

MEMORANDUM

By Email

TO: R.J. Colwell

CC: Amy Sweeney
Cass Bernstein

FROM: American Petroleum Institute

RE: “Small-Scale Natural Gas Exports,” 82 Fed. Reg. 41,570 (Sept. 1, 2017)

DATE: October 10, 2017

Pursuant to the Department of Energy’s (DOE) “Guidance on Ex Parte Communications,” 74 Fed. Reg. 52,795 (Oct. 14, 2009), the American Petroleum Institute (API) submits this memorandum of an October 3, 2017 phone call between DOE and API staff regarding DOE’s Notice of Proposed Rulemaking (NOPR) on small-scale natural gas exports, 82 Fed. Reg. 41,570 (Sept. 1, 2017).

Summary of Issues Discussed

Participants on the phone call introduced themselves (*see* “List of Attendees,” *infra.*) and counsel for DOE provided a summary of DOE’s guidance regarding ex parte communications.

API staff asked whether the NOPR and any related proposed rule would apply to existing LNG export facilities. DOE staff responded that the NOPR does not differentiate between new and existing facilities. DOE staff added that if DOE could issue a categorical exclusion (under the National Environmental Policy Act of 1969) for a proposed export then the proposed rule would apply. DOE staff clarified that this would imply that no new major modifications or changes to operations at an existing facility could be contemplated for the proposed rule to apply. DOE staff also suggested that API raise this issue in public comments.

DOE staff asked API if API members would be submitting comments. API staff responded that they were unaware if any members were planning to do so.

DOE counsel provided a final summary of DOE’s guidance regarding ex parte communications.

List of Attendees

DOE

John Anderson

Amy Sweeney

Cass Bernstein

R.J. Colwell

Joe Laurel

API

Katie Ehly

Ben Norris