

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF SAFETY & ENVIRONMENTAL ENFORCEMENT**

NTL No.2024-R01

Effective Date: 12/09/2024

NOTICE TO LESSEES, GRANTEES, AND OPERATORS OF FEDERAL RENEWABLE
ENERGY LEASES, RIGHT-OF-WAY GRANTS, RIGHT-OF-USE AND EASEMENT GRANTS,
AND ALTERNATE USE RIGHT-OF-USE AND EASEMENT GRANTS ON THE OUTER
CONTINENTAL SHELF

**Submission of Industry Standards in Certified Verification Agent Nominations, Facility
Design Reports, and Fabrication and Installation Reports**

INTRODUCTION

This NTL provides guidance when specifying standards for Renewable Energy activities on the OCS. The relevant regulations, 30 CFR Part 285, require lessees to provide BSEE with a Fabrication and Installation Report (FIR) that includes a description of how facilities will be fabricated and installed in accordance with generally accepted industry standards and practices. 30 CFR 285.702(a)(3). The regulations also require a Facility Design Report (FDR) that describes in detail the design of any facilities, including the industry standards applied. 30 CFR 285.701(a)(11). And unless the requirement is waived, the regulations require the use of a Certified Verification Agent (CVA) to certify that project components are fabricated and installed to recognized quality assurance standards. 30 CFR 285.708(5).¹

STATUTORY AND REGULATORY AUTHORITY

This NTL is developed in accordance with the following statutes and regulations:

- A. The Outer Continental Shelf Lands Act, as amended, 43 U.S.C. §§ 1331 *et seq.*
- B. 30 CFR 285 Subpart G – Facility Design, Fabrication, and Installation

ACRONYMS

The following acronyms are to be used within this NTL and are provided for clarity:

¹ BSEE may object to the installation of facility components if it considers that the components or their fabrication are inconsistent with accepted industry or engineering standards. 30 CFR 285.700(e). BSEE may also object for other reasons, and lessees cannot commence fabrication or installation activities addressed in FIR or FDRs until BSEE's objections are resolved. 30 CFR 285.700(f). A lessee's use of industry standards does not limit BSEE's ability to object, and BSEE has discretion to require practices that exceed or otherwise differ from identified standards.

Acronyms:

API	American Petroleum Institute
ARESCA	American Renewable Energy Standard and Certification Association
BSEE	Bureau of Safety and Environmental Enforcement
CIGRE	International Council on Large Electric Systems
CFR	Code of Federal Regulations
CVA	Certified Verification Agent
DNV	Det Norske Veritas
DOI	Department of the Interior
FDR	Facility Design Report
FIR	Fabrication and Installation Report
NFPA	National Fire Protection Association
NTL	Notice to Lessees and Operators
OCS	Outer Continental Shelf
OMB	Office of Management and Budget
PVP	Platform Verification Program
USC	United States Code

BACKGROUND

In the Energy Policy Act of 2005, Congress authorized the Secretary of the Interior (Secretary) to issue leases, easements, or rights-of-way on the Outer Continental Shelf (OCS) for activities that produce or support production, transportation, or transmission of energy from sources other than oil and gas. Pursuant to this authority, the Department of the Interior (DOI) established a renewable energy program, promulgated final regulations implementing this program on April 29, 2009 (74 FR 19638), and recodified those regulations in 30 CFR part 585 on October 18, 2011 (76 FR 64432). On January 31, 2023, DOI published a final rule that reorganized 30 CFR part 585 to reflect the Secretary's delegation of authority for renewable energy oversight to BSEE. The final rule transferred certain renewable energy regulations to the newly codified 30 CFR part 285 (88 FR 6376). On May 15, 2024, DOI published a final rule to modernize the part 585 and 285 regulations (89 FR 42602).

The part 285 regulations require operators to submit CVA nominations, FDRs, and FIRs to BSEE (30 CFR 285.706 and 30 CFR 285.700-285.702). These documents should be consistent with accepted industry standards that the lessee will apply in the design, fabrication, and installation of their facilities or BSEE may object. For CVA nominations, the lessee must include a list of documents used in the design (30 CFR 285.706(b)), which should include industry standards that were used in the design. In FDRs, the lessee must include the industry design standards that will be applied to the facilities, (30 CFR 285.701(a)(11)), and those industry standards must demonstrate that the design will not cause undue harm or damage to natural resources, including their physical, atmospheric, and biological components to the extent practicable (30 CFR 285.105(a) and 285.701(a)). Finally, FIRs must describe how your facilities will be fabricated and installed in accordance with generally accepted industry standards and practices, and they must demonstrate

how your facilities will be designed and installed in conformance with 30 CFR 285.105(a) (30 CFR 285.702(a)).

Accordingly, CVA nominations, FDRs, and FIRs submitted to BSEE will reference numerous industry standards. This document provides guidance on how to organize industry standards information in CVA nominations, FDRs, and FIRs in order to expedite the review process for these documents.

GENERAL GUIDANCE

In alignment with OMB Circular A-119,² BSEE requires the use of industry standards for designing, fabricating, and installing renewable energy facilities on the OCS that will ensure safety and will not cause undue harm or damage to natural resources (30 CFR 285.105(a)). Industry standards that may meet this requirement include those developed by international bodies (e.g., International Electrotechnical Commission (IEC) and International Organization for Standardization), those developed by domestic consensus-based standards development organizations (e.g., American Petroleum Institute (API), American Renewable Energy Standard and Certification Association (ARESCA), American Clean Power, Institute of Electrical and Electronics Engineers, National Fire Protection Association (NFPA)), and those developed by other organizations (e.g., Det Norske Veritas (DNV), International Council on Large Electric Systems (CIGRE)). Governmental statutes, regulations, and guidelines are not covered in this guidance document and should not be included in your industry standards list.

When an operator submits a CVA nomination, FDR, or FIR that includes references to industry standards, the operator should include in that document a consolidated list and description of each industry standard referenced. Providing this industry standards list and following this guidance will maximize BSEE's ability to efficiently review the CVA nomination, FDR, or FIR submissions. Any questions about these guidelines may be addressed during meetings with BSEE before submission of CVA nominations, FDRs, or FIRs.

If the lessee chooses to break up FDRs and FIRs into integrated asset packages in accordance with 30 CFR 285.700(b), an industry standards list should be submitted for each package, and it should only contain the industry standards relevant to the equipment and protocols discussed in that package.

PROCEDURE

The industry standards included in an industry standards list would depend on whether it is being submitted with a CVA nomination, an FDR, or an FIR. For CVA nominations, you should include all standards to which you expect your design will conform under 30 CFR 285.706(b). For FDRs and FIRs, you should list all industry standards necessary to show compliance with 30 CFR

² OMB Circular A-119, Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities, revised January 2016, page 14. Available at: https://www.whitehouse.gov/wp-content/uploads/2020/07/revised_circular_a-119_as_of_1_22.pdf

285.701(a)(11), 30 CFR 702(a)(3), and 30 CFR 285.105(a). Industry standards that the lessee is not planning to use in design, fabrication, or installation should not be listed.

To facilitate the review process for CVA nominations, FDRs, and FIRs, the industry standards list should be in a machine-readable spreadsheet file (e.g., xlsx, delimiter separated values, etc.), should be submitted in accordance with Appendix B of Joint NTL No. 2023-N01, and should include the following fields for each industry standard:

1. SDO Acronym or Abbreviation – the abbreviated name of the organization that developed or published the industry standard (e.g., for standards published by the American Renewable Energy Standards and Certification Association, state ‘ARESCA’).
2. Standard identifier – the number and any abbreviations associated with the industry standard (e.g., for American Petroleum Institute’s Recommended Practice 75W, state “RP 75W”), and including any amendments (e.g., errata, addenda, or corrigendum).
3. Edition – the edition of the industry standard being used (e.g., for the fourth edition, state “4”). If the publisher’s edition is not a simple number, copy the edition number verbatim (e.g., if a publisher lists an edition as “Sep, 2019”, state “Sep, 2019”).
4. Year – the year associated with the version of the industry standard being used (e.g., for an industry standard published in 2018, with two corrections in 2019 and 2021 for which the operator is only using the first correction, state “2019”).
5. Applicable assets – the applicable offshore asset(s) for which the lessee is using the industry standard (e.g., nacelle, tower, monopile, jacket, mooring, anchors, scour, blades, offshore substation, export cables, inter-array cables). For industry standards that are used for multiple assets, separate the names of the assets by commas.
6. Coverage – the sections of the industry standard that apply to the applicable equipment (e.g., if all required sections of the industry standard are being used to determine the tower design, and an optional appendix G is used to evaluate robustness, state “all required sections and appendix G”).
7. Comments – a description of major design choices within the industry standard (such as exposure level or any deviations) and how this industry standard will work with other industry standards, if known at the time the industry standards list is submitted. Separate multiple items by commas.

If the same industry standard is applied differently to different parts of a design (for example, the entire industry standard is applied to the monopile foundation but only section 5 of the standard is applied to the substation foundation), you should list the different uses on separate lines of the industry standards list.

Appendix A provides an example of an industry standards list.

In addition to organizing and formatting your industry standards in the industry standards list, you should also cite these industry standards in the relevant locations throughout your FDRs and FIRs. Citations in the FDR and FIR documents should provide additional relevant context not included in the summarized industry standards list. This will help BSEE understand how the industry standards will be applied in more detail, further expediting the review of these documents. For example, an industry standard for ensuring a structure can withstand metocean conditions should be listed in both

the industry standards list and cited and discussed in the FDR section for design calculations. This discussion should also mention any relevant options for the industry standard, such as the wind turbine class.

If you revise or amend a CVA nomination, FDR, FIR submission, such that a previously submitted industry standards list is no longer up-to-date based on feedback from BSEE during BSEE's review of the documents, you should include an updated industry standards list along with the updated CVA nomination, FDR, or FIR.

Guidance Document Statement

BSEE issues NTLs as guidance documents to clarify and provide more detail about certain BSEE regulatory requirements and to outline the information that is required by regulation that you provide in your various submittals. Accordingly, this NTL sets forth guidance that recommends a clear and consistent approach to submitting certain information required by the applicable regulations.

Paperwork Reduction Act (PRA) Statement

The Office of Management and Budget (OMB) has approved the information collection requirements and assigned OMB Control Number 1014-0034 for 30 CFR part 285. This NTL does not impose any additional information collection requirements subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Contact

If you have questions regarding this NTL, please contact the Office of Renewable Energy and Regulatory Compliance, 1849 C Street NW, Office 5429, Washington, DC 20240; or email: bseeofficeofrenewableenergy@bsee.gov.

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Appendix A

The table below shows an example of a few rows of an industry standards list. The contents in this table do not indicate an endorsement by BSEE of any industry standards nor do they imply that the industry standards listed are sufficient to meet any regulatory or COP requirements. We are providing these examples solely to show how your industry standards list should be formatted and completed.

SDO	Standard Identifier	Edition	Year	Applicable Equipment	Coverage	Comments
API	RP 2A-LRFD	2	2019	OSS foundation	All required parts	Designing to exposure level L-1
DNV	RP-C203	Sep, 2019	2021	WTG tower, blades, RNA	All required parts	
CIGRE	TB 722		2018	Inter-array cables, export cables	All required parts	
NFPA	70E		2024	OSS, RNA, tower	All required parts and Annex G	