

## **IV. PHMSA expects FERC NEPA document before issuing Letter of Determination, August 31, 2018**

According to a Memorandum of Understanding between FERC and PHMSA:<sup>29</sup> “PHMSA will issue a Letter of Determination to FERC no later than 30 days prior to the estimated issuance date of FERC's final NEPA document. If PHMSA determines it will be unable to complete its review and issue its Letter of Determination 30 days prior, it will notify FERC, describing the reasons for delay and declare a new date to complete its review and letter. The Letter of Determination represents PHMSA's determination on the proposed LNG facility's compliance with the requirements of Part 193, Subpart B. The issuance of the Letter of Determination does not abrogate PHMSA's continuing authority and responsibility over the applicant's compliance with Part 193 during construction and future operation of the facility.”

For PHMSA-jurisdictional LNG export facilities, there is no “Letter of Determination” representing PHMSA's determination on a proposed LNG facility's compliance with the requirements of Part 193, Subpart B, nor does PHMSA have any publicly-accessible files or Dockets containing pertinent documents and/or information.

---

<sup>29</sup> MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT OF TRANSPORTATION AND THE FEDERAL ENERGY REGULATORY COMMISSION REGARDING LIQUEFIED NATURAL GAS TRANSPORTATION FACILITIES - Responsibilities of Agencies - PHMSA - 2.(b) , August 31, 2018  
<https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/docs/news/64706/ferc-phmsa-mou.pdf>