

The EIS evaluated four site alternatives. In order to meet the stated objectives of Magnolia LNG Project, the EIS considered following factors when identifying the site that would most likely pose some environmental advantage to the proposed terminal site: Waterfront access; property size; existing land use; site availability; natural gas pipelines and transmission lines; population center/residences; distance to an interstate highway; and wetlands. After evaluating each of the site alternatives, the EIS concluded that the proposed site would have less impact on wetlands, greater separation between population center/residences, and greater optimization of existing land use.

For the process alternatives, the EIS considered several liquefaction technologies in addition to the proposed Optimized Single Mixed Refrigerant (OSMR)<sup>®</sup> Process by LNG Technology). Although the OSMR<sup>®</sup> Process uses anhydrous ammonia, which present several safety hazards, methods of mitigating the safety hazards are well understood and subject to additional federal regulation. The EIS determined that none of the alternatives would have a significant safety or environmental advantage over the OSMR<sup>®</sup> Process when considering additional mitigation measure outlined in LNG Facility Siting Requirements at section 4.12.5 of the EIS.

#### Environmentally Preferred Alternative

When compared against the other action alternatives assessed in the EIS, as discussed above, the proposed Magnolia LNG and Lake Charles Expansion Projects are the environmentally preferred alternative. While the No-Action Alternative would avoid the environmental impacts identified in the EIS, adoption of this alternative would not meet the Magnolia LNG and Lake Charles Expansion Projects objectives.

#### Decision

DOE has decided to issue Order No. 3909 authorizing Magnolia LNG to export domestically produced LNG by vessel from the Magnolia LNG terminal located in Lake Charles, Calcasieu Parish, Louisiana to non-FTA countries, in a volume up to the equivalent to 394.2 Bcf/yr of natural gas for a term of 25 years to commence on the earlier of the date of first export or seven years from the date that the Order is issued.

Concurrently with this Record of Decision, DOE is issuing Order No. 3909 in which it finds that the requested authorization has not been shown to be inconsistent with the public interest,

and the Application should be granted subject to compliance with the terms and conditions set forth in the Order, including the environmental conditions recommended in the EIS and adopted in the FERC Order at Appendix H. Additionally, this authorization is conditioned on Magnolia LNG's compliance with any other mitigation measures imposed by other federal or state agencies.

#### Basis of Decision

DOE's decision is based upon the analysis of potential environmental impacts presented in the EIS, and DOE's determination in Order No. 3909 that the opponents of Magnolia LNG's Application have failed to overcome the statutory presumption that the proposed export authorization is not inconsistent with the public interest. Although not required by NEPA, DOE/FE also considered the Addendum, which summarizes available information on potential upstream impacts associated with unconventional natural gas activities, such as hydraulic fracturing.

#### Mitigation

As a condition of its decision to issue Order No. 3909 authorizing Magnolia LNG to export LNG to non-FTA countries, DOE is imposing requirements that will avoid or minimize the environmental impacts of the project. These conditions include the environmental conditions recommended in the EIS and adopted in the FERC Order at Appendix H. Mitigation measures beyond those included in Order No. 3909 that are enforceable by other Federal and state agencies are additional conditions of Order No. 3909. With these conditions, DOE/FE has determined that all practicable means to avoid or minimize environmental harm from the Magnolia LNG and Lake Charles Expansion Projects have been adopted.

#### Floodplain Statement of Findings

DOE prepared this Floodplain Statement of Findings in accordance with DOE's regulations, entitled "Compliance with Floodplain and Wetland Environmental Review Requirements" (10 CFR part 1022). The required floodplain assessment was conducted during development and preparation of the EIS (see Section 4.1.3.3 of the EIS). DOE determined that the majority of the LNG terminal site is outside the 500-year floodplain and the pipeline facilities are outside the 100- and 500-year floodplains. However, placement of some project components within floodplains would be unavoidable. Overall, the current design

for the Magnolia LNG and Lake Charles Expansion Projects minimizes floodplain impacts to the extent practicable.

Issued in Washington, DC, on November 30, 2016.

**Christopher A. Smith,**

*Assistant Secretary, Office of Fossil Energy.*

[FR Doc. 2016-29206 Filed 12-5-16; 8:45 am]

**BILLING CODE 6450-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 1971-079]

#### Idaho Power Company; Notice of Petition for Declaratory Order

Take notice that on November 23, 2016, Idaho Power Company (Idaho Power), licensee of the Hells Canyon Project No. 1971, filed a petition for a declaratory order (petition) pursuant to Rule 207(a)(2) of the Federal Energy Regulatory Commission's Rules of Practice and Procedure, 18 CFR 385.207(a)(2). Idaho Power requests that the Commission declare that, under the Supremacy Clause of the U.S. Constitution, Part I of the Federal Power Act (FPA)<sup>1</sup> preempts the fish passage provisions contained in Oregon Revised Statute 509.585 with respect to the Hells Canyon Project, all as more fully explained in its petition.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211, 385.214. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the

<sup>1</sup> 16 U.S.C. 791a-823d (2016).

“eLibrary” link and is available for review in the Commission’s Public Reference Room in Washington, DC. There is an “eSubscription” link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

*Comment Date:* 5:00 p.m. Eastern Time on December 30, 2016.

Dated: November 30, 2016.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2016–29228 Filed 12–5–16; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. EL17–23–000]

#### Independent Market Monitor for PJM v. PJM Interconnection, L.L.C.; Notice of Complaint

Take notice that on November 23, 2016, pursuant to section 206 of the Federal Energy Regulatory Commission’s (Commission) Rules of Practice and Procedure, 18 CFR 385.206, Independent Market Monitor for PJM (Complainant or PJM) filed a formal complaint against PJM Interconnection, L.L.C. (Respondent or PJM) alleging that, certain modifications to PJM’s manual 18 rules are unjust, unreasonable, and inconsistent with competitive markets, all as more fully explained in the complaint.

The Complainant states that a copy of the complaint has been served on the Respondent.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission’s Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent’s answer and all interventions, or protests must be filed on or before the comment date. The Respondent’s answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and

interventions in lieu of paper using the “eFiling” link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the “eLibrary” link and is available for electronic review in the Commission’s Public Reference Room in Washington, DC. There is an “eSubscription” link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

*Comment Date:* 5:00 p.m. Eastern Time on December 13, 2016.

Dated: November 29, 2016.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2016–29223 Filed 12–5–16; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket Nos. CP16–22–000; CP16–23–000; CP16–24–000; CP16–102–000]

#### NEXUS Gas Transmission, LLC; Texas Eastern Transmission, LP; DTE Gas Company; Vector Pipeline L.P.; Notice of Availability of the Final Environmental Impact Statement for the Proposed Nexus Gas Transmission Project and Texas Eastern Appalachian Lease Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared a final environmental impact statement (EIS) for the NEXUS Gas Transmission (NGT) Project and Texas Eastern Appalachian Lease (TEAL) Project (jointly referred to as “Projects”), proposed by NEXUS Gas Transmission, LLC (NEXUS) and Texas Eastern Transmission, LP (Texas Eastern) in the above-referenced dockets. NEXUS and Texas Eastern request authorization to construct a new greenfield pipeline and expand an existing pipeline system from the Appalachian Basin to deliver 1.5 million dekatherms per day to consuming markets in northern Ohio, southeastern Michigan, and Ontario, Canada. DTE Gas Company and Vector Pipeline L.P. are requesting approval to

lease capacity on their systems to NEXUS.

The final EIS assesses the potential environmental effects of the construction and operation of the Projects in accordance with the requirements of the National Environmental Policy Act. The FERC staff concludes that approval of the Projects would result in some adverse environmental impacts; however, these impacts would be reduced to acceptable levels with the implementation of NEXUS’ and Texas Eastern’s proposed mitigation measures and the additional measures recommended by staff in the final EIS.

The U.S. Fish and Wildlife Service (FWS), the U.S. Army Corps of Engineers (COE), and the U.S. Environmental Protection Agency (EPA) participated as cooperating agencies in the preparation of the final EIS. Cooperating agencies have jurisdiction by law or special expertise with respect to resources potentially affected by the proposal and participate in the National Environmental Policy Act analysis. Although the FWS, COE, and EPA provided input to the conclusions and recommendations presented in the final EIS, these agencies will each present their own conclusions and recommendations in their respective record of decision or determination for the Projects.

The final EIS addresses the potential environmental effects of the construction and operation of both the NGT and TEAL Projects. The NGT Project consists of about 256.6 miles of pipeline composed of the following facilities:

- 209.8 miles of new 36-inch-diameter natural gas pipeline in Ohio;
- 46.8 miles of new 36-inch-diameter natural gas pipeline in Michigan;
- associated equipment and facilities.

The TEAL Project would include two main components:

- 4.4 miles of new 36-inch-diameter loop pipeline in Ohio;
- 0.3 mile of new 30-inch-diameter interconnecting pipeline Ohio; and
- associated equipment and facilities.

The Projects’ proposed aboveground facilities include five new compressor stations in Ohio; additional compression and related modifications to one existing compressor station in Ohio; five new metering and regulating stations in Ohio; one new metering and regulating station in Michigan; and minor modifications at existing aboveground facilities at various locations across Ohio.

The FERC staff mailed copies of the final EIS to federal, state, and local government representatives and