

UNITED STATES OF AMERICA 97 FERC ¶ 61,181  
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Pat Wood, III, Chairman;  
William L. Massey, Linda Breathitt,  
and Nora Mead Brownell.

Cove Point LNG Limited Partnership

Docket Nos. CP01-76-000,  
CP01-77-000,  
RP01-217-000,  
and CP01-156-000  
(not consolidated)

ORDER DIRECTING COMMENTS AND ESTABLISHING TECHNICAL  
CONFERENCE

(Issued November 9, 2001)

An order approving Cove Point's application was issued on October 12, 2001.<sup>1</sup> Requests for rehearing of that order are due on November 13, 2001. The Commission has determined on its own motion that it is in the public interest to reconsider our October 12 decision and to take further evidence with respect to national security implications associated with the order. Accordingly, the Commission will take further action, as appropriate, based on the additional evidence received and in conjunction with action on any rehearing petitions that may be filed.<sup>2</sup>

Accordingly, the Commission is directing all parties and interested local, state and Federal agencies that are not parties to the proceeding, but that share jurisdiction or regulatory responsibilities over security matters that may be implicated by the

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<sup>1</sup>97 FERC ¶ 61,043 (2001).

<sup>2</sup> See Natural Gas Act section 19(a) (Until the record in a proceeding has been filed in a court of appeals, the Commission may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it under the provisions of the Act).

Commission's actions in this proceeding,<sup>3</sup> to file comments on any issues or concerns they may have relating to the effect that reactivation of Cove Point's LNG facilities may have on national security interests. Comments are due by Thursday, November 15, 2001. All comments must be filed under cover requesting privileged treatment pursuant to 18 C.F.R. § 388.112 (2001). For purposes of the justification statement required by § 388.112(b)(1)(i), each filing should state that it is exempt pursuant to § 385.2201(e)(ii) as a communication related to an emergency situation involving facilities subject to the Commission's NGA regulation. No electronic filings will be accepted.

In addition to receiving written comments, the Commission staff will conduct a technical conference to give interested parties and the above indicated agencies the opportunity to discuss any national security issues they believe are raised by Cove Point's project. The conference will be held on Friday, November 16, 2001, at 10:00 a.m. in a room to be designated at the offices of the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. In view of the nature of the national security issues to be explored, the conference will not be open to the public. Attendance at the conference will be limited to existing parties and representatives of interested local, state, and Federal agencies, as discussed above. Any person planning to attend the November 16 conference must notify the Office of the Secretary by 1:00 p.m. EST, Thursday, November 15, 2001, either in writing, by calling the Office of the Secretary at (202) 208-0400, or by email to [david.boergers@ferc.fed.us](mailto:david.boergers@ferc.fed.us).

All written comments will be included in a non-public decisional file in the record in this proceeding. A summary of the views expressed at the technical conference will be prepared and placed in the non-public decisional file.

The scope of written comments and discussion at the conference is limited to national security issues relating to the Cove Point project.

The Commission orders:

(A) Staff is directed to convene a technical conference on Friday, November 16, 2001, to address any national security issues relating to Cove Point's reactivation project.

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<sup>3</sup>18 C.F.R. § 385.2201(e)(v)(B) (2001).

(B) Parties and local, state and Federal agencies with shared jurisdiction over Cove Point's reactivation project are directed to file any comments addressing national security issues related to that project on or before Thursday, November 15, 2001.

By the Commission.

( S E A L )

Linwood A. Watson, Jr.,  
Acting Secretary.