



United States Department of the Interior

BUREAU OF OCEAN ENERGY MANAGEMENT
WASHINGTON, DC 20240-0001

January 31, 2022

Mr. Peter Allen
Orsted North America Inc.
South Fork Wind, LLC
399 Boylston Street, 12th Floor
Boston, Massachusetts 02116

Dear Mr. Allen:

The following is in response to your request for a regulatory departure to commence fabrication of facility components prior to the non-objection of the Bureau of Ocean Energy Management (BOEM) to your Facility Design Report (FDR) and Fabrication and installation Report (FIR). *See* 30 C.F.R. §§ 585.103, 585.700(b). BOEM's current interpretation of the restrictions imposed by 30 C.F.R. § 585.700(b) is that the regulation prohibits only fabrication and installation activities on the Outer Continental Shelf (OCS) itself. Therefore, you are not required to have a departure under 30 C.F.R. § 585.103 to commence the fabrication activities you have described in your request.

Notwithstanding the foregoing, note that fabrication of all facility components is subject to oversight and verification by the Certified Verification Agent, and that BOEM may object to the fabrication of said components at the time you submit your FDR and FIR. Therefore, by initiating fabrication of facility components prior to BOEM's non-objection to your FDR and FIR, you acknowledge and assume all business risks that could result (e.g., redesign and/or re-fabrication of the facility components) if BOEM later objects to the design or fabrication activities detailed in your FDR and FIR.

If you have any questions, please contact Travis Tempel at travis.tempel@boem.gov or (703) 787-1513.

Sincerely,

**JAMES
BENNETT**

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Date: 2022.01.31
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James F. Bennett
Chief
Office of Renewable Energy Programs