

Energy Newsletter



August 2014

DISPUTE RESOLUTION

Environmental Litigation

Fifth Circuit Reins In Trend of Expanding ESA Liability for Remote Harm

Patricia T. Barmeyer, Lewis Jones, John Fortuna

In a case involving remote harm to endangered whooping cranes, the Fifth Circuit Court of Appeals confirms that proximate cause and foreseeability are required elements for establishing Endangered Species Act liability and casts doubt on using the theory of "vicarious liability" to hold state agencies liable under the Act for failing to regulate private action that may harm protected species. The case is significant because it draws an important line against the trend of expanding ESA liability for attenuated harm to listed species. [More »](#)

TRANSACTIONAL

Asia

Japan's Pivotal Role in the Global LNG Industry's 50-Year History

Philip Weems, Nina Howell

2014 marks the 50th anniversary of the start of the first liquefied natural gas (LNG) export project. During the intervening years, Japanese companies have been central to establishing the LNG industry as a major source of global energy supply. [More »](#)

Corporate/London

Government of Greece to Launch New Licensing Round and Announces Proposal for Significant Tax Cut to Encourage Hydrocarbon Investment

Susanna Marshall

The government of Greece will hold a new offshore oil and gas bidding round offering twenty blocks located to the south of Crete and in the Ionian Sea, covering a combined area of over 200,000 square kilometers. [More »](#)

Transactions

Mining, Oil and Gas Exploration and Exploitation Activities in France: Applicable Law and Planned Reform

Ruxandra Lazar, Raphaële Bouniol

The enactment of a new mining code is eagerly awaited by the industry, which has been facing the consequences of public opposition to

[Visit King & Spalding's Energy Blog at
energylawexchange.com](#)

In The News

Dan Rogers, Merrick White to Conduct Session at Singapore LNG Conference [More »](#)

King & Spalding Named to Petroleum Economist's Shortlist for 'Energy Advisory Firm of the Year' Award [More »](#)

Fracking in the Golden State [PDF] [More »](#)

Ralls Corp. v. Committee on Foreign Investment in the United States [PDF] [More »](#)

Unmanned Aerial Systems (UAS) Legal Update [PDF] [More »](#)

unconventional hydrocarbons for almost three years now. [More »](#)

Intellectual Property

Successfully Negotiating Software License Agreements

Bryan D. Adams

Constantly looking for ways to increase productivity and efficiency, the energy industry is increasingly looking to innovative software solutions from technology vendors. This article offers suggestions for a company to follow when negotiating a software license agreement. [More »](#)

REGULATORY

Environmental Health & Safety

DOT Proposes Anticipated Safety Rule for Crude by Rail Transport

Sara Peters

The U.S. Department of Transportation (DOT) and its Pipeline and Hazardous Materials Safety Administration (PHMSA) recently announced a Notice of Proposed Rulemaking to strengthen safety standards for rail transport of crude, ethanol, and other flammable liquids. [More »](#)

Environmental Health & Safety

EPA Outlines Options Under Consideration for Risk Management Program Modernization – Will the "Safety Case" Model Cross the Pond?

Cynthia AM Stroman

The U.S. Environmental Protection Agency recently published a request for information on changes for its Risk Management Program accident prevention regulations under section 112(r) of the Clean Air Act. [More »](#)

Editorial Contacts

Charles J. (Tim) Engel III

+1 202 661 7800
tengel@kslaw.com

[View Profile »](#)

Jeffrey H. Perry

+1 202 626 5521
jperry@kslaw.com

[View Profile »](#)

About King & Spalding's Energy Practice

King & Spalding's energy practice has more than 255 lawyers in the U.S., Europe, the Middle East and Asia, giving King & Spalding one of the broadest and deepest benches of energy lawyers in the world. The firm is one of the most active law firms in the global energy industry advising and representing clients on a broad spectrum of transactions and disputes, and has received top rankings from *Chambers Global*, *Chambers USA*, *The Legal 500*, *The International Who's Who of Oil & Gas Lawyers*, *Euromoney's World's Leading Energy & Natural Resource Lawyers* and *The Best Lawyers in America*. For additional information, visit www.kslaw.com/practices/Energy.

The content of this publication and any attachments are not intended to be and should not be relied upon as legal advice. If you are not currently on our Energy Practice Group mailing list

under your own name, and you would like to join to receive our monthly *Energy Newsletter* publication and to receive notices of future programs and occasional notices of legal developments in the industry, or wish to be taken off the distribution list for this Newsletter, you can make that request by submitting your contact information to Jeff Perry at jperry@kslaw.com.

© 2014 King & Spalding

