

(d) Terminating agreements in whole or in part to the greatest extent authorized by law if an award no longer effectuates the program goals or agency priorities (2 CFR 200.340).

## VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Open Licensing Requirements:* Unless an exception applies, if you are awarded a grant under this competition, you will be required to openly license to the public grant deliverables created in whole, or in part, with Department grant funds. When the deliverable consists of modifications to pre-existing works, the license extends only to those modifications that can be separately identified and only to the extent that open licensing is permitted under the terms of any licenses or other legal restrictions on the use of pre-existing works. Additionally, a grantee or subgrantee that is awarded competitive grant funds must have a plan to disseminate these public grant deliverables. This dissemination plan can be developed and submitted after your application has been reviewed and selected for funding. For additional information on the open licensing requirements, please refer to 2 CFR 3474.20.

4. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information,

as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to <https://www.ed.gov/fund/grant/apply/appforms/appforms.html>.

5. *Performance Measures:* For purposes of Department reporting under 34 CFR 75.110, the Department will use the following program-level performance measures to evaluate the success of the TGIY Program:

(a) Number and rate of project participants enrolled in a postsecondary education program.

(b) Number and rate of project participants, by the end of the grant period, earning a certificate, degree, or other credential.

(c) Number and rate of project participants active in internships, apprenticeships, or other work experiences.

These measures constitute the Department's indicators of success for this program. Consequently, we advise an applicant for an award under this program to give careful consideration to the operationalization of the measures in conceptualizing the approach and evaluation for its proposed project.

If funded, you will be required to collect and report data in your project's annual performance report (34 CFR 75.590).

6. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, whether the grantee has made substantial progress in achieving the performance targets in the grantee's approved application.

In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

## VII. Other Information

*Accessible Format:* On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document and a copy of the application package in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, compact disc, or other accessible format.

*Electronic Access to This Document:* The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at <https://www.govinfo.gov>. At this site you can view this document, as well as all other Department documents published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at <https://www.federalregister.gov>. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Nasser Paydar,

Assistant Secretary for Postsecondary Education.

[FR Doc. 2024-16836 Filed 7-31-24; 8:45 am]

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## DEPARTMENT OF ENERGY

[Docket No. 14-209-LNG]

### Change In Control: American LNG Marketing LLC

**AGENCY:** Office of Fossil Energy and Carbon Management, Department of Energy.

**ACTION:** Notice of change in control.

**SUMMARY:** The Office of Fossil Energy and Carbon Management (FECM) of the Department of Energy (DOE) gives notice of receipt of a Statement of Change in Control filed by American LNG Marketing LLC (American LNG Marketing) on July 1, 2024 (Statement), as supplemented on July 12, 2024 (Supplement). The Statement describes an expected change in American LNG Marketing's upstream ownership. The Statement and Supplement were filed under the Natural Gas Act (NGA).

**DATES:** Protests, motions to intervene, or notices of intervention, as applicable,

and written comments are to be filed as detailed in the Public Comment Procedures section no later than 4:30 p.m., Eastern time, August 16, 2024.

#### ADDRESSES:

*Electronic Filing by email (Strongly encouraged):* [fergas@hq.doe.gov](mailto:fergas@hq.doe.gov).

*Postal Mail, Hand Delivery, or Private Delivery Services (e.g., FedEx, UPS, etc.):* U.S. Department of Energy (FE-34), Office of Regulation, Analysis, and Engagement, Office of Fossil Energy and Carbon Management, Forrestal Building, Room 3E-056, 1000 Independence Avenue SW, Washington, DC 20585.

Due to potential delays in DOE's receipt and processing of mail sent through the U.S. Postal Service, we encourage respondents to submit filings electronically to ensure timely receipt.

#### FOR FURTHER INFORMATION CONTACT:

Jennifer Wade or Peri Ulrey, U.S. Department of Energy (FE-34), Office of Regulation, Analysis, and Engagement, Office of Resource Sustainability, Office of Fossil Energy and Carbon Management, Forrestal Building, Room 3E-042, 1000 Independence Avenue SW, Washington, DC 20585, (202) 586-4749 or (202) 586-7893, [jennifer.wade@hq.doe.gov](mailto:jennifer.wade@hq.doe.gov) or [peri.ulrey@hq.doe.gov](mailto:peri.ulrey@hq.doe.gov)

Cassandra Bernstein, U.S. Department of Energy (GC-76), Office of the Assistant General Counsel for Energy Delivery and Resilience, Forrestal Building, Room 6D-033, 1000 Independence Avenue SW, Washington, DC 20585, (240) 780-1691, [cassandra.bernstein@hq.doe.gov](mailto:cassandra.bernstein@hq.doe.gov)

#### SUPPLEMENTARY INFORMATION:

##### Summary of Change in Control

American LNG Marketing states that LNG Holdings LLC (LNG Holdings), a wholly-owned indirect subsidiary of New Fortress Energy, Inc. (Fortress), entered into a Membership Interest Purchase Agreement (MIPA) with Miami LNG Acquirorco, LLC, a Delaware limited liability company and a subsidiary of certain funds and investment vehicles of Pennybacker Capital Management, LLC (Pennybacker).<sup>1</sup> Under the MIPA, Pennybacker will acquire 100% control of LNG Holdings (Florida) LLC, the

immediate upstream parent of American LNG Marketing,<sup>2</sup> and thus will indirectly acquire 100% control of American LNG Marketing (the Transaction). American LNG Marketing states that, as a result of the Transaction, American LNG Marketing will no longer be controlled by Fortress and will be controlled by Pennybacker.

Charts illustrating the ownership structure of American LNG Marketing before and after the Transaction are attached to the Supplement as Appendix A and Appendix B, respectively. Additional details can be found in the Statement and Supplement, posted on the DOE website at: <https://www.energy.gov/sites/default/files/2024-07/DOE%20Statement%20of%20Change%20in%20Control%20%28Final%207.1.2024%29.pdf>. <https://www.energy.gov/sites/default/files/2024-07/Supplement%20to%20DOE%20Statement%20of%20Change%20in%20Control%20%28Final%207.12.24%29.pdf>.

##### DOE Evaluation

DOE will review the Statement and Supplement in accordance with its CIC Procedures.<sup>3</sup> Consistent with the CIC Procedures, this notice addresses American LNG Marketing's existing authorization to export liquefied natural gas (LNG) to countries with which the United States has not entered into a free trade agreement (FTA) requiring national treatment for trade in natural gas (FTA countries) and with which trade is not prohibited by United States law or policy (non-FTA countries), granted in DOE/FE Order No. 3690.<sup>4</sup> If no interested person protests the change in control and DOE takes no action on its own motion, the proposed change in control will be deemed granted 30 days after publication in the **Federal Register**. If one or more protests are submitted, DOE will review any motions to intervene, protests, and answers, and will issue a determination

<sup>2</sup> See *supra* note 1.

<sup>3</sup> DOE has previously found that the CIC Procedures apply only to external transfers or assignments, not to internal corporate reorganizations. See, e.g., *Port Arthur LNG, LLC*, Notice of Internal Corporate Reorganization, Docket Nos. 15-53-LNG, *et al.* (Apr. 11, 2019) (noting that DOE's Change in Control Procedures, 79 FR 65541 (Nov. 5, 2014) (CIC Procedures), focus on "ownership or management of the exporting entity chang[ing] hands, resulting in a change in control . . .").

<sup>4</sup> American LNG Marketing's Statement also applies to its existing authorizations to export LNG to FTA countries in Docket Nos. 14-209-LNG and 15-19-LNG. DOE will respond to those portions of the filing separately pursuant to the CIC Procedures, 79 FR 65542.

as to whether the proposed change in control has been demonstrated to render the underlying authorizations inconsistent with the public interest.

##### Public Comment Procedures

Interested persons will be provided 15 days from the date of publication of this notice in the **Federal Register** to move to intervene, protest, and answer the Statement and Supplement.<sup>5</sup> Protests, motions to intervene, notices of intervention, and written comments are invited in response to this notice only as to the change in control described in the Statement and Supplement. All protests, comments, motions to intervene, or notices of intervention must meet the requirements specified by DOE's regulations in 10 CFR part 590, including the service requirements.

Filings may be submitted using one of the following methods:

(1) Submitting the filing electronically at [fergas@hq.doe.gov](mailto:fergas@hq.doe.gov);

(2) Mailing the filing to the Office of Regulation, Analysis, and Engagement at the address listed in the **ADDRESSES** section; or

(3) Hand delivering the filing to the Office of Regulation, Analysis, and Engagement at the address listed in the **ADDRESSES** section.

For administrative efficiency, DOE prefers filings to be filed electronically. All filings must include a reference to "Docket No. 14-209-LNG" in the title line, or "American LNG Marketing Change in Control" in the title line.

*For electronic submissions:* Please include all related documents and attachments (e.g., exhibits) in the original email correspondence. Please do not include any active hyperlinks or password protection in any of the documents or attachments related to the filing. All electronic filings submitted to DOE must follow these guidelines to ensure that all documents are filed in a timely manner.

The Statement, Supplement, and any filed protests, motions to intervene, notices of intervention, and comments will be available electronically on the DOE website at [www.energy.gov/fecm/regulation](http://www.energy.gov/fecm/regulation).

Signed in Washington, DC, on July 29, 2024.

**Amy R. Sweeney,**

*Director, Office of Regulation, Analysis, and Engagement, Office of Resource Sustainability.*

[FR Doc. 2024-16987 Filed 7-31-24; 8:45 am]

**BILLING CODE 6450-01-P**

<sup>5</sup> Intervention, if granted, would constitute intervention only in the change in control portion of these proceedings, as described herein.

<sup>1</sup> American LNG Marketing states that, in contemplation of but prior to executing the MIPA, LNG Holdings (Florida) LLC, a wholly-owned subsidiary of Fortress, acquired 100% of the membership interests in American LNG Marketing through an internal corporate reorganization. As a result of this reorganization, LNG Holdings (Florida) LLC became the immediate upstream parent of American LNG Marketing. See also *infra* at note 3.