation omitted); *Carlson v. Postal Regul. Comm'n*, 938 F.3d 337, 351 (D.C. Cir. 2019); *Epsilon Elecs., Inc. v. U.S. Dep't of Treasury*, 857 F.3d 913, 929 (D.C. Cir. 2017); *Tel. & Data Sys., Inc. v. FCC*, 19 F.3d 42, 50 (D.C. Cir. 1994).

146. The Commission encourages that comments be filed electronically via the eFiling link on the Commission's website at http://www.ferc.gov. The Commission accepts most standard word processing formats. Documents created electronically using word processing software must be filed in native applications or print-to-PDF format and not in a scanned format. Commenters filing electronically do not need to make a paper filing.

147. Commenters that are not able to file comments electronically may file an original of their comment by USPS mail or by courier or other delivery services. For submission sent via USPS only, filings should be mailed to: Federal Energy Regulatory Commission, Office of the Secretary, 888 First Street, NE, Washington, DC 20426. Submission of filings other than by USPS should be delivered to: Federal Energy Regulatory Commission, Office of the Secretary, 12225 Wilkins Avenue, Rockville, MD 20852.

V. Regulatory Requirements

A. Information Collection Statement

148. The information collection in this proposed rule is being submitted to the Office of Management and Budget (OMB) per its regulations,[1] which require that OMB approve certain reporting, record keeping, and public disclosure requirements imposed by an agency.

149. The Commission estimates that the proposed tiered blanket authorization program will enable a subset of projects at LNG facilities to be implemented through either automatic or prior notice authorization while maintaining appropriate oversight and

[1] 5 CFR 1320.11.

stakeholder engagement. As a result, the proposal would reduce the number of full applications and resultant information collection burden.

150. Natural gas companies and LNG operators file applications with the Commission so it can review the necessary information related to the construction, maintenance, and operation of facilities to provide service or to abandon facilities or service under sections 3 and 7 of the NGA and determine if the requested authorization meets statutory and regulatory requirements and should be granted. This NOPR proposal would provide entities with an opportunity to apply to participate in two new lower-burden filing approaches. To participate in the new approaches, entities must apply for and be granted a blanket authorization:

- *Application for Blanket Authorization* that includes a brief application, together with evidence that the applicant has the required safety systems, Emergency Response Plans, and appropriate environmental, engineering and operating procedures to support blanket activities.

The proposed lower-burden filing approaches are:

- *Prior Notice Filings* would include a description of the project, purpose, and justification, together with engineering and technical data, and an assessment of any capacity increases or footprint changes and any environmental or safety impacts. The prior notice filings also include evidence of landowner notification, the identification of affected agencies, as well as any environmental documentation.

- *Automatic Authorizations* that will not require prior filings or applications. These activities must be documented in a semi-annual operational report, which is already required for these projects.

151. These proposed new approaches would be alternatives to the existing full application process, which requires extensive technical, environmental, and economic materials.

The Commission estimates that this proposed rule will affect the following existing information collections:

- FERC-537: Gas Pipeline Certificate: Construction, Acquisition & Abandonment (OMB Control No 1902-0060)
- FERC-539: Gas Pipeline Certificates: Import & Export Related Applications (OMB Control No 1902-0062)
- FERC-577: Natural Gas Facilities: Environmental Review and Compliance (OMB Control No 1902-0128)

152. *Title:* FERC-537: Gas Pipeline Certificate: Construction, Acquisition & Abandonment.

Action: Revision to an existing information collection.

OMB Control No: 1902-0060.

Respondents: Companies proposing natural gas projects under section 7 of the NGA and jurisdictional natural gas companies.

Frequency of Responses: Ongoing. Natural gas companies file the necessary information with the Commission so that it can review the filing of applications for the

construction and operation of facilities to provide service or to abandon facilities or service under section 7 of the NGA to determine if the requested authorization should be granted.

Necessity of Information: This information is necessary so that the Commission can fulfill its statutory mandate under the NGA to oversee natural gas infrastructure and facilities.

Proposed Change: The Commission estimates that this NOPR would reduce the number of Interstate Certificate and Abandonment Applications by 1 (from 31 to 30). Note that the Commission published a separate NOPR[2] that proposed to reduce the burden associated with these applications by 9 (from 31 to 22). If both of these NOPRs are finalized as proposed, the burden reductions would be added together (e.g., reducing applications by 10 from 31 to 21).

Public Reporting Burden: The Commission estimates burden[3] and cost as follows:

	Number of Respondents (1)	**Annual Number of Responses per Respondent (2)**	**Total Number of Responses (1)*(2)=(3)**	**Average Burden & Cost Per Response[4] (4)**	**Total Annual Burden Hours & Total Annual Cost (3)*(4)=(5)**	**Cost per Respondent ($) (5)÷(1)[5]**

[2] *Revisions to the Blanket Certificate Program*, 195 FERC ¶ 61,128.

[3] Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose, or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, refer to 5 CFR 1320.3.

[4] Commission staff estimates that the industry's hourly cost for wages plus

18 CFR 157.6 Interstate Certificate and Abandonment Applications[6]	30	1.39	41.7	500 hrs.; $51,000	20,850 hrs.; $2,126,700	$70,890
TOTAL (impacted collection activities)			**41.7**		**20,850 hrs.; $2,126,700**	

153. *Title:* FERC-539: Gas Pipeline Certificates: Import & Export Related Applications.

Action: Revision to an existing information collection.

OMB Control No: 1902-0062.

Respondents: Companies proposing and reporting natural gas projects under section 3 of the NGA and LNG terminal operators

Frequency of Responses: Ongoing. Jurisdictional companies file the necessary information with the Commission so that it can review the filing of applications for the construction and operation of facilities to provide service or to abandon facilities or service under section 3 of the NGA to determine if the requested authorization should be granted.

benefits is similar to the Commission's $102 FY 2026 average hourly cost for wages and benefits.

[5] Each of the figures in this column are rounded to the nearest dollar.

[6] This proposed rulemaking would reduce the number of applications. There is no proposed impact on the other parts of this collection.

Necessity of Information: This information is necessary so that the Commission can fulfill its statutory mandate under the NGA to oversee natural gas infrastructure and facilities.

Proposed Change: In order to participate in the blanket authorization program, the Commission proposes that natural gas companies will need to submit an application that is reviewed by the Commission. The Commission anticipates that most or all of the relevant companies will apply to participate in this program over the first three years, after which there would be very few applications, only when a new jurisdictional entity is formed. The Commission estimates that adopting the proposals in this NOPR would reduce the number of applications seeking authorization under Section 3 of the NGA by 2 (from 6 to 4) as a result of companies shifting to using the blanket authorization program. When allowed by the program rules and regulations, participants could submit prior notice fillings instead of full applications. The Commission estimates that there would be 3 Prior Notice Fillings each year - 2 related to LNG terminals and 1 related to interstate certificate and abandonment.[7] Program participants would need to include information about any activities completed under the blanket authorization program in their semi-annual operational reports. These reports are already required as a condition of their NGA authorization. The Commission is incorporating this reporting burden into the FERC-539 information collection to reflect that this would be a regulatory requirement.

Public Reporting Burden: The Commission estimates burden and cost as follows:

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[7] Described above in the estimated impacts to the FERC-537 information collection.

	Number of Respondents (1)	**Annual Number of Responses per Respondent (2)**	**Total Number of Responses (1)*(2)=(3)**	**Average Burden & Cost Per Response[8] (4)**	**Total Annual Burden Hours & Total Annual Cost (3)*(4)=(5)**	**Cost per Respondent ($) (5)÷(1)**
18 CFR 153.7 Applications	4	2	8	15 hrs.; $1,530	120 hrs.; $12,240	$3,060
18 CFR 153.104 Blanket Authorization Program - Application[9]	25	0.33	8	4 hrs.; $408	32 hrs.; $3,264	$408
18 CFR 153.103(c) Blanket Authorization Prior Notice Filings	3	1	3	8 hrs.; $816	24 hrs.; $2,448	$816
18 CFR 153.106(c) Semi-Annual Operational Reports[10]	25	2	50	25 hrs.; $2,550	1,250 hrs.; $127,500	$5,100

[8] Commission staff estimates that the industry's hourly cost for wages plus benefits is similar to the Commission's $102 FY 2026 average hourly cost for wages and benefits.

[9] After the initial applications in the first 3 years, the Commission anticipates that there will only be a new application when a new company enters the market. The Commission estimates this as 1 application every 3 years.

TOTAL (impacted collection activities)			**69**		**1,426 hrs.; $145,452**	

154. *Title:* FERC-577: Natural Gas Facilities: Environmental Review and Compliance.

Action: Revision to an existing information collection.

OMB Control No: 1902-0128.

Respondents: Companies seeking authorization to site, design, construct, operate, or modify LNG facilities.

Frequency of Responses: Ongoing. Companies file the necessary information

Necessity of Information: This information is necessary so that the Commission can fulfill its statutory mandate under the NGA to oversee natural gas infrastructure and facilities.

Proposed Change: The Commission estimates that this NOPR would reduce the number of companies' environmental review and compliance submissions by 3 (from 107 to 104) as a result of companies shifting to using the blanket certificate program. This would result in a burden reduction of 9,289 hours and would also significantly decrease the time before a facilities or infrastructure improvement could be implemented enabling the

[10] These semi-annual operational reports are already required as part of each company's authorization under section 7 or 3 of the NGA. The Commission is incorporating this requirement into the regulations and documenting that shift with this information collection.

company to reap the benefits of the improvement more quickly (e.g., additional revenue or decreased costs).

Public Reporting Burden: The Commission estimates burden and cost as follows:

	Number of Respondents (1)	**Number of Responses Per Respondent (2)**	**Total Number of Responses (1) * (2) = (3)**	**Average Burden Hours & Average Cost per Response ($) (rounded) (4)**	**Total Annual Burden Hours & Total Annual Cost ($) (rounded) (3) * (4) = (5)**	**Cost per Respondent ($) (rounded) (5) ÷ (1) = (6)**
Companies' Environmental Review and Compliance[11] (18 CFR Parts 2, 153, 157, and 380)	104	16	1,664	193.52 hours; $19,932.56	322,017 hours; $32,845,763	$318,921
TOTAL (impacted collection activities)			**1,664**		**322,017 hours; $32,845,763**	

The Commission requests comments on:

- the need for this information,
- whether the information will have practical utility,
- the accuracy of the provided burden estimates,

[11] This is the number of estimated companies anticipated to file environmental related information. This is based on previous years' responses combined with trend information.

- ways to enhance the quality, utility, and clarity of the information to be collected, and
- any suggested methods for minimizing respondents' burden, including the use of automated information techniques.

155. Send written comments concerning the collection of information(s) and the associated burden estimate(s) to the Commission according to the instructions in this NOPR. You must include the Docket Number and the related OMB Control Number.

B. Environmental Analysis

156. Unless a categorical exclusion or statutory exception applies, the Commission is required to prepare an EA or an EIS for any major Federal action that may have a significant adverse effect on the human environment.[12] Accordingly, we direct Commission staff to prepare a NEPA document to assess the environmental impacts of projects that may be constructed pursuant to the automatic authorization. That document will also consider the impact of the action we are taking in this rulemaking proceeding. For prior notice projects, Commission staff will continue to conduct a case-specific analysis, including determining the nature of appropriate environmental review, e.g., preparation of an environmental document or application of a categorical exclusion.

C. Regulatory Flexibility Act

[12] *Reguls. Implementing the Nat'l Env't Pol'y Act*, Order No. 486, 52 FR 47897 (Dec. 10, 1987), FERC Stats. & Regs. ¶ 30,783 (1987) (cross-referenced at 41 FERC ¶ 61,284).

157. The Regulatory Flexibility Act of 1980 (RFA)[13] generally requires a description and analysis of proposed rules that will have significant economic impact on a substantial number of small entities. The Commission is not required to make such an analysis if proposed regulations would not have such an effect.

158. The Small Business Administration's (SBA) Office of Size Standards develops the numerical definition of a small business. LNG facilities are designated under "All Other Support Activities for Transportation" (i.e., NAICS 488999) as small entities if they do not exceed the size standard of $25 million.[14] FERC reviewed the companies operating LNG facilities and is not aware of any with a revenue below $25 million. Impacts associated with this proposed rule are limited to the avoidance of unintended new obligations that would be imposed on affected small businesses in the absence of a change and therefore are not significant. Accordingly, pursuant to section 605(b) of the RFA, the Commission certifies that the regulations proposed herein should not have a significant economic impact on a substantial number of small entities.

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[13] 5 U.S.C. 601-612.

[14] 13 CFR 121.101; NAICS Association, 488999 - *All Other Support Activities for Transportation*, https://www.naics.com/naics-code-description/?v=2022&code=221210.

D. Regulatory Planning and Review

159. E.O. 12866 (Regulatory Planning and Review), as amended by E.O. 14215 (Ensuring Accountability for All Agencies) and affirmed by E.O. 13563 (Improving Regulation and Regulatory Review), directs agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. The Office of Information and Regulatory Affairs (OIRA) has determined this regulatory action is a "significant regulatory action," under section 3(f) of E.O. 12866, as amended, though not economically significant under section 3(f)(1). Accordingly, OIRA has reviewed this regulatory action for compliance with the analytical requirements of E.O. 12866.

160. This regulatory action proposes to establish procedures for authorizing activities at LNG plants without a case-specific authorization order from the Commission, which would have the effect of dramatically streamlining the approval of LNG infrastructure projects and would be deregulatory in nature. In particular, the proposed rule would reduce the number of projects subject to the case-specific application process in Part 153 Subpart B by approximately 3 projects per year; this streamlining would result in a burden reduction of 3%. We note that the proposed rule would not change the total number of projects that would be constructed, just the method for obtaining regulatory approval. The proposed rule would result in cost savings to the agency and LNG plant

authorization and certificate holders for the projects that would be covered by the proposed rule because it would provide a more streamlined administrative process for project proposals that would otherwise require case-specific review under NGA sections 3 or 7. As reflected in the tables above, we estimate that respondents would save 9,988 hours of effort, which the Commission estimates as a cost savings of $1,018,776. Moreover, faster approvals would result in additional cost savings and benefits to authorization and certificate holders and their customers. We seek comment on how to quantify those cost savings. Absent this rule, the activities proposed as eligible for an LNG blanket program would be subject to a less streamlined permitting process, resulting in increased administrative costs to the Commission and to authorization and certificate holders. This proposed rule, if finalized as proposed, is expected to be a deregulatory action under E.O. 14192 (Unleashing Prosperity Through Deregulation).

E. Document Availability

161. In addition to publishing the full text of this document in the Federal Register, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the Internet through the Commission's Home Page (http://www.ferc.gov).

162. From the Commission's Home Page on the Internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

163. User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at (202) 502-6652 (toll free at 1-866-208-3676) or email at ferconlinesupport@ferc.gov, or the Public Reference Room at (202) 502-8371, TTY (202) 502-8659. E-mail the Public Reference Room at public.referenceroom@ferc.gov.

164. In accordance with 5 U.S.C. 553(b)(4), a summary of this rule may be found at www.ferc.gov/major-orders-regulations under the NOPR tab.

List of subjects

18 CFR Part 2

Electric utilities; Natural gas; Pipelines; Reporting and recordkeeping requirements.

18 CFR Part 153

Exports; Imports; Natural gas; Reporting and recordkeeping requirements.

18 CFR Part 375

Authority delegations (Government agencies); Seals and insignia; Sunshine Act

By direction of the Commission. Commissioner Chang is concurring with a separate statement attached.

(S E A L)

Debbie-Anne A. Reese,
Secretary.

In consideration of the foregoing, the Commission proposes to amend Parts 2, 153, and 375, Title 18, *Code of Federal Regulations*, as follows.

PART 2 – GENERAL POLICY AND INTERPRETATIONS

1. The authority citation for part 2 continues to read as follows:

Authority: 5 U.S.C. 601; 15 U.S.C. 717-717z, 3301-3432; 16 U.S.C. 792-828c, 2601-2645; 42 U.S.C. 4321-4370h, 7101-7352.

2. Revise § 2.55 to add paragraph (d) and (e):

§ 2.55 Auxiliary system installations and replacement facilities.

* * * * * *

(d) *LNG facilities and auxiliary systems at LNG plants.* Beginning **[INSERT DATE TWO YEARS AFTER DATE OF PUBLICATION OF FINAL RULE IN THE *FEDERAL REGISTER*]**, this section does not authorize a blanket authorization holder, as defined by § 153.102(a)(1) of this chapter, to construct auxiliary installations or replace LNG facilities and auxiliary systems at liquefied natural gas plants.

(e) *Engineering conditions for activities at LNG plants*. Beginning **[INSERT DATE TWO YEARS AFTER DATE OF PUBLICATION OF FINAL RULE IN THE *FEDERAL REGISTER*]**, the construction of auxiliary installations at LNG plants and the replacement of facilities at LNG plants are subject to the requirements of § 153.106(c) and § 153.107(a)(3) and (4) of this chapter.

* * * * *

PART 153—APPLICATIONS FOR AUTHORIZATION TO CONSTRUCT, OPERATE, OR MODIFY FACILITIES USED FOR THE EXPORT OR IMPORT

OF NATURAL GAS

1. The authority for part 153 is revised to read as follows:

Authority: 15 U.S.C. 717-717z; E.O. 10485, 3 CFR, 1949-1953 Comp., p. 970, as amended by E.O. 12038, 3 CFR, 1978 Comp., p. 136; DOE Delegation Order No. S1-DEL-FERC-2006 (May 16, 2006).

2. Add subpart E to read as follows:

Subpart E–Blanket Authorizations Under Sections 3 and 7 of the Natural Gas Act for LNG Plants

3. Add § 153.101 to read as follows:

§ 153.101 Applicability.

(a) *Scope.* This subpart establishes a procedure whereby a liquefied natural gas (LNG) terminal authorization holder or LNG plant certificate holder may obtain a blanket authorization allowing certain activities under section 3 or 7 of the Natural Gas Act.

(b) *Who may apply.* This procedure is only applicable to LNG terminal authorization holders and LNG plant certificate holders.

(c) *Availability of case-specific authorizations.* Nothing in this subpart shall preclude an LNG terminal authorization holder or LNG plant certificate holder from proceeding under any other provision of the Commission's regulations to obtain Commission authorization under section 3 or 7 of the Natural Gas Act.

(d) *Severability.* If any provision of this subpart, or the application of such provision to any person or circumstance, is held invalid, the remainder of this subpart and the application of such provision to other persons or circumstances shall not be affected thereby.

4. Add § 153.102 to read as follows:

§ 153.102 Definitions.

(a) *Subpart E definitions.* For purposes of this subpart:

(1) *Blanket authorization holder* means any LNG terminal authorization holder or LNG plant certificate holder with an effective blanket authorization issued pursuant to this subpart.

(2) *LNG terminal authorization holder* means a person with an effective authorization issued pursuant to section 3 of the Natural Gas Act to site, construct, or operate an LNG terminal.

(3) *LNG plant certificate holder* means a natural gas company with an effective certificate of public convenience and necessity issued pursuant to section 7 of the Natural Gas Act to construct and operate LNG facilities.

(4) *LNG facilities* means those components of an LNG plant that receive, unload, load, store, transport, gasify, liquefy, or process natural gas. LNG facilities include feed gas facilities; pretreatment facilities; natural gas liquid facilities; heavy hydrocarbon condensate facilities; liquefaction facilities; LNG storage facilities; truck transfer facilities; rail transfer facilities; marine transfer facilities; vaporization or regasification facilities; sendout gas conditioning facilities; and sendout facilities.

(5) *Auxiliary system* means those components of an LNG plant that are not LNG facilities but are necessary to support safe and reliable operation of the plant. Auxiliary systems include vapor handling systems; nitrogen and inert gas systems; instrument and plant/utility air systems; power generation and electrical systems; utility water and other

utility systems; security systems; cathodic protection systems; relief device, blowdown, vent, and flare systems; fuel gas systems; spill containment systems; passive protection systems; hazard detection systems; hazard control systems; firewater systems; structural and natural hazard mitigation systems; emergency response systems; and emission control systems.

(6) *Components* means parts of an auxiliary system or LNG facility including piping and valves; process vessels; storage containers; rotating equipment; fired equipment; buildings and structures, including accessways, stairs, ladders, platforms, hoists, and cranes; electrical components; instrumentation and control system components; and safety instrument system components.

(7) *Pipeline facilities* means mainline, lateral, or compressor facilities used to transport gas to or from an LNG terminal.

(8) *Capacity* means the (i) import or export capacity of an LNG terminal and (ii) storage and delivery capacity of interstate LNG plants.

(9) *Footprint* means the area located: (i) within an LNG plant's security systems; and (ii) within the areas protected from natural hazards.

(10) *Design limits* means: (i) the minimum and maximum design flows; (ii) the minimum and maximum liquid design levels and volumes; (iii) the minimum (vacuum) and maximum design pressures; (iv) the minimum design metal temperature and maximum design temperature, (v) the minimum and maximum compositions, and (vi) the maximum structural design loads and criteria of the LNG facilities, auxiliary systems, and components.

(11) *Areas protected from natural hazards* means areas within storm surge barriers and tsunami barriers, or areas at or above the site elevations protected from storm surge levels, tsunami inundation levels, and floodplains at the LNG terminal or plant.

(12) *Security systems* means security enclosures, access controls, security intrusion monitoring and detection systems, and security lighting.

(13) *Upgraded* means providing equal or greater level of safety, security, reliability, operability, efficiency, and environmental protection.

(14) *Modify* means to change the design or operational conditions of components within existing LNG facilities and auxiliary systems, including but not limited to changing process controls, software, setpoints, size/diameter, wall thickness, materials of construction, routing, location, or other process, mechanical, electrical, hazard mitigation, or structural related specifications, designs, or operations.

(15) *Piping and valves* include all types of piping, tubing, flanges, gaskets, fittings, valves, actuators, or other components designed or used to convey, direct, start, or stop fluids within an enclosed system.

(16) *Process vessels* include heat exchangers, columns, separators, and reactors and any other pressure vessel or container designed or used to remove, knockout, separate, distill, combine, heat, cool, react, or change the vapor or liquid fraction, composition, temperature, or other process condition of fluids.

(17) *Storage containers* include atmospheric tanks, low-pressure tanks, pressure vessels, or other containers designed or used as storage for fluids.

(18) *Rotating equipment* includes pumps, compressors, expanders, companders,

fans, turbines, internal combustion engines, electrical motors, or other equipment and drivers with rotating or spinning components designed or used to impose or extract work.

(19) *Fired equipment* includes heaters, furnaces, boilers, incinerators, thermal oxidizers, vaporizers, flares, fired-turbines, internal combustion engines, and other equipment designed or used to combust gaseous, liquid, or solid fuel.

(20) *Instrumentation and controls* include sensors, transmitters, signaling, fieldbus, basic process control systems, distributed control systems, supervisory control and data acquisition systems, programmable automation controllers, programmable logic controllers, programmable logic relays, remote terminal units, remote input/output, software, human machine interfaces, historians, network architecture, actuators, control valves, and other integrated components designed or used to measure, monitor, record, and manually or automatically control physical process conditions, such as flow, pressure, temperature, level, and composition.

(21) *Safety instrumented systems* are either: (i) independent safety systems separate from the basic process control systems or (ii) part of integrated control and safety systems, comprising sensors, transmitters, certified safety integrity level logic solvers, segmented or separated servers in network architecture, actuators, blowdown and emergency shutdown valves with independent or integrated communication networks, software, human machine interfaces, historians, and other independent or integrated components designed or used to de-pressurize, de-inventory, isolate, shutdown or otherwise reduce the risk of process conditions exceeding the basis of design of the mechanical components and systems that could lead to a loss of containment.

(22) *Delivery point* means a tap and/or metering and appurtenant facilities, such as gas heaters, minor gas conditioning, treatment, odorization, and similar equipment, necessary to enable the blanket authorization holder to deliver gas to any party.

(23) *Receipt point* means a tap and/or metering and appurtenant facilities such as gas heaters, minor gas conditioning, treatment, odorization, and similar equipment, necessary to enable the blanket authorization holder to receive gas from any party.

(24) *Project* means a unit of improvement or construction that is used and useful upon completion.

(25) *Sensitive environmental area* means:

(i) The habitats of species which have been identified as endangered or threatened under the Endangered Species Act (Pub. L. 93-205, as amended) and essential fish habitat as identified under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801, *et seq.*);

(ii) National or State Forests or Parks;

(iii) Properties listed on, or eligible for inclusion in, the National Register of Historic Places, or the National Register of Natural Landmarks;

(iv) Floodplains and wetlands;

(v) Designated or proposed wilderness areas, national or state wild and scenic rivers, wildlife refuges and management areas and sanctuaries;

(vi) Prime agricultural lands, designated by the Department of Agriculture; or

(vii) Sites which are subject to use by American Indians and other Native

Americans for religious purposes.

(26) *Emergency* means a sudden unanticipated loss of gas supply or capacity that requires an immediate restoration of interrupted service for protection of life or health or for maintenance of physical property.

5. Add § 153.103 to read as follows:

§ 153.103 Blanket authorization.

(a) *Effect.* A blanket authorization issued pursuant to this subpart permits the blanket authorization holder, in accordance with the provisions of this subpart, to engage in any of the activities specified in § 153.108 and § 153.109 (as may be amended from time to time).

(b) *Automatic authorization.* A blanket authorization issued pursuant to this subpart permits the blanket authorization holder to engage in activities described in § 153.108(c) and § 153.109(c) without further Commission approval.

(c) *Prior notice required.* A blanket authorization issued pursuant to this subpart permits the blanket authorization holder to engage in activities described in § 153.108(d) and § 153.109(d), if the requirements of § 153.105 have been fulfilled.

(d) *Landowner and local municipality notification.*

(1) Except as identified in paragraph (d)(3) of this section, no activity described in paragraph (b) of this section is authorized unless the blanket authorization holder notifies all affected landowners, as defined in § 157.6(d)(2), and each local municipality (i.e., the city, town, or similar local political subdivision) in which the blanket activity would occur by certified or first class mail at least 45 days prior to commencing construction or

at the time it initiates easement negotiations, whichever is earlier. A landowner or local municipality may waive the 45-day prior notice requirement in writing as long as the notice has been provided. For activity required to restore service in an emergency, the 45-day prior notice period is satisfied in the event a company obtains all necessary easements. The notification shall include at least:

(i) A brief description of the facilities and/or components to be constructed, modified, or replaced;

(ii) The name and phone number of a company representative who is knowledgeable about the project; and

(iii) For landowners, a brief description of the effect the construction activity will have on the landowner's property and a description of the company's environmental complaint resolution procedure that must:

(A) Provide landowners with clear and simple directions for identifying and resolving their environmental mitigation problems and concerns during construction of the project and restoration of the right-of way;

(B) Provide a local or toll-free phone number and the name of a specific person to be contacted by landowners and with responsibility for responding to landowner problems and concerns, and who will indicate when a landowner should expect a response;

(C) Instruct landowners that if they are not satisfied with the response, they may call the company's Hotline; and

(D) Instruct landowners that, if they are still not satisfied with the response, they may contact the Commission's Landowner Helpline at the current telephone number and email address, which is to be provided in the notification.

(2) For activities described in paragraph (c) of this section, the company shall notify in writing all affected landowners, as defined in § 157.6(d)(2), and each local municipality (i.e., the city, town, or similar local political subdivision) in which the blanket activity would occur by certified or first class mail within at least three business days following the date that a docket number is assigned to the request and at the time it initiates easement negotiations. The notice should include at least:

(i) A brief description of the company and the proposed project, including the facilities and/or components to be constructed, modified, or replaced and the location (including a general location map), the purpose, and the timing of the project;

(ii) For landowners, a brief description of the effect the construction activity will have on the landowner's property and a general description of what the company will need from the landowner if the project is approved, and how the landowner may contact the company, including a local or toll-free phone number and the name of a specific person to contact who is knowledgeable about the project;

(iii) The docket number (if assigned) for the request;

(iv) A general description of the blanket authorization program and

procedures, as posted on the Commission's Web site at the time the notification is prepared, and the link to the information on the Commission's Web site;

(v) A brief summary of the rights the landowner or local municipality has in Commission proceedings;

(vi) The following paragraph: This project is being proposed under the prior notice requirements of the blanket authorization program administered by the Federal Energy Regulatory Commission. Under the Commission's regulations, you have the right to protest this project within the timeframe required under 18 CFR 153.105(d) in the Commission's notice of the company's filing. If you file a protest, you should include the docket number listed in this letter and provide the specific reasons for your protest. The protest should be filed with the Secretary of the Federal Energy Regulatory Commission. A copy of the protest should be provided to the company. If you have any questions concerning these procedures you can call the Commission's Office of External Affairs at (202) 208-1088; and

(vii) The description of the company's environmental complaint resolution procedure as described in paragraph (d)(1)(iii) of this section.

(3) *Exceptions.*

(i) No landowner or local municipality notice is required for replacements made to comply with federal regulations, or for safety, environmental, or unplanned maintenance reasons that are not foreseen and that require immediate attention by the blanket authorization holder.

(ii) No landowner or local municipality notice is required for activities that

do not involve ground disturbance, increases to operational air and noise emissions, or increases to public safety risks.

(4) If paragraphs (d)(1) or (d)(2) of this section require a blanket authorization holder to reveal Critical Energy Infrastructure Information (CEII), as defined by § 388.113(c) of this chapter, to any person, the blanket authorization holder shall follow the procedures set out in § 157.10(d).

6. Add § 153.104 to read as follows:

§ 153.104 Application procedure.

(a) *Who may apply*. Any LNG terminal authorization holder that has a Commission-approved Emergency Response Plan that includes a cost-sharing plan pursuant to section 3(A) of the Natural Gas Act, any LNG plant certificate holder, or any applicant requesting authorization to construct or operate an LNG plant, may apply for a blanket authorization under this subpart in the manner prescribed in §§ 157.6(a) and 385.2011 of this chapter.

(b) *Hearing procedure.* Upon receiving an application for a blanket authorization under this subpart, the Commission will conduct a hearing pursuant to section 3 or section 7 of the Natural Gas Act and § 157.11 of this chapter.

(c) *Issuance.*

(1) For applicants which hold an LNG terminal authorization, the Commission will issue a blanket authorization to the applicant if doing so will not be inconsistent with the public interest.

(2) For applicants which hold an LNG plant certificate, the Commission will issue

a blanket authorization to the applicant if doing so is required by the present or future public convenience and necessity.

(d) *Application contents.* Applications for blanket authorizations shall contain:

(1) Information indicating the exact legal name of the applicant; its principal place of business; whether the applicant is an individual, partnership, corporation or otherwise; citation to the proceeding(s) in which the applicant was granted a section 3 authorization or section 7 certificate; the state under the laws of which the applicant is organized or authorized to do business; and the name, title, and mailing address and telephone number of the person or persons to whom communications concerning the application are to be addressed; and

(2) A statement that the applicant will comply with the terms, conditions and procedures specified in this subpart.

7. Add § 153.105 to read as follows:

§ 153.105 Notice procedure.

(a) *Applicability.* No activity described in § 153.108(d) or § 153.109(d), except for activity required to restore service in an emergency, is authorized by a blanket authorization granted under this subpart, unless, prior to undertaking such activity:

(1) The notice requirements have been fulfilled in accordance with the provisions of this section; and

(2) Either

(i) no protest has been filed pursuant to paragraph (e) of this section or,

(ii) if a protest has been filed, it has been withdrawn or dismissed pursuant

to paragraph (g) of this section.

(b) *Contents.* For any activity subject to the requirements of this section, the blanket authorization holder must file with the Secretary of the Commission, as prescribed in §§ 157.6(a) and 385.2011 of this chapter, a request for authorization under the notice procedures of this section that contains:

(1) The exact legal name of the blanket authorization holder and mailing address and telephone number of the person or persons to whom communications concerning the request are to be addressed;

(2) The docket number in which its blanket authorization was issued;

(3) Any information required in §§ 153.108 and 153.109 of this chapter for the particular activity;

(4) A verified statement that the proposed activity complies with the requirements of this subpart;

(5) Identities and docket numbers of other applications related to the activity. All related filings must be made within 10 days of the first filing. Otherwise the requests on file will be rejected under paragraph (c) of this section without prejudice to refiling when all parties are ready to proceed.

(c) *Rejection of request.* The Director of the Office of Energy Projects shall reject within 10 days of the date of filing a request which patently fails to comply with the provisions of paragraph (b) of this section, without prejudice to the blanket authorization holder's refiling a complete request.

(d) *Publication of notice of request.* Unless the request has been rejected pursuant to

paragraph (c) of this section, the Secretary of the Commission shall issue a notice of the request within 10 days of the date of the filing, which will then be published in the Federal Register. The notice shall designate a deadline for filing protests, or interventions to the request. The deadline shall be 60 days after the date of issuance of the notice of the request for activities described by § 153.108(d)(1) and § 153.109(d), and 90 days after the date of issuance of the notice of the request for activities described by § 153.108(d)(2).

(e) *Protests.*

(1) Any person or the Commission's staff may file a protest prior to the deadline. Copies of the protest must be served on the Secretary of the Commission and the blanket authorization holder.

(2) Protests shall be filed in the following form:

United States of America Before the Federal Energy Regulatory Commission

[Name of company holding the blanket authorization] Docket No. [Include both docket no. of the blanket authorization and the prior notice activity]

Protest to Proposed Blanket Authorization Activity

(Name of Protestor) hereby protests the request filed by (Name of blanket authorization holder) to conduct a (construction of facilities, abandonment, etc.) under § 153.____ of the Commission's regulations. Protestor seeks to have this request processed as a separate application.

(Include a detailed statement of Protestor's interest in the activity and the specific reasons and rationale for the objection and whether the protestor seeks to be an intervenor.)

(f) *Effect of protest.* If a protest is filed in accordance with paragraph (e) of this section, then the blanket authorization holder, the person who filed the protest, any intervenors, and staff may resolve the protest and file a withdrawal of the protest pursuant to paragraph (g) of this section prior to the issuance of a Commission order that would have otherwise been required in the absence of such withdrawal. Informal settlement conferences may be convened by the Director of the Office of Energy Projects or his designee. If a protest is not withdrawn or dismissed pursuant to paragraph (g) of this section, the activity shall not be deemed authorized by the blanket authorization. Instead, the request filed by the blanket authorization holder shall be treated as an application for section 3 or section 7 authorization for the particular activity. The Federal Register notice of the request shall be deemed to be notice of the section 3 or section 7 application sufficient to fulfill the notice requirement of §§ 157.9 and 157.10.

(g) *Withdrawal or dismissal of protests.* The protestor may withdraw a protest prior to a Commission order that would have otherwise been required in the absence of such withdrawal by submitting written notice of withdrawal to the Secretary of the Commission and serving a copy on the blanket authorization holder, any intervenors and any other party requesting service. The withdrawal must state that the blanket authorization holder and the protestor concur in the withdrawal. Within 10 days of the filing of a protest, the Director of the Office of Energy Projects will dismiss that protest if it does not raise a substantive issue and fails to provide any specific detailed reason or

rationale for the objection. If a protest is dismissed, the notice requirements of this section will not be fulfilled until the earlier of: (1) a 30 day period following the deadline determined in paragraph (d) of this section has run; or (2) the dismissed protesting party notifying the Secretary of the Commission that its concerns have been resolved.

(h) *Final authorization.*

(1) If no protest is filed within the time allowed by the Secretary, the blanket authorization holder is authorized to conduct the activity under its blanket authorization, effective on the day after time expires for filing protests and interventions unless, during that time, the blanket authorization holder withdraws its request in accordance with § 385.216 of this chapter.

(2) If any protest is filed within the time allowed for protest and interventions and is subsequently withdrawn under paragraph (g) of this section, the blanket authorization holder is authorized to conduct the activity under its blanket authorization, effective upon the day after the withdrawal of all protests, unless the blanket authorization holder withdraws its request in accordance with § 385.216 of this chapter prior to that date.

8. Add § 153.106 to read as follows:

§ 153.106 Standard conditions.

Any activity authorized under a blanket authorization issued under this subpart is subject to the following conditions:

(a) *Revisions.*

(1) The Commission reserves the right to amend the requirements of this subpart from time to time.

(2) The blanket authorization is not transferable in any manner and shall be effective only so long as the blanket authorization holder continues the activities authorized by the order issuing such authorization and does so in accordance with the provisions of the Natural Gas Act, as well as applicable rules, regulations, and orders of the Commission.

(b) *Environmental compliance.* This paragraph only applies to activities that involve ground disturbance or increases in operational air emissions, operational noise emissions, or public safety risks.

(1) The blanket authorization holder shall adopt the requirements set forth in § 380.15(a) and (b) of this chapter for all activities authorized by the blanket authorization and shall issue the relevant portions thereof to construction personnel, with instructions to use them.

(2) All activities shall be consistent with all applicable law including the provisions of the following statutes and regulations or compliance plans developed to implement these statutes:

(i) Clean Water Act, as amended (33 U.S.C. 1251 *et seq.*) and the National Pollution Discharge Elimination System Program, 40 CFR part 122 *et seq.;*

(ii) Clean Air Act, as amended (42 U.S.C. 1801 *et seq.*) and air quality regulations and state implementation plans adopted pursuant to 40 CFR parts 50-99;

(iii) National Historic Preservation Act of 1966 (16 U.S.C. 470 *et seq.*);

(iv) Archeological and Historic Preservation Act of 1974 (Pub. L. 93-291);

(v) Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1451 *et seq.*);

(vi) Endangered Species Act of 1973, Pub. L. 93-205, as amended (16 U.S.C. 1531 *et seq.*);

(vii) Executive Order 11988, May 24, 1977 requiring Federal agencies to evaluate the potential effects of any actions it may take on a floodplain;

(viii) Executive Order 11990, May 24, 1977 requiring an evaluation of the potential effects of construction on wetland;

(ix) Wild and Scenic Rivers Act (16 U.S.C. 1274 *et seq.*);

(x) National Wilderness Act (16 U.S.C. 1133 *et seq.*);

(xi) National Parks and Recreation Act of 1978 (16 U.S.C. 1 and 230 *et seq.*);

(xii) Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*);

(xiii) Rivers and Harbors Act (33 U.S.C. 400 *et seq.*);

(xiv) Migratory Bird Treaty Act (16 U.S.C. 703 *et seq.*);

(xv) Fish and Wildlife Coordination Act (16 U.S.C. 661 *et seq.*);

(xvi) Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*);

(xvii) Marine Protection, Research, and Sanctuaries Act (33 U.S.C. 1401 *et seq.*);

(xviii) Marine Mammal Protection Act (16 U.S.C. 1361 *et seq.*);

(xix) Farmland Protection Policy Act (7 U.S.C. 4201 *et seq.*);

(xx) Pipeline Safety Act (49 U.S.C. 60101 *et seq.*);

(xxi) Ports and Waterways Safety Act (33 U.S.C. 1221 *et seq.*);

(xxii) Marine Transportation Security Act (46 U.S.C. 2101 note and 70101 *et seq.*);

(xxiii) Coast Guard Authorization Act of 2010 (Pub. L. No. 111-281, 124 Stat. 2905 (Oct. 15, 2010)).

(3) The blanket authorization holder shall be deemed in compliance with:

(i) Paragraph (b)(2)(iii) of this section only if it adheres to the procedures in appendix II of part 157 subpart F of this chapter in which case the Commission finds that there is no effect on any property protected by 16 U.S.C. 470f;

(ii) Paragraph (b)(2)(vi) of this section only if it adheres to the procedures in appendix I of part 157 subpart F of this chapter in which case the Commission finds that endangered species and their critical habitat are protected in accordance with 16 U.S.C. 1536;

(iii) Paragraph (b)(2)(v) of this section only if the appropriate state agency designated to administer the state's coastal zone management plan, prior to construction of the project, waives its right of review or determines that the project complies with the state's coastal zone management plan;

(iv) Paragraphs (b)(2)(i) and (viii) of this section only if it adheres to Commission staff's current "Upland Erosion Control, Revegetation and Maintenance Plan" and "Wetland and Waterbody Construction and Mitigation Procedures" which are available on the Commission Internet home page or from

the Commission staff, or gets written approval from the staff or the appropriate Federal or state agency for the use of project-specific alternatives to clearly identified portions of those documents.

(4) Any activity authorized under a blanket authorization shall not have a significant adverse effect on a sensitive environmental area.

(5) Any activity authorized under a blanket authorization that increases operational noise emissions shall not have a significant adverse effect on noise sensitive areas, as follows:

(i) The noise attributable to any new meter station, compressor station, LNG terminal, or LNG plant, or any modification, upgrade, or update thereto, such as from new or modified fired or rotating equipment, must not exceed a day-night noise level (L_{dn}) of 55 dBA at any pre-existing noise-sensitive area (such as schools, hospitals, or residences).

(ii) Fired and rotating equipment and other noise-emitting components installed at a meter station, compressor station, LNG terminal, or LNG plant under this section must be designed to meet the following noise emissions criteria. For each project, the blanket authorization holder must file a full load noise survey with the Secretary within 60 days of placing the equipment in service. If a full load condition noise survey is not possible, the blanket authorization holder must provide an interim survey at the maximum possible load and provide the full load survey within 6 months.

(A) If noise emitted from the existing LNG terminal, LNG plant,

meter station, or compressor station at full load exceeds an L_{dn} of 55 dBA at any noise-sensitive area (NSA), or if an addition or modification to an existing LNG terminal, LNG plant, meter station, or compressor station operating at full load at or below an L_{dn} of 55 dBA at NSAs causes overall noise attributable to the facility to exceed an L_{dn} of 55 dBA at an NSA, the blanket authorization holder must come into compliance with an L_{dn} of 55 dBA at NSAs within 1 year of placing the new, replaced, or modified components in service.

(B) If an addition or modification to an existing LNG terminal, LNG plant, meter station, or compressor station operating at full load above an L_{dn} of 55 dBA at NSAs causes overall noise attributable to the terminal, plant, or station to increase at an NSA, the blanket authorization holder must act within 1 year of placing the added or modified facility in service to reduce noise at NSAs to the level that existed prior to the addition or modification.

(C) If the initial noise survey demonstrates a need to take action to mitigate noise, within 60 days of completing such action, the blanket authorization holder must file a subsequent noise survey with the Secretary demonstrating that each new fired and rotating equipment or other noise-emitting components at the modified meter station, compressor station, LNG terminal, or LNG plant complies with the noise level limits.

(6) Any horizontal directional drilling, pile driving, or drilling of wells which will

occur between 10 p.m. and 7 a.m. local time must be conducted with the goal of keeping the perceived noise from the activity at any pre-existing noise-sensitive area (NSA) (such as schools, hospitals, or residences) at or below a day-night level (L_{dn}) of 55 dBA.

(7) Any activity otherwise subject to authorization under § 153.109 shall not be authorized if the activity is located within 0.5 miles of a nuclear power plant which is either operating or under construction, or for which a construction permit has been filed with the Nuclear Regulatory Commission.

(8) The blanket authorization holder shall act as the Commission's non-Federal representative upon acceptance of the blanket authorization for purposes of complying with the Endangered Species Act of 1973.

(9) The blanket authorization holder shall act as the Commission's non-Federal representative upon acceptance of the blanket authorization for purposes of complying with the National Historic Preservation Act of 1966.

(c) *Engineering compliance.*

(1) *Facility Inspections.* Throughout the life of the replacements, modifications, and new components, systems, and facilities authorized under this subpart, the blanket authorization holder and its components, systems, and facilities shall be subject to regular Commission staff technical reviews and site inspections on at least an annual basis for LNG terminals and biennial basis for LNG plants in interstate service, or more frequently as circumstances indicate. Prior to each Commission staff technical review and site inspection, the blanket authorization holder shall respond to any specific data requests, including information relating to possible design and operating conditions that may have

been imposed by other agencies or organizations. Up-to-date, detailed piping and instrumentation diagrams reflecting replacements, modifications, and new components, systems, and facilities and other pertinent information not included in the semi-annual reports described below, including events that have taken place since the previously submitted semi-annual report, shall be submitted as specified in data requests.

(2) *Semi-Annual Report.* Throughout the life of the replacements, modifications and new components, systems, and facilities authorized under this subpart, the blanket authorization holder shall file semi-annual operational reports with the Secretary to identify changes in design and operating conditions; abnormal operating experiences; applicable activities (e.g., ship arrivals, quantity and composition of imported and exported LNG, liquefied and vaporized quantities, trucking quantities, boil off/flash gas quantities); and plant modifications, including future plans and progress thereof. Abnormalities shall include, but shall not be limited to, the following, as applicable:

(i) unloading/loading/shipping problems;

(ii) potential hazardous conditions from offsite vessels, transportation activities (e.g., road, rail, air), or facilities adjacent to the plant site;

(iii) storage container stratification or rollover;

(iv) geysering;

(v) higher than predicted boil-off rates in storage containers;

(vi) storage container pressure excursions (high or low);

(vii) negative pressure (vacuum) within a storage container;

(viii) relative movement of storage container inner vessels;

(ix) cold spots on the storage containers;

(x) storage container vibrations and/or vibrations in associated cryogenic piping;

(xi) storage container settlement;

(xii) pipe movement including spring hanger position indicator(s) outside of normal range;

(xiii) significant equipment or instrumentation malfunctions or failures;

(xiv) non-scheduled maintenance or repair (and reasons therefor);

(xv) leaking or inoperative isolation valves;

(xvi) hazardous fluid releases;

(xvii) fires involving hazardous fluids and/or from other sources; and,

(xiii) adverse weather conditions and the effect on the plant and facilities.

(3) Semi-annual operational reports shall be submitted within 45 days after each period ending June 30 and December 31. In addition to the above items, a section entitled “Significant Plant Modifications Proposed for the Next 12 Months” shall be included in the semi-annual operational reports.

(4) Throughout the life of the replacements, modifications and new components, systems, and facilities authorized under this subpart, the blanket authorization holder shall notify Commission staff within 24 hours in the event the temperature of any region of an LNG storage container, including any secondary containment and embedded pipe supports, becomes less than the minimum specified operating temperature for the material, and specify procedures for corrective action.

(5) Throughout the life of the replacements, modifications, and new components, systems, and facilities authorized under this subpart, the blanket authorization holder shall report to Commission staff significant non-scheduled events, including safety-related incidents (e.g., LNG, condensate, refrigerant, or natural gas releases; fires; explosions; mechanical failures; unusual over-pressurization; and major injuries) and security-related incidents (e.g., unauthorized attempts to enter site, suspicious activities). If an abnormality is of sufficient magnitude to threaten public or employee safety, cause significant property damage, or interrupt service, notification shall be made immediately, without unduly interfering with any necessary or appropriate emergency repair, alarm, or other emergency procedure. In all instances, notification shall be made to Commission staff within 24 hours. This notification practice shall be incorporated into the LNG plant's Emergency Response Plan.

(6) In the event of an incident, the Director of the Office of Energy Projects has delegated authority to take whatever steps are necessary to ensure operational reliability and to protect human life, health, property, or the environment, including authority to direct the LNG facility to cease operations. Following the initial company notification, Commission staff will determine the need for a separate follow-up report or follow-up discussion in the upcoming semi-annual operational report. All company follow-up reports shall include investigation results and recommendations to minimize a reoccurrence of the incident.

(d) *Commencement.* Any authorized construction shall be completed and made available for service by the blanket authorization holder and any authorized operation, or service,

shall be available within five years of the date the activity is authorized pursuant to § 153.105(h). The authorization holder may apply to the Director of the Office of Energy Projects for an extension of this deadline.

(e) *Reports.* The authorization holder shall file reports as required by this subpart.

9. Add § 153.107 to read as follows:

§ 153.107 General reporting requirements.

(a) Throughout the modification, construction, and operational life of each new, replaced, or modified LNG facility, auxiliary system, or components thereof authorized by § 153.108(c) and § 153.109(c), the blanket authorization holder shall file in the semi-annual operational report described in § 153.106(c)(2), or earlier if upon request as part of a planned modification, construction, or operational technical review and inspection. The report must include:

(1) a general description and justification of the replacements, modifications, or new components, systems, or facilities and an explanation of how that modification provides an equal or greater level of environmental protection than the original components, systems, or facilities;

(2) revised or new Process Flow Diagrams, Utility Flow Diagrams, and Heat and Material Balances for any replaced, modified, or new components, systems, or facilities that change or create new process or utility flows, pressures, temperatures, compositions, or other conditions;

(3) revised or new plot plans and unit plot plans that depict the location of any modified or new components, systems, and facilities;

(4) revised or new piping and instrumentation diagrams that depict the integration of any modified or new components, systems, and facilities;

(5) the beginning and completion date of construction of the facilities installed and the date service commenced;

(6) a description of the contacts made, reports produced, and results of consultations which took place to ensure compliance with the Endangered Species Act, the National Historic Preservation Act, and the Coastal Zone Management Act;

(7) a list of all permits or approvals from local, state, Federal, or Native American groups or Indian agencies required prior to and during construction, and the status of each, including the date filed, the date issued, and any known obstacles to approval in accordance with 18 CFR 380.12(o)(13);

(8) a list of all federal, state, and local regulations and requirements that apply to the siting, design, construction, testing, monitoring, operation, and maintenance of the proposed project and an explanation of how the proposed project will comply with the applicable Federal regulations, including codes and standards incorporated by reference into Federal regulations in accordance with 18 CFR 380.12(o)(14);

(9) a list of all codes and standards under which the plant (and marine terminal, if applicable) will be sited, designed, constructed, tested, monitored, operated, and maintained, and any special considerations or safety provisions that were applied to the design of plant components in accordance with 18 CFR 380.12(o)(12);

(10) for activities located at LNG terminals, a letter of concurrence from the Department of War that the proposed activity will have minimal impact on military

installations, operations, or training pursuant to the Natural Gas Act;

(11) documentation, including images, that restoration of work areas is progressing appropriately;

(12) a discussion of problems or unusual construction issues, including those identified by affected landowners, and corrective actions taken or planned; and

(13) if applicable, a noise survey verifying compliance with § 157.106(b)(5).

(b) Information filed in paragraphs (a)(2) through (4) meet the definition of CEII, as defined by § 388.113(c) of this chapter, and shall be filed in accordance with § 388.113.

(c) If any of the information provided in paragraphs (a)(1) or (a)(5) through (13) is filed as CEII, as defined by § 388.113(c) of this chapter, or as privileged, pursuant to § 388.112 of this chapter, the blanket authorization holder shall file a public summary of all changes undertaken pursuant to blanket authorization.

10. Add § 153.108 to read as follows:

§ 153.108 LNG facilities, auxiliary systems, and associated components at LNG terminals and LNG plants.

(a) This section applies only to the construction, operation, replacement, and miscellaneous rearrangement of LNG facilities, auxiliary systems, and associated components for blanket authorization holders who operate LNG terminals authorized pursuant to section 3 of the Natural Gas Act or LNG plants certificated pursuant to section 7 of the Natural Gas Act.

(b) This section does not apply to the construction, operation, replacement, and miscellaneous rearrangement of pipeline facilities for blanket authorization holders who

operate LNG terminals authorized pursuant to section 3 of the Natural Gas Act governed by § 153.109 or pipeline facilities pursuant to section 7 of the Natural Gas Act governed by 18 CFR part 157.

(c) *Automatic authorization.*

(1) *Abandonment.* Blanket authorization holders may abandon the following LNG facilities, auxiliary systems, and associated components that do not impact existing customers under contract and do not adversely affect the continued safety, reliability, or environmental protection of the remaining LNG facilities, auxiliary systems, or associated components:

(i) LNG facilities, auxiliary systems, or associated components that are degraded, obsolete, or soon to be obsolete;

(ii) LNG facilities, auxiliary systems, or associated components that are approaching, have reached, or have exceeded their design and service life;

(iii) LNG facilities, auxiliary systems, or associated components that may be unsafe to continue to operate; and

(iv) LNG facilities, auxiliary systems, or associated components that no longer offer services under contract.

(2) *Installation, construction, modification, or replacement.* Blanket authorization holders may install, construct, modify, or replace (in-kind or upgraded) components within existing LNG facilities and auxiliary systems provided that the new facilities will be:

(i) located within the footprint and the same vertical and horizontal extents

of the existing facilities previously evaluated and authorized at the LNG terminal or plant by the Commission, or those previously reviewed and approved at the LNG terminal or plant by Commission staff as part of final design modifications;

(ii) spaced to allow for safe maintenance, access, and egress, and not increase confinement and congestion levels beyond those previously evaluated and authorized at the LNG terminal or plant by the Commission, or those previously reviewed and approved at the LNG terminal or plant by Commission staff as part of final design modifications; and

(iii) designed using components of the same (in-kind or upgraded) type as those that have been previously evaluated and authorized at the LNG terminal or plant by the Commission, or as those previously reviewed and approved at the LNG terminal or plant by Commission staff as part of final design modifications.

(3) *Limitations.* The activities authorized by this paragraph must not:

(i) result in an increase (or be associated with an increase) of the authorized capacity of an LNG terminal or plant;

(ii) result in an increase in frequency or size of LNG marine vessels at the LNG terminal beyond that previously evaluated in a U.S. Coast Guard Letter of Recommendation and considered by the Commission;

(iii) result in significant modification to LNG facilities beyond what was previously evaluated by the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration and considered by the Commission;

(iv) extend outside the vertical or horizontal extents of the LNG terminal or

plant that were previously evaluated for visual impacts and authorized by the Commission, previously used to notify U.S. Department of Transportation Federal Aviation Administration under 14 C.F.R. Part 77, and previously evaluated as a basis for Department of War concurrence under the Natural Gas Act;

(v) result in flows, levels, volumes, pressures, temperatures, compositions, or loads outside any of the design limits of the new, replaced or modified LNG facilities, auxiliary systems, and components and the authorized design limits for the remaining LNG facilities, auxiliary systems, and components;

(vi) locate the LNG facilities and auxiliary systems closer to nuclear power reactor facilities, which are either operating or under construction, or for which a construction permit has been filed with the Nuclear Regulatory Commission, than the distance previously evaluated and considered by the Commission;

(d) *Prior notice.* Subject to the requirements of § 153.105 and appendix I of this subpart, blanket authorization holders are authorized to:

(1) install, construct, modify, or replace (in-kind or upgraded) components within existing LNG facilities and auxiliary systems provided that:

(i) the new components or auxiliary systems will:

(A) be within the existing footprint;

(B) be spaced to allow for safe maintenance, access, and egress, and not increase confinement and congestion levels beyond those previously evaluated and authorized at the LNG terminal or plant by the Commission or those previously reviewed and approved at the LNG terminal or plant by

Commission staff as part of final design modifications; and

(C) not have a significant adverse impact to reliability or risks to public safety of the LNG terminal or plant beyond those previously evaluated and authorized by the by the Commission or those previously reviewed and approved at the LNG terminal or plant by Commission staff as part of final design modifications; and

(ii) any change in flows, levels, volumes, pressures, temperatures, compositions, or loads will be within the design limits of the new, replaced and modified LNG facilities, auxiliary systems, and components and will be within the authorized design limits of the remaining LNG facilities, auxiliary systems, and components.

(2) expand an authorized LNG terminal or plant by constructing new LNG facilities, auxiliary systems, and components provided that the new facilities, systems, and components will:

(i) be located within the authorized footprint of the LNG terminal or plant or adjacent to the footprint of the LNG terminal or plant and permanently occupy no more than 25 additional acres;

(ii) be located on previously disturbed or developed land or waterways;

(iii) be located within industrial zoned areas or areas without zoning;

(iv) be designed using the same (in-kind or upgraded) LNG facilities and auxiliary systems as those previously evaluated and authorized at the LNG terminal or plant; and

(v) be located in accordance with the following criteria regarding distances from nuclear power reactor facilities that are operating or under construction, or for which a construction permit has been filed with the Nuclear Regulatory Commission:

(A) new or modified LNG containers with LNG storage capacities of 10,000,000 gallons (38,000 cubic meters) or more must be 5 miles or more from nuclear power reactor facilities;

(B) new or modified LNG containers with LNG storage capacities of less than 10,000,000 gallons (38,000 cubic meters) but more than 3,000,000 gallons (11,400 cubic meters) must be 3 miles or more from nuclear power reactor facilities; and

(C) all other new or modified LNG containers, LNG facilities, auxiliary systems, and associated components must be 2 miles or more from nuclear power reactor facilities.

(e) *Contents of request.* In addition to the requirements of § 153.105(b), requests filed for activities described under paragraph (d) of this section shall contain:

(1) A detailed description of the facilities and a description of the purpose of the proposed facilities including their relationship to other existing or planned facilities;

(2)

(i) For activities proposed at LNG terminals authorized under section 3 of the Natural Gas Act, a statement explaining how the proposed project is not inconsistent with the public interest; or

(ii) for activities proposed at LNG plants authorized under section 7 of the Natural Gas Act, a statement explaining how the public convenience and necessity requires approval of the project including a description of the proposed project's purpose and beneficiaries;

(3) Process Flow Diagrams, Utility Flow Diagrams, and Heat and Material Balances for any replaced, modified, or new components, systems, or facilities that change or create new process or utility flows, pressures, temperatures, compositions, or other conditions in accordance with 18 CFR 380.12(o)(10);

(4) A concise analysis discussing the relevant issues outlined in § 380.12(a)-(n) of this chapter. The analysis must identify the existing environmental conditions and the expected significant impacts that the proposed action, including proposed mitigation measures, will cause to the quality of the human environment, including impacts expected to occur to sensitive environmental areas. The analysis must also include the information described in § 380.12(k) and describe how the proposed action will be made to comply with applicable State Implementation Plans developed under the Clean Air Act, if applicable. The analysis must also include a description of the contacts made, reports produced, and results of consultations which took place to ensure compliance with the Endangered Species Act, National Historic Preservation Act and the Coastal Zone Management Act. Include a copy of the agreements received for compliance with the Endangered Species Act, National Historic Preservation Act, and Coastal Zone Management Act, or if no written concurrence is issued, a description of how the agency relayed its opinion to the company. Describe how drilling for wells and horizontal

direction drilling would be designed to meet the goal of limiting the perceived noise at NSAs to an L_{dn} of 55 dBA or what mitigation would be offered to landowners;

(5) For requests filed pursuant to section (d)(2), a description of any zoning for the site of the proposed new facilities;

(6) A commitment to having the Environmental Inspector's report filed every week;

(7) A list of all permits or approvals from local, state, Federal, or Native American groups or Indian agencies required prior to and during construction, and the status of each, including the date filed, the date issued, and any known obstacles to approval in accordance with 18 CFR 380.12(o)(13);

(8) A list of all federal, state, and local regulations and requirements that apply to the siting, design, construction, testing, monitoring, operation, and maintenance of the proposed project and an explanation of how the proposed project will comply with the applicable Federal regulations, including codes and standards incorporated by reference into Federal regulations in accordance with 18 CFR 380.12(o)(14);

(9) A list of all codes and standards under which the plant (and marine terminal, if applicable) will be sited, designed, constructed, tested, monitored, operated, and maintained, and any special considerations or safety provisions that were applied to the design of plant components in accordance with 18 CFR 380.12(o)(12);

(10) For LNG facilities under the jurisdiction of the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA), a letter stating that the proposed activity complies with the federal siting requirements or

that such compliance is not required;

(11) For activities located at LNG terminals, evidence that the blanket authorization holder has submitted a new or updated Letter of Intent and Waterway Suitability Assessment, and received a Letter of Recommendation from the U.S. Coast Guard that the waterway is suitable for any increase in LNG marine vessel traffic frequency or size associated with the proposed activity or a determination that a new or updated Letter of Intent, Waterway Suitability Assessment, or Letter of Recommendation is not required;

(12) For activities that exceed the height requirements in 14 CFR 77, an aeronautical study from the U.S. Department of Transportation's Federal Aviation Administration (FAA) concluding that there is no presumed hazard for the proposed activity and construction thereof. Alternatively, if a determination of no presumed hazard cannot be supplied at the time of filing the prior notice request, the blanket authorization holder shall provide evidence that FAA has been provided with notification in accordance with 14 CFR 77 and informed that it may protest the request within the timeframes described in § 153.105;

(13) For activities located at LNG terminals, a letter of concurrence from the Department of War that the proposed activity will have minimal impact on military installations, operations, or training pursuant to the Natural Gas Act;

(14) For activities located at LNG terminals, any safety advisory report from the state agency designated by the Governor indicating the proposed activity does not involve any state or local or safety concerns. Alternatively, if a safety advisory report cannot be

supplied at the time of filing the prior notice request, the blanket authorization holder shall provide evidence that the state agency designated by the Governor has been provided with notification and that the blanket authorization holder has notified the state agency that it has 30 days to issue a safety report or may protest within the timeframes described in § 153.105;

(15) For activities located at LNG terminals, letters from all relevant state and local emergency response organizations and emergency responders responsible for offsite emergency response in proximity to the LNG terminal or LNG marine vessel transit that confirm either no changes in Emergency Response Plans, including cost sharing plans, are needed or that any changes in Emergency Response Plans, including cost sharing plans, were developed in consultation with them for the proposed activity. Alternatively, if such letters cannot be supplied at the time of filing the prior notice request, the blanket authorization holder shall supply evidence that the emergency response organizations and emergency responders responsible for offsite emergency response in proximity to the LNG terminal or LNG marine vessel transit, have been notified that they may protest within the timeframes described in § 153.105;

(16) A preliminary schedule for when the following engineering information would be filed with the Commission, demonstrating that the proposed activity continues to meet or exceed federal regulations and meet or exceed codes and standards identified in the underlying authorizations for the LNG terminal or plant or approved equivalents. The preliminary schedule should include filing with the Commission all applicable revised or new final engineering information listed below prior to issuance for

construction, quality management plans prior to construction, pre-commissioning plans and results prior to commissioning, commissioning plans and procedures prior to commissioning, commissioning test results prior to introduction of hazardous fluids, and performance test plans and results and operating and maintenance plans and procedures prior to commencement of service. The engineering information to be filed, as applicable, must include:

(i) geotechnical investigations and studies;

(ii) natural hazard investigations and studies;

(iii) structural basis of design, drawings, specifications, analyses and calculations;

(iv) internal road vehicle protection (e.g., guard rails, barriers, and bollards) basis of design, drawings, specifications, analyses, and calculations;

(v) security enclosure(s), vehicle barriers, and access controls basis of design, drawings, specifications, analyses, and calculations;

(vi) security monitoring and intrusion detection basis of design, drawings, specifications, analyses, and calculations;

(vii) lighting basis of design, drawings, specifications, analyses, and surveys;

(viii) process flow diagrams and heat and material balances;

(ix) plot plan, unit plot plan, and elevation drawings, or three-dimensional drawings;

(x) piping and instrumentation diagrams;

(xi) car seal and lock philosophies, car seal and lock programs, and lists of car-sealed and locked valves;

(xii) process hazard analysis, including any hazard identification studies, hazard and operability review, layer of protection analyses, and safety integrity level calculations and verification studies;

(xiii) cause-and-effect matrices for process instrumentation, fire and gas detection system, or emergency shutdown system with alarms and shutdown functions, details of the voting and shutdown logic, set points, and test documentation;

(xiv) piping, flange, fitting, valve, and insulation drawings, isometrics, specifications, stress analyses, dynamic pressure surge analyses, acoustical and harmonic vibration analyses, other analyses and calculations, and test documentation;

(xv) process vessel drawings, specifications, stress analyses, calculations, and test documentation;

(xvi) rotating equipment drawings, specifications, stress analyses, dynamic pressure surge analyses, acoustical and harmonic vibration analyses, other analyses and calculations, and test documentation;

(xvii) storage container system drawings, specifications, analyses, calculations, and settlement surveys, and test documentation;

(xviii) fired equipment drawings, specifications, analyses, and calculations, and test documentation;

(xix) electrical single line diagrams, schematics, layout plans, electrical area classification drawings, specifications, datasheets, studies, analyses, calculations, and test documentation;

(xx) instrumentation and control drawings, loop diagrams, specifications, instrumentation lists, safe operating limits (upper and lower), control set points, alarm setpoints, data sheets, analyses, calculations, factory assessment test, site acceptance test, site integration test, and other test documentation;

(xxi) safety instrumented system drawings, loop diagrams, specifications, instrumentation lists, alarm and shutdown setpoints, emergency shutdown valve closure times, analyses, data sheets, calculations, factory assessment test, site acceptance test, site integration test and other test documentation;

(xxii) building drawings, specifications, analyses, ventilation calculations, building siting assessments, analyses, calculations, and test documentation;

(xxiii) pressure and vacuum relief valves basis of design, lists, sizing, capacity, analyses, and calculations;

(xxiv) spill containment system, including downcomers, basis of design, drawings, specifications, analyses, capacity calculations; and test documentation;

(xxv) hazard detection, including emergency shutdown button, layout drawings, lists, specifications, datasheets, voting logic, studies, analyses, calculations, and test documentation;

(xxvi) hazard control, including fixed and wheeled dry-chemical, hand-held fire extinguishers, fixed carbon dioxide systems, fixed clean agent systems, and

other suppression systems drawings, specifications, studies, analyses, calculations, and test documentation;

(xxvii) cryogenic spill protection drawings, specifications, analyses, and calculations;

(xxviii) vapor barrier drawings, specifications, analyses, and calculations;

(xxvix) blast and fire wall drawings, specification, analyses, and calculations;

(xxx) passive fire protection drawings, specifications, analyses, and calculations;

(xxxi) firewater equipment, including supplies, storage, pumps, shelters/houses, post indicator valves, sectional valves, firewater monitors, hydrants, hose, water curtains, deluge systems, foam systems, water-mist systems, and sprinkler systems drawings, specifications, analyses, calculations, and test documentation;

(xxxii) quality management system plans, including list of hold points and inspection and test plans, for the owner/operator and engineering, procurement, and construction contractors and subcontractors;

(xxxiii) clean-out, dry-out, purging, and tightness testing plans;

(xxxiv) pressure/leak procedures and test documentation;

(xxxv) commissioning plans and procedures;

(xxxvi) pre-startup safety procedures and reviews;

(xxxvii) standard operating procedures for startup, shutdown, and

cooldown, and test documentation;

(xxxviii) simultaneous operations procedures;

(xxxix) maintenance procedures and manuals, including hot work procedures and permits;

(xl) preventative and predictive maintenance program and test schedules/frequencies, scopes, and documentation;

(xli) offsite contractor procedures;

(xlii) management of change procedures and forms;

(xliii) training procedures and logs;

(xliv) alarm management program and reports;

(xlv) abnormal operating conditions reporting procedures; and

(xlvi) Emergency Response Plans, including cost sharing plans.

(17) For activities at LNG plants authorized under section 7 of the Natural Gas Act, the blanket authorization holder must include the information required by § 157.208(c)(6).

(f) *Special conditions for prior notice activities.*

(1) Blanket authorization holders shall not segment, separate, or divide projects in order to meet the acreage limitation set forth in paragraph (d)(2)(i).

(2) Prior to commissioning or introduction of hazardous fluids for prior notice activities, blanket authorization holders shall request and must receive written authorization to proceed from the Director of the Office of Energy Projects, or the Director's designee. Instrumentation and control, hazard detection, hazard control,

security and other components, systems, or facilities necessary for the safe and secure introduction of such fluids shall be installed and functional;

(3) Prior to placing prior notice activities in service, blanket authorization holders shall request and must receive written authorization from the Director of Office of Energy Projects, or the Director's designee. Such authorization will only be granted following a determination that the facilities that have been constructed can be expected to operate safely as designed, and the rehabilitation and restoration of areas affected by the project are proceeding satisfactorily;

(4) Within 30 days of placing prior notice activities in service, blanket authorization holders shall file an affirmative statement, certified by a senior company official, confirming that the prior notice activities have been installed in compliance with all applicable conditions, and that continuing activities will continue to be consistent with all applicable conditions; and

(5) For prior notice activities, throughout the planned modification, construction, and operational life of replacements, modifications and new components, systems, and facilities, blanket authorization holders must file revised or new engineering information in accordance with the schedule of filing submitted pursuant to paragraph (e)(16) to demonstrate they meet or exceed federal regulations and meet or exceed codes and standards identified in the underlying authorizations or approved equivalents.

11. Add § 153.109 to read as follows:

§ 153.109 Pipeline facilities at LNG terminals and plants.

(a) This section applies only to the construction, operation, replacement, and

miscellaneous rearrangement of pipeline facilities for blanket authorization holders who operate LNG terminals authorized pursuant to section 3 of the Natural Gas Act.

(b) This section does not apply to construction, operation, replacement, and miscellaneous rearrangement of LNG facilities or auxiliary systems for blanket authorization holders that operate LNG terminals authorized pursuant to section 3 of the Natural Gas Act or to blanket authorization holders who operate LNG plants authorized pursuant to section 7 of the Natural Gas Act.

(c) *Automatic Authorization*.

(1) If the project cost does not exceed the cost limitations set forth in column 1 of table 1 to § 157.208(d), or if the project is required to restore service in an emergency, the blanket authorization holder is authorized to make miscellaneous rearrangements, abandon, acquire, construct, modify, replace, or operate any pipeline facility.

(2) The blanket authorization holder may acquire, construct, replace, modify, or operate any receipt or delivery point.

(d) *Prior Notice*. If the project cost is greater than the amount specified in column 1 of table 1 to § 157.208(d), but less than the amount specified in column 2 of table 1 to § 157.208(d), the blanket authorization holder is authorized to make miscellaneous rearrangements, abandon, acquire, construct, modify, replace, or operate any pipeline facility, subject to the requirements of § 153.105.

(e) In addition to the requirements of § 153.105(c), a request for activities described under paragraph (d) of this section shall contain:

(1) the information required in §157.208(c)(1) through (5) and (9) through (10);

and

(2) a statement explaining how the proposed project is not inconsistent with the public interest.

(f) Blanket authorization holders shall not segment, separate, or divide projects in order to meet the cost limitations set forth in this section.

(g) In the interest of safety and reliability of service, facilities authorized by this section shall not be operated at pressures exceeding the maximum operating pressure set forth in the request. In the event that the blanket authorization holder thereafter wishes to change the maximum operating pressure of facilities constructed under this section, it shall file an appropriate request pursuant to the procedures set forth in § 157.105(b). Such request shall include the reasons for the proposed change. Nothing contained herein authorizes the certificate holder to operate any facility at a pressure above the maximum prescribed by State law, if such law requires a lower pressure than authorized hereby.

(h) If the actual cost of the project exceeds the per-project cost authorized by this section, the blanket authorization holder shall apply to the Director of the Office of Energy Projects for a waiver of those project cost limits.

12. Add Appendix I to Subpart E of Part 153

Appendix I – Management of Change for Significant Adverse Impacts on Reliability or Public Safety

For activities authorized by 18 CFR 153.108(d), blanket authorization holders must provide management of change (MOC) documentation of the modification that impacts the engineering information in 18 CFR 153.108(e)(16). The MOC documentation shall

verify that the following layers of protection provide an equal or greater level of protection as those previously evaluated and authorized at the LNG terminal or plant by the Commission, or as those previously reviewed and approved at the LNG terminal or plant by Commission staff as part of final design:

(a) design of basic process control systems (BPCS), safety instrumented systems (SIS), or applicable instrumentation and control systems;

(b) design and sizing scenarios for pressure and vacuum relief devices, including flare and vent systems;

(c) mechanical designs of components including fluid velocity, dynamic hydraulic surge from valve closures and pumps as well as flow and acoustic induced vibrations;

(d) minimum specification for design metal temperature (MDMT), maximum design temperature (MDT), maximum design pressures (MDP), maximum allowable operating pressure (MAOP), maximum allowable working pressure (MAWP) of components, and corrosion allowances;

(e) design and sizing for spill containment and impoundment systems;

(f) spacing and plant layout of LNG facilities and auxiliary systems;

(g) design of ignition controls including electrical area classification and building ventilation systems;

(h) design of hazard detection systems;

(i) design of emergency shutdown systems, and depressurization or blowdown systems;

(j) design of hazard control systems including layout and travel distance for portable extinguishers;

(k) design to mitigate impacts of cryogenic spills, overpressures, projectiles, fires, or other accidental or intentional external impacts that could increase risk to safety;

(l) design and location of cryogenic spill protection, vapor barriers, blast walls, blast resistant buildings or structures, fire walls, radiant heat shields, passive fire protection systems, or other passive protection systems to prevent cascading damage;

(m) design of firewater systems including firewater location, design densities, capacity, and coverage;

(n) design of structural components including any increases in loading from natural hazards and any larger LNG marine vessels;

(o) scalable procedures in Emergency Response Plans; and

(p) any other studies and/or reports applicable to the modifications.

PART 375—THE COMMISSION

1. The Authority for this section continues to read:

Authority: 5 U.S.C. 551-557; 15 U.S.C. 717-717w, 3301-3432; 16 U.S.C. 791-825r, 2601-2645; 42 U.S.C. 7101-7352.

2. Revise § 375.308 to read as follows:

§ 375.308 Delegations to the Director of the Office of Energy Projects.

* * * * *

(v) * * *

(6) To dismiss any protest to prior notice filings made pursuant to §§ 153.105 or 157.205 of this chapter and involving pipeline facilities or LNG facilities and auxiliary

systems that does not raise a substantive issue and fails to provide any specific detailed reason or rationale for the objection;

* * *

(8) Applications for blanket certificates of public convenience and necessity pursuant to subpart F of part 157 of this chapter, including waiver of project cost limitations in §§ 157.208 and 157.215 of this chapter; applications for blanket certificates of public convenience and necessity or blanket authorizations pursuant to subpart E of part 153 of this chapter, including waiver of project cost limitations in § 153.109; and the convening of informal conferences during the 30-day reconciliation period pursuant to the procedures in §§ 153.105(f) and 157.205(f).

(w) * * *

(5) Requests for waiver of the landowner notification and local municipality notification requirements in § 153.103(d) or landowner notification requirements in § 157.203(d) of this chapter.

(x) * * *

(5) To reject requests which patently fail to comply with the provisions of §§ 153.105(b) or 157.205(b) of this chapter;

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UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Authorizations for Certain Activities at Liquefied Natural Gas Plants — Docket No. RM26-2-001

(Issued October 15, 2026)

CHANG, Commissioner, *concurring*:

1. In today's order, the Commission proposes to revise its regulations to establish a new blanket certificate program to authorize certain activities at liquified natural gas (LNG) facilities without case-specific authorizations. Similar to the structure of the pipeline blanket program,[1] the Commission proposes a tiered approach, in which activities may be eligible for automatic or 60- or 90-day prior notice authorization. The three tiers intend to reflect a range of projects with different levels of complexity, design modifications, and environmental and safety impacts. I write separately to draw particular attention to the class and scope of activities proposed under the 90-day prior notice procedures and request input from stakeholders regarding the appropriate eligibility conditions and environmental protection safeguards for that proposal.

2. Since 1982, the Commission has operated a blanket program for interstate gas pipelines to undertake certain well-understood activities without case-specific authorizations. The Commission has twice declined to extend the program to include LNG facilities, finding that, at the time, LNG plants were not within the class of minor, well-understood, routine activities intended for the program. However, given the expertise that the Commission has developed on this topic over the last decade, I support the proposal to extend this effort to the LNG authorization process via the development of a new blanket program and to create parity with how gas pipelines are evaluated.

3. As the new blanket program is developed, it is essential that the Commission properly tailor the program to both meet our statutory requirements and provide legal durability and permitting certainty for the natural gas industry. Achieving these objectives requires that the program captures the appropriate types of activities without being overly broad. The program's success will depend on our ability to clearly define the types of activities that are suitable for *ex ante* blanket authorization—namely, activities that are generally well-understood and have minimal impacts on their surroundings. In contrast, a program without sufficient bounds will likely invite protests or legal challenges. The program will not succeed in its intended outcome if every project is protested and thus made ineligible under the blanket.

[1] 18 C.F.R. pt. 157, subpart F (2025).

4. The Notice of Proposed Rulemaking (NOPR) includes a reasonable list of activities proposed to be eligible for automatic and 60-day prior notice authorization, as supported by the record compiled through the Notice of Inquiry. The information about the project site and facility design collected and reviewed during the original authorization should be sufficient to understand the impacts of activities that will not expand the project footprint or make only minor modifications to the facilities. However, the Commission needs more information to understand whether we have set the appropriate limits for projects that fall under the 90-day prior notice category, namely those seeking to expand beyond their original facilities' footprint.

5. Under the proposed rule, projects that qualify for the 90-day prior notice category will be subject to three conditions: (1) expansion outside of the original facility's footprint must occupy less than 25 acres of adjacent land or water that has been previously disturbed or developed; (2) expansion outside of the original footprint must comply with all environmental and engineering conditions in the project's existing authorization; and (3) the facilities must be of the same type as those previously considered and analyzed in the underlying authorization.[2] The NOPR does not include a cost limit as a qualifying condition, finding that, unlike the pipeline blanket program, project cost is not an appropriate proxy for level of impact for LNG projects. Instead, we propose to use size of the expansion as a measure to help ensure that projects will not have a significant impact on public safety or the environment.

6. I am concerned that we do not yet have enough information in the record to justify the selection of a 25-acre limit as a proxy for minimal impact of a proposed project. I understand that a strict non-expansion policy may create additional safety concerns if applicants are incentivized to propose artificially congested development. However, as acknowledged in the order, an additional 25 acres could allow for the construction of projects as large as an additional liquefaction train or five combined-cycle power generation facilities.[3] These kinds of large projects have the potential to create substantial new environmental and safety impacts despite being conceptually well-understood. Thus, qualifying such expansion activities raises questions as to whether using size of adjacent land (or water) as a limit could lead to the inclusion of projects larger than what is legally justifiable for a blanket program.

7. The proposed rule asks stakeholders to provide comment on whether 25 acres beyond plant footprint is an appropriate acreage limitation, and whether the Commission should consider any additional limits on eligibility beyond the three conditions. When evaluating project applications, the Commission must fulfill certain responsibilities under a number of environmental statutes including the National Environmental Policy Act, the Clean Air Act, the Clean Water Act, and the Endangered Species Act. These statutes

[2] NOPR at P 56.

[3] *Id.* P 61.

require detailed analysis of impacts of the project within a certain proposed footprint, but not necessarily the adjacent land and waterways. Under the proposed 90-day prior notice authorization, projects could expand into areas that have not been previously analyzed, even if they do not provide a new or updated environmental review process. I am not yet convinced that allowing project expansions onto a 25-acre adjacent space with the information collected in the 90-day prior notice blanket program will be sufficient to guarantee our compliance with the Commission's statutory obligations. Thus, I request further comment on the following:

> Q1: Should the project applicant be required to demonstrate affirmatively that facilities constructed in areas outside of the existing footprint that have not been previously studied will not have a significant environmental impact?

8. Further, the proposed rule does not preclude applicants from seeking multiple—and potentially even an *unlimited* number of—25-acre expansions beyond their original footprint. Though the proposed regulations include language prohibiting blanket authorization holders from segmenting projects as a means of complying with the acreage limitation,[4] they do not limit the number of times expansions could be permitted over the lifetime of the facility, nor do they state a minimum length of time required between actions. A project with enough adjacent land that had previously been disturbed or developed could, in theory, double in size—or more—without requiring additional environmental analysis from the Commission. Without a limit on the *total* amount of development that could occur outside of the authorized footprint of an existing facility or a facility under development, I am concerned about the Commission's ability to fulfill its statutory duties. Thus, I request stakeholders to submit further comments on the following:

> Q2: Should the Commission establish: (1) an upper limit on the number of expansions beyond the project footprint allowed under a single blanket authorization, either in total size or in number of expansion projects; and/or (2) a minimum time period between successive requests?

9. Given these concerns, I encourage stakeholders to help the Commission build a robust record on the proposed 90-day prior authorization category and its specific eligibility conditions. Ultimately, I believe the Commission can establish a blanket program that accomplishes its goal of increased efficiency while simultaneously complying with its statutory obligations. I look forward to reviewing the expanded record to assess how best to achieve both objectives.

[4] Section 153.108(f)(1) of the proposed regulations.

For these reasons, I respectfully concur.

_____

Judy W. Chang
Commissioner