

RECORDS OF CATEGORICAL EXCLUSION DETERMINATION

Mercuria Energy America, Inc. Docket EA-459

PROPOSED ACTIONS: Mercuria Energy America, Inc. (MEAI or Applicant) has applied to the Office of Electricity for an electricity export authorization which will allow it to export electricity to Mexico pursuant to Section 202(e) of the Federal Power Act. MEAI, a Delaware corporation, is an energy marketing and trading company with its principal place of business in Houston, Texas. Neither the Applicant nor any of its affiliates owns controls or operates any electric transmission facilities, nor do they hold a franchise service area for sale, distribution or transmission of electricity. The Applicant proposes to use existing authorized international electric transmission facilities that are appropriate for open access by third parties. The existing international transmission facilities to be utilized by the Applicant have previously been authorized by Presidential permits issued pursuant to Executive Order 10485, as amended, and are appropriate for open access transmission by third parties. The Presidential permit for these facilities was issued after an appropriate level of NEPA review.


CX TO BE APPLIED: The elements identified above fit within the class listed in Appendix B to Subpart D, of Part 1021-Categorical exclusions applicable to specific agency actions. Specifically:

B4.2 Export of electric energy as provided by Section 202(e) of the Federal Power Act over existing transmission systems or using transmission systems that are themselves categorically excluded.

REGULATORY REQUIREMENT: The proposed action has previously been determined by DOE to not have a significant effect on the human environment either individually or cumulatively. Authorizing the proposed action will not (1) threaten a violation of applicable statutory, regulatory, or permit requirements for environment, safety, and health including DOE and/or Executive orders; (2) require siting of new facilities or expansion of existing facilities; (3) disturb hazardous substances, pollutants or contaminants; or (4) adversely affect environmentally sensitive resources.

DETERMINATION: Based on my review of the above information concerning the proposed action, as NEPA Compliance Officer (as authorized under DOE Policy 451.1), I have determined that the proposed action fits within the specified class of actions, other regulatory requirements set forth above are met, and the proposed action is hereby categorically excluded from further NEPA review.

Signature: _____



Julie A. Smith
Acting NEPA Compliance Officer
Office of Electricity

Date: _____

