



Department of Energy  
Washington, DC 20585

February 1, 2017

Mr. J. Gordon Arbuckle  
Squire Patton Boggs  
2550 M Street, N.W.  
Washington, DC 20037

RE: SeaOne Gulfport, LLC—DOE/FE Docket No. 16-22-CGL

Dear Mr. Arbuckle:

I am writing to respond to your letter to former General Counsel Steven Croley, dated January 11, 2017, regarding the pending application from SeaOne Gulfport, LLC (SeaOne) in the above-referenced proceeding.

Your letter references the “attached note” dated January 8, 2017, from SeaOne to the Department of Energy’s (DOE) Assistant Secretary for Fossil Energy (FE), Chris Smith. You state that, as outlined in the note, SeaOne believes that the Assistant Secretary has received erroneous legal advice, such that DOE/FE has failed to issue the requested SeaOne export authorization under Section 3 of the Natural Gas Act.<sup>1</sup> You also assert that the requested export authorization is not an “action” under DOE’s regulations implementing the National Environmental Policy Act (NEPA),<sup>2</sup> but that—even if it were—it would qualify for a categorical exclusion under NEPA. For these reasons, you ask for a meeting with Mr. Croley to resolve these issues.

I understand that SeaOne has raised these same issues previously. DOE addressed them, most recently, in a letter dated December 23, 2016, to you from DOE/FE’s Director of Regulation and International Engagement, John Anderson (Dec. 23rd Letter). Mr. Anderson’s letter, in turn, referenced DOE/FE Order No. 3905, “Order Denying Motion for Opinion and Order on Application” which DOE/FE issued to SeaOne in this proceeding on October 17, 2016. Both Order No. 3905 and Mr. Anderson’s December 23rd Letter reflect DOE’s legal conclusions—responding to the various arguments made by SeaOne. Nothing in your January 11 letter provides a basis for deviating from the Department’s stated position in the December 23 letter or Order No. 3905. Accordingly, a meeting at this time appears to be unnecessary.

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<sup>1</sup> 15 U.S.C. § 717b.

<sup>2</sup> 42 U.S.C. § 4321 *et seq.*



I understand the Office of Fossil Energy remains willing to commence processing the Section 3 export authorization request, including the preparation of an appropriate NEPA analysis pursuant to the Department's governing legal obligations upon receipt of the necessary information from SeaOne.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'J' followed by 'T. Lucas' and a long horizontal flourish extending to the right.

John T. Lucas  
Acting General Counsel

Enclosure  
December 23, 2016 letter