

Settling Defendants shall also cooperate with EPA [and the State] in providing information regarding of the Work to the public. As requested by EPA [or the State], Settling Defendants shall participate in the preparation of such information for dissemination to the public and in public meetings which may be held or sponsored by EPA [or the State] to explain activities at or relating to the Site.

XXXII. Modification

103. Schedules specified in this Consent Decree for completion of the Work may be modified by agreement of EPA and the Settling Defendants. All such modifications shall be made in writing.

104. No material modifications shall be made to the SOW without written notification to and written approval of the United States, Settling Defendants, and the Court. Prior to providing its approval to any modification, the United States will provide the State with a reasonable opportunity to review and comment on the proposed modification. Modifications to the SOW that do not materially alter that document may be made by written agreement between EPA, after providing the State with a reasonable opportunity to review and comment on the proposed modification, and the Settling Defendants.

105. Nothing in this Decree shall be deemed to alter the Court's power to enforce, supervise or approve modifications to this Consent Decree.

XXXIII. Lodging and Opportunity for Public Comment

106. This Consent Decree shall be lodged with the Court for a period of not less than thirty (30) days for public notice and comment in accordance with section 122(d)(2) of CERCLA, 42 U.S.C. 9622(d)(2), and 28 CFR 50.7. The United States reserves the right to withdraw or withhold its consent if the comments regarding the Consent Decree disclose facts or consideration which indicate that the Consent Decree is inappropriate, improper, or inadequate. Settling Defendants consent to the entry of this Consent Decree without further notice.

107. If for any reason the Court should decline to approve this Consent Decree

in the form presented, this agreement is voidable at the sole discretion of any party and the terms of the agreement may not be used as evidence in any litigation between the Parties.

XXXIV. Signatories/Service

108. Each undersigned representative of a Settling Defendant to this Consent Decree and the Assistant Attorney General for Environment and Natural Resources of the Department of Justice certifies that he or she is fully authorized to enter into the terms and conditions of this Consent Decree and to execute and legally bind such party to this document.

109. Each Settling Defendant hereby agrees not to oppose entry of this Consent Decree by this Court or to challenge any provision of this Consent Decree unless the United States has notified the Settling Defendants in writing that it no longer supports entry of the Consent Decree.

110. Each Settling Defendant shall identify, on the attached signature page, the name, address and telephone number of an agent who is authorized to accept service of process by mail on behalf of that party with respect to all matters arising under or relating to this Consent Decree. Settling Defendants hereby agree to accept service in that manner and to waive the formal service requirements set forth in Rule 4 of the Federal Rules of Civil Procedure and any applicable local rules of this Court, including, but not limited to, service of a summons.

So ordered this _____ day of _____, 19____.

United States District Judge

The Undersigned Parties enter into this Consent Decree in the matter of United States v. _____, relating to the _____ Superfund Site.

FOR THE UNITED STATES OF AMERICA

Date: _____

[Name], Assistant Attorney General,
Environment and Natural Resources
Division, U.S. Department of Justice,
Washington, DC 20530

[Name], Environmental Enforcement
Section, Environment and Natural
Resources Division, U.S. Department
of Justice, Washington, DC 20530

[Name], Assistant United States
Attorney, _____ District of
_____, U.S. Department of
Justice
[Address]

[Name], Assistant Administrator for
Enforcement, U.S. Environmental
Protection Agency, 401 M Street SW,
Washington, DC 20460

[Name], Office of Enforcement, U.S.
Environmental Protection Agency, 401
M Street SW, Washington, DC 20460

[Name], Regional Administrator, Region
_____, U.S. Environmental Protection
Agency
[Address]

[Name], Assistant Regional Counsel,
U.S. Environmental Protection
Agency, Region _____
[Address]

United States v. _____
Consent Decree Signature Page
For the State of _____
Date: _____

[Name]
[Title]
[Address]

The Undersigned Party enters into this
Consent Decree in the matter of United
States v. _____, relating to the
_____ Superfund Site.

FOR _____ COMPANY, INC.*
Date: _____

[Name—Please Type]
[Title—Please Type]
[Address—Please Type]

Agent Authorized to Accept Service
on Behalf of Above-signed Party:

Name: [Please Type] _____
Title: _____
Address: _____
Tel. Number: _____

[FR Doc. 91-15833 Filed 7-5-91; 8:45 am]

BILLING CODE 6560-50-M

* A separate signature page must be signed by
each corporation, individual or other legal entity
that is settling with the United States.

Great Ideas Federal Register

**Monday
July 8, 1991**

Part IV

Department of Education

**Educational Research and Development
Centers Program; Notice Inviting
Applications for a New Award**

DEPARTMENT OF EDUCATION

[CFDA No.: 84.117A]

Educational Research and Development Centers Program; Notice Inviting Applications for a New Award for Fiscal Year (FY) 1992

Purpose of Program: To support a national research and development center to conduct research and related activities in the area of reading.

Eligible Applicants: The following parties are eligible to apply for an award for a Research and Development Center: institutions of higher education, institutions of higher education in consort with public agencies or private nonprofit organizations, and interstate agencies established by compact that operate subsidiary bodies established to conduct postsecondary educational research and development.

Deadline for Transmittal of Applications: October 18, 1991.

Applications Available: July 17, 1991.

Available Funds: This Center will be awarded as a cooperative agreement. Funding for the first year of the National Reading Research Center will be up to \$1.2 million. The following table indicates the estimated funding levels over the five-year project period. The funding levels for years 2 through 5 are estimates depending upon the availability of funds and needs as reflected in the approved application.

	Million
First year funding.....	\$1.2
Second year funding.....	1.5
Third year funding.....	1.6

	Million
Fourth year funding.....	1.7
Fifth year funding.....	1.8
Five year total.....	7.8

¹ Up to.

Estimated Number of Awards: 1.

Project Period: Up to 60 months.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 81, 82, 85, and 86; and (b). The regulations for this program in 34 CFR parts 706 and 708.

SUPPLEMENTARY INFORMATION: On April 30, 1991, the Secretary published a notice in the *Federal Register* soliciting written comments on a research agenda for reading, content, and related areas. The Secretary has decided to fund a National Reading Research Center to address many of the issues raised by commenters in response to the notice.

The mission statement describing the areas of research the Secretary is particularly interested in supporting under the National Reading Research Center will be found in the application package. These areas of research include: Instructional strategies for at-risk students; evaluation of instructional approaches; alternative assessments of student learning; teacher education and instructional interventions; reading and learning from school textbooks and other content materials; reading acquisition and cognition; and the sociocultural contexts within which reading takes place.

Priority: Under 34 CFR 75.105(c)(3) and 34 CFR 706.3(b), the Secretary gives

an absolute preference to applications that meet the following priority. The Secretary funds under this competition only an application that meets this absolute priority.

Research on Reading and Literacy: (English Literacy, including reading, writing, and language skills (34 CFR 706.3(b)(19)).

Selection Criteria: In evaluating applications for grants under this program competition, the Secretary uses the selection criteria in 34 CFR 708.11.

The program regulations in 34 CFR 706.20(b) and (d) provide that the Secretary may award up to 100 points for the selection criteria, including a reserved 10 points. For this competition, the 10 points are added to plan of operation (34 CFR 708.11(c)), for a possible total of 25 points.

FOR APPLICATIONS OR ADDITIONAL INFORMATION CONTACT: Dr. Anne P. Sweet, U.S. Department of Education, OERI, Office of Research, room 606D, 555 New Jersey Avenue, NW., Washington, DC 20208-5648. Telephone: (202) 219-2021. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1-800-877-8339 (in the Washington, DC 202 area code, telephone 708-9300) between 8 a.m. and 7 p.m., Eastern time.

Program Authority: 20 U.S.C. 1221e.

Dated: July 1, 1991.

Bruno V. Manno,

Acting Assistant Secretary for Educational Research and Improvement.

[FR Doc. 91-16089 Filed 7-5-91; 8:45 am]

BILLING CODE 4000-01-M

federal register

**Monday
July 8, 1991**

Part V

Department of the Interior

Mineral Management Service

**Outer Continental Shelf, Western Gulf of
Mexico; Oil and Gas Lease Sale 135 and
Notice of Leasing Systems, Sale 135;
Notices**

4310-MR

UNITED STATES
DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE

Outer Continental Shelf
Western Gulf of Mexico
Oil and Gas Lease Sale 135

1. **Authority.** This Notice is published pursuant to the Outer Continental Shelf (OCS) Lands Act (43 U.S.C. 1331-1356 (1988)), and the regulations issued thereunder (30 CFR Part 256).
2. **Filing of Bids.** Sealed bids will be received by the Regional Director (RD), Gulf of Mexico Region, Minerals Management Service (MMS), 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123-2394. Bids may be delivered in person to that address during normal business hours (8 a.m. to 4 p.m.) until the Bid Submission Deadline at 10 a.m., Tuesday, August 20, 1991. All times cited in this Notice refer to Central Standard Time (C.S.T.) unless otherwise stated. Bids will not be accepted the day of Bid Opening, Wednesday, August 21, 1991. Bids received by the RD later than the time and date specified above will be returned unopened to the bidders. Bids may not be modified or withdrawn unless written modification or written withdrawal request is received by the RD prior to 10 a.m., Tuesday, August 20, 1991. Bid Opening Time will be 9 a.m., Wednesday, August 21, 1991, at the Clarion Hotel, 1500 Canal Street, New Orleans, Louisiana. All bids must be submitted and will be considered in accordance with applicable regulations including 30 CFR Part 256. The list of restricted joint bidders which applies to this sale appeared in the Federal Register on April 4, 1991, at 56 FR 13842.

3. **Method of Bidding.** A separate signed bid in a sealed envelope labeled "Sealed Bid for Oil and Gas Lease Sale 135 (map number, map name, and block number(s)), not to be opened until 9 a.m., C.S.T., August 21, 1991," must be submitted for each block or prescribed bidding unit bid upon. The company qualification number should also appear on the envelope. For example, a label would read as follows: "Sealed Bid for Oil and Gas Lease Sale 135, NG 14-3, Corpus Christi, Block 455, not to be opened until 9 a.m., Wednesday, August 21, 1991, Overthrust Inc. No. 1093." For those blocks which must be bid upon as a bidding unit (see paragraph 12), it is recommended that all numbers of blocks comprising the bidding unit appear on the sealed envelope. A suggested bid form appears in 30 CFR Part 256, Appendix A. In addition, the total amount bid must be in whole dollar amounts (no cents). Bidders must submit with each bid one-fifth of the cash bonus, in cash or by cashier's check, bank draft, or

certified check, payable to the order of the U.S. Department of the Interior--Minerals Management Service. For identification purposes, the company name (abbreviations acceptable) and company qualification number should also appear on the check or draft together with bid block identification (abbreviations acceptable). No bid for less than all of the unleased portions of a block or bidding unit, as referenced in paragraph 12, will be considered.

All documents must be executed in conformance with signatory authorizations on file. Partnerships also need to submit or have on file in the Gulf of Mexico regional office a list of signatories authorized to bind the partnership. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder, in percent to a maximum of five decimal places after the decimal point, e.g., 33.33333 percent. Other documents may be required of bidders under 30 CFR 256.46. Bidders are warned against violation of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders.

4. **Bidding, Yearly Rental, and Royalty Systems.** The following bidding, yearly rental, and royalty systems apply to this sale:

- (a) **Bidding Systems.** All bids submitted at this sale must provide for a cash bonus in the amount of \$25 or more per acre or fraction thereof.
- (b) **Yearly Rental.** All leases awarded will provide for a yearly rental payment of \$3 per acre or fraction thereof.
- (c) **Royalty Systems.** All leases will provide for a minimum royalty of \$3 per acre or fraction thereof. The following royalty systems will be used:

- (1) **Leases with a 12 1/2-Percent Royalty.** This royalty rate applies to blocks in water depths of 400 meters or greater as shown on map 2 (see paragraph 12). Leases issued on the blocks and bidding units offered in this area will have a fixed royalty rate of 12 1/2 percent.
- (2) **Leases with a 16 2/3-Percent Royalty.** This royalty rate applies to blocks in water depths of less than 400 meters (see map 2). Leases issued on the blocks and bidding units offered in this area will have a fixed royalty rate of 16 2/3 percent.

5. Equal Opportunity. Each bidder must qualify for the sale by submitting prior to the Bid Submission Deadline stated in paragraph 2, the certification required by 41 CFR 60-1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form MMS-2033 (June 1985), and the Affirmative Action Representation Form, Form MMS-2032 (June 1985). See paragraph 14(e).

6. Bid Opening. Bid opening will begin at the Bid Opening Time stated in paragraph 2. The opening of the bids is for the sole purpose of publicly announcing bids received, and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight on the day of Bid Opening, that bid will be returned unopened to the bidder as soon thereafter as possible.

7. Deposit of Payment. Any cash, cashier's checks, certified checks, or bank drafts submitted with a bid may be deposited by the Government in an interest-bearing account in the U.S. Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

8. Withdrawal of Blocks. The United States reserves the right to withdraw any block from this sale prior to issuance of a written acceptance of a bid for the block.

9. Acceptance, Rejection, or Return of Bids. The United States reserves the right to reject any and all bids. In any case, no bid may be accepted, and no lease for any block or bidding unit will be awarded to any bidder, unless:

(a) the bidder has complied with all requirements of this Notice and applicable regulations;

(b) the bid is the highest valid bid; and

(c) the amount of the bid has been determined to be adequate by the authorized officer.

No bonus bid will be considered for acceptance unless it provides for a cash bonus in the amount of \$25 or more per acre or fraction thereof. Any bid submitted which does not conform to the requirements of this Notice, the OCS Lands Act, as amended, and other applicable regulations may be returned to the person submitting that bid by the RD and not considered for acceptance.

10. Successful Bidders. Each person who has submitted a bid accepted by the authorized officer will be required to execute copies of the lease, pay the balance of the cash bonus bid along with the first year's annual rental for each lease

issued, by electronic funds transfer in accordance with the requirements of 30 CFR 218.155, and satisfy the bonding requirements of 30 CFR 256, Subpart I.

11. Leasing Maps and Official Protraction Diagrams. Blocks or bidding units offered for lease may be located on the following Leasing Maps or Official Protraction Diagrams which may be purchased from the Gulf of Mexico regional office (see paragraph 14(a)):

(a) OCS Leasing Maps--Texas Set. This set of 16 maps sells for \$18.00.

Map 1	South Padre Island Area
Map 1A	South Padre Island Area, East Addition (revised 12/16/85)
Map 2	North Padre Island Area
Map 2A	North Padre Island Area, East Addition
Map 3	Mustang Island Area
Map 3A	Mustang Island Area, East Addition
Map 4	Matagorda Island Area
Map 5	Brazos Area
Map 5B	Brazos Area, South Addition
Map 6	Galveston Area
Map 6A	Galveston Area, South Addition
Map 7	High Island Area
Map 7A	High Island Area, East Addition
Map 7B	High Island Area, South Addition
Map 7C	High Island Area, East Addition, South Extension
Map 8	Sabine Pass Area

(b) OCS Protraction Diagrams. These diagrams sell for \$2.00 each.

NG 14-3	Corpus Christi (revised 01/27/76)
NG 14-6	Port Isabel (revised 04/27/89)
NG 15-1	East Breaks (revised 01/27/76)
NG 15-2	Garden Banks (revised 10/19/81)
NG 15-4	Alaminos Canyon (revised 04/27/89)
NG 15-5	Keathley Canyon (revised 04/27/89)
NG 15-8	(No Name) (revised 04/27/89)

(c) A complete set of all the above OCS Leasing Maps and OCS Protraction Diagrams is available on microfiche for \$5.00 per set.

12. Description of the Areas Offered for Bids.

(a) Acreages of blocks are shown on Leasing Maps and Official Protraction Diagrams. Some of these blocks, however, may be partially leased, or transected by administrative lines

such as the Federal/State jurisdictional line. In these cases, the following supplemental documents to this Notice are available from the Gulf of Mexico regional office (see paragraph 14(a)):

- (1) Western Gulf of Mexico Lease Sale 135-Final. Unleased Split Blocks.
- (2) Western Gulf of Mexico Lease Sale 135-Final. Unleased Acreage of Blocks with Aliquots Under Lease.

(b) Maps 1, 2, and 3 referred to in this Notice are available on request from the Gulf of Mexico regional office:

Map 1 entitled "Western Gulf of Mexico Lease Sale 135 - Final. Stipulations, Lease Terms, and Warning Areas."

Map 2 entitled "Western Gulf of Mexico Lease Sale 135 - Final. Bidding Systems and Bidding Units." Refers largely to Royalty Rates and Bidding Units.

Map 3 entitled "Western Gulf Mexico Lease Sale 135 - Final. Detailed Maps of Biologically Sensitive Areas." Pertains to areas referenced in Stipulation No. 2.

(c) In several instances two or more blocks have been joined together into bidding units totaling less than 5,760 acres. Any bid submitted for a bidding unit having two or more blocks must be for all of the unleased Federal acreage within all of the blocks in that bidding unit. The list of those bidding units with their total acreages appears on Map 2.

(d) The areas offered for leasing include all those blocks shown on the OCS Leasing Maps and Official Protraction Diagrams listed in paragraph 11(a), (b), and (c), except for those blocks or partial blocks described in pages 7 through 14 of this Notice and the deferrals referenced on page 15.

(e) The proposed Notice for this sale, which was approved in March 1991, listed all Federal acreage under lease at that time. Subsequent lease expirations and relinquishments by lessees, however, have resulted in the availability of a number of previously leased blocks for bidding in this sale. For the convenience of potential bidders, these newly available blocks are listed on page 6 of this Notice.

Western Gulf of Mexico Update List

The following blocks have become available for leasing since publication of the Proposed Notice of Sale 135. This list is being furnished for your convenience.

Mustang Island	High Island, East Addition, South Extension
A-11	A-290
A-12	A-342
A-13	A-357
A-14	
High Island	Garden Banks
261	153
High Island, South Addition	382
A-437	469

Sale 135

WESTERN GULF OF MEXICO LEASED LANDS
(1) Descriptions of blocks listed represent all Federal
acreage leased unless otherwise noted.

S. Padre Island	M. Padre Island East Addition (continued)	M. Padre Island, N. Padre Island, East Addition (continued)	Mustang Island (continued)	Mustang Island, East Addition (continued)	Matagorda Island (continued)	Matagorda Island (continued)	Matagorda Island (continued)	Brazos (continued)
1030	909	912	875	A-85	527	651	A-3	450
1031	914	913	876	A-86	529	652	A-4	451
1032	927	930	A-1	A-91	555	653	A-5	452 (E ₂)
1039	929	931	A-2	A-92	556	654	A-7	453
1040	934	932	A-3	A-95	557	656	A-8	454
1043	935	935	A-5	A-96	564	657		455
1044	947	952	A-6	A-97	565	658		456
1050	948	970	A-7	A-98	566	663		457
1050	948	970	A-10	A-107	567	664		458
1133	949	972	A-15	A-111	568	665		466
1143	954	974	A-16	A-112	569	666		467
1144	955	975	A-18	A-113	566	667	Brazos	469
1153	956	990	A-19	A-114	567	668		470
1154	957	991	A-21	A-116	587	669		474
	967	993	A-22	A-117	588	670		475
	968	995	A-24	A-118	589	671	342	476
	969	996	A-25	A-121	592	672	364	477
	976	1011	A-28	A-122	599	674	365	477
	977	1016	A-30	A-124	600	677	366	488
	978	1018	A-31	A-133	601	678	367	490
	987	A-5	A-32	A-134	602	681	375	491
	988	A-6	A-34	A-135	603	682	376	492
	989	A-7	A-36	A-136	604	685	377	494
	1010	A-8	A-37	A-137	605	686	378	496
		A-9		A-138	606	687	396	498
		A-10		A-139	607	688	397	500
		A-11		A-140	616	(Portion of Seaward of 8(g) Line)	398	501
		A-12		A-149	617	411	399	504
		A-13		A-150	618	412	400	506
		A-14		A-151	619	413	411	509
		A-16		A-153	620	414	412	510
		A-22		A-162	621	415	413	513
		A-23		A-174	622	416	414	514
		A-26			623	417	415	515
		A-30			624	418	416	516
		A-31			625	419	417	517
		A-32			626	420	418	517
		A-33			627	421	419	517
		A-38			628	422	420	517
		A-40			629	423	421	517
		A-41			630	424	422	517
		A-42			631	425	423	517
					632	426	424	517
					633	427	425	517
					634	428	426	517
					635	429	427	517
					636	430	428	517
					637	431	429	517
					638	432	430	517
					639	433	431	517
					640	434	432	517
					641	435	433	517
					642	436	434	517
					643	437	435	517
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					737	531	529	517
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					739	533	531	517
					740	534	532	517
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					783	577	575	517
					784	578	576	517
					785	579	577	517
					786	580	578	517
					787	581	579	517

Brazos (continued)	Brazos, South Addition (continued)	Galveston (continued)	Galveston (continued)	Galveston, South Addition	High Island (continued)	High Island (continued)	High Island (continued)	High Island, South Addition
550	A-52	192	295-	A-115	22	134	179	A-411
552	A-53	209	(S&NE)NE _{1/2}	A-120	34	135-	193	A-412
553	A-61	210	NE _{1/2} NE _{1/2}	A-122	35	(NE _{1/2} , NE _{1/2} S _{1/2})	194	A-414
570	A-62	211	NE _{1/2} NE _{1/2}	A-125	36	SW _{1/2} SW _{1/2}	195	A-417
571	A-63	212	NE _{1/2} NE _{1/2}	A-126	37	NE _{1/2} SE _{1/2} SW _{1/2}	196	A-418
572	A-64	213	NE _{1/2} SE _{1/2} NE _{1/2}	A-129	47	NE _{1/2} SE _{1/2} SW _{1/2}	197	A-419
573	A-65	214	NE _{1/2} SE _{1/2} NE _{1/2}	A-130	48	NE _{1/2} SE _{1/2} SW _{1/2}	198	A-421
576	A-66	215	NE _{1/2} SE _{1/2} NE _{1/2}	A-131	49	NE _{1/2} SE _{1/2} SW _{1/2}	199	A-422
577	A-69	216	NE _{1/2} SE _{1/2} NE _{1/2}	A-132	50	NE _{1/2} SE _{1/2} SW _{1/2}	200	A-423
578	A-70	217	NE _{1/2} SE _{1/2} NE _{1/2}	A-133	51	NE _{1/2} SE _{1/2} SW _{1/2}	201	A-424
579	A-73	218	NE _{1/2} SE _{1/2} NE _{1/2}	A-134	52	NE _{1/2} SE _{1/2} SW _{1/2}	202	A-426
583	A-78	219	NE _{1/2} SE _{1/2} NE _{1/2}	A-135	53	NE _{1/2} SE _{1/2} SW _{1/2}	203	A-434
584	A-84	220	NE _{1/2} SE _{1/2} NE _{1/2}	A-136	54	NE _{1/2} SE _{1/2} SW _{1/2}	204	A-435
608	A-85	221	NE _{1/2} SE _{1/2} NE _{1/2}	A-137	55	NE _{1/2} SE _{1/2} SW _{1/2}	205	A-438
614	A-93	222	NE _{1/2} SE _{1/2} NE _{1/2}	A-138	56	NE _{1/2} SE _{1/2} SW _{1/2}	206	A-439
615	A-99	223	NE _{1/2} SE _{1/2} NE _{1/2}	A-139	63	NE _{1/2} SE _{1/2} SW _{1/2}	207	A-440
A-1	A-100	224	NE _{1/2} SE _{1/2} NE _{1/2}	A-140	64	NE _{1/2} SE _{1/2} SW _{1/2}	208	A-441
A-2	A-102	225	NE _{1/2} SE _{1/2} NE _{1/2}	A-141	65	NE _{1/2} SE _{1/2} SW _{1/2}	209	A-442
A-3	A-104	226	NE _{1/2} SE _{1/2} NE _{1/2}	A-142	66	NE _{1/2} SE _{1/2} SW _{1/2}	210	A-443
A-6	A-105	227	NE _{1/2} SE _{1/2} NE _{1/2}	A-143	67	NE _{1/2} SE _{1/2} SW _{1/2}	211	A-444
A-7	A-107	228	NE _{1/2} SE _{1/2} NE _{1/2}	A-144	68	NE _{1/2} SE _{1/2} SW _{1/2}	212	A-445
A-10	A-110	229	NE _{1/2} SE _{1/2} NE _{1/2}	A-145	69	NE _{1/2} SE _{1/2} SW _{1/2}	213	A-446
A-14	A-111	230	NE _{1/2} SE _{1/2} NE _{1/2}	A-146	70	NE _{1/2} SE _{1/2} SW _{1/2}	214	A-447
A-16	A-113	231	NE _{1/2} SE _{1/2} NE _{1/2}	A-147	71	NE _{1/2} SE _{1/2} SW _{1/2}	215	A-448
A-17	A-124	232	NE _{1/2} SE _{1/2} NE _{1/2}	A-148	72	NE _{1/2} SE _{1/2} SW _{1/2}	216	A-451
A-18	A-127	233	NE _{1/2} SE _{1/2} NE _{1/2}	A-149	73	NE _{1/2} SE _{1/2} SW _{1/2}	217	A-461
A-19	A-128	234	NE _{1/2} SE _{1/2} NE _{1/2}	A-150	86	NE _{1/2} SE _{1/2} SW _{1/2}	218	A-462
A-20	A-129	235	NE _{1/2} SE _{1/2} NE _{1/2}	A-151	87	NE _{1/2} SE _{1/2} SW _{1/2}	219	A-465
A-21	A-131	236	NE _{1/2} SE _{1/2} NE _{1/2}	A-152	88	NE _{1/2} SE _{1/2} SW _{1/2}	220	A-466
A-22	A-132	237	NE _{1/2} SE _{1/2} NE _{1/2}	A-153	89	NE _{1/2} SE _{1/2} SW _{1/2}	221	A-467
A-23	A-133	238	NE _{1/2} SE _{1/2} NE _{1/2}	A-154	91	NE _{1/2} SE _{1/2} SW _{1/2}	222	A-469
A-29		239	NE _{1/2} SE _{1/2} NE _{1/2}	A-155	92	NE _{1/2} SE _{1/2} SW _{1/2}	223	A-470
A-35		240	NE _{1/2} SE _{1/2} NE _{1/2}	A-156	93	NE _{1/2} SE _{1/2} SW _{1/2}	224	A-471
A-36		241	NE _{1/2} SE _{1/2} NE _{1/2}	A-157	94	NE _{1/2} SE _{1/2} SW _{1/2}	225	A-472
A-37		242	NE _{1/2} SE _{1/2} NE _{1/2}	A-158	95	NE _{1/2} SE _{1/2} SW _{1/2}	226	A-474
A-40		243	NE _{1/2} SE _{1/2} NE _{1/2}	A-159	97	NE _{1/2} SE _{1/2} SW _{1/2}	227	A-475
A-41		244	NE _{1/2} SE _{1/2} NE _{1/2}	A-160	98	NE _{1/2} SE _{1/2} SW _{1/2}	228	A-476
		245	NE _{1/2} SE _{1/2} NE _{1/2}	A-161	105	NE _{1/2} SE _{1/2} SW _{1/2}	229	A-477
		246	NE _{1/2} SE _{1/2} NE _{1/2}	A-162	106	NE _{1/2} SE _{1/2} SW _{1/2}	230	A-479
		247	NE _{1/2} SE _{1/2} NE _{1/2}	A-163	108	NE _{1/2} SE _{1/2} SW _{1/2}	231	A-480
		248	NE _{1/2} SE _{1/2} NE _{1/2}	A-164	109	NE _{1/2} SE _{1/2} SW _{1/2}	232	A-481
		249	NE _{1/2} SE _{1/2} NE _{1/2}	A-165	110	NE _{1/2} SE _{1/2} SW _{1/2}	233	A-482
		250	NE _{1/2} SE _{1/2} NE _{1/2}	A-166	111	NE _{1/2} SE _{1/2} SW _{1/2}	234	A-483
		251	NE _{1/2} SE _{1/2} NE _{1/2}	A-167	112	NE _{1/2} SE _{1/2} SW _{1/2}	235	A-484
		252	NE _{1/2} SE _{1/2} NE _{1/2}	A-168	113	NE _{1/2} SE _{1/2} SW _{1/2}	236	A-486
		253	NE _{1/2} SE _{1/2} NE _{1/2}	A-169	114	NE _{1/2} SE _{1/2} SW _{1/2}	237	A-488
		254	NE _{1/2} SE _{1/2} NE _{1/2}	A-170	115	NE _{1/2} SE _{1/2} SW _{1/2}	238	A-489
		255	NE _{1/2} SE _{1/2} NE _{1/2}	A-171	116	NE _{1/2} SE _{1/2} SW _{1/2}	239	A-490
		256	NE _{1/2} SE _{1/2} NE _{1/2}	A-172	117	NE _{1/2} SE _{1/2} SW _{1/2}	240	A-494
		257	NE _{1/2} SE _{1/2} NE _{1/2}	A-173	118	NE _{1/2} SE _{1/2} SW _{1/2}	241	
		258	NE _{1/2} SE _{1/2} NE _{1/2}	A-174	119	NE _{1/2} SE _{1/2} SW _{1/2}	242	
		259	NE _{1/2} SE _{1/2} NE _{1/2}	A-175	120	NE _{1/2} SE _{1/2} SW _{1/2}	243	
		260	NE _{1/2} SE _{1/2} NE _{1/2}	A-176	121	NE _{1/2} SE _{1/2} SW _{1/2}	244	
		261	NE _{1/2} SE _{1/2} NE _{1/2}	A-177	122	NE _{1/2} SE _{1/2} SW _{1/2}	245	
		262	NE _{1/2} SE _{1/2} NE _{1/2}	A-178	123	NE _{1/2} SE _{1/2} SW _{1/2}	246	
		263	NE _{1/2} SE _{1/2} NE _{1/2}	A-179	124	NE _{1/2} SE _{1/2} SW _{1/2}	247	
		264	NE _{1/2} SE _{1/2} NE _{1/2}	A-180	125	NE _{1/2} SE _{1/2} SW _{1/2}	248	
		265	NE _{1/2} SE _{1/2} NE _{1/2}	A-181	126	NE _{1/2} SE _{1/2} SW _{1/2}	249	
		266	NE _{1/2} SE _{1/2} NE _{1/2}	A-182	127	NE _{1/2} SE _{1/2} SW _{1/2}	250	
		267	NE _{1/2} SE _{1/2} NE _{1/2}	A-183	128	NE _{1/2} SE _{1/2} SW _{1/2}	251	
		268	NE _{1/2} SE _{1/2} NE _{1/2}	A-184	129	NE _{1/2} SE _{1/2} SW _{1/2}	252	
		269	NE _{1/2} SE _{1/2} NE _{1/2}	A-185	130	NE _{1/2} SE _{1/2} SW _{1/2}	253	
		270	NE _{1/2} SE _{1/2} NE _{1/2}	A-186	131	NE _{1/2} SE _{1/2} SW _{1/2}	254	
		271	NE _{1/2} SE _{1/2} NE _{1/2}	A-187	132	NE _{1/2} SE _{1/2} SW _{1/2}	255	
		272	NE _{1/2} SE _{1/2} NE _{1/2}	A-188	133	NE _{1/2} SE _{1/2} SW _{1/2}	256	
		273	NE _{1/2} SE _{1/2} NE _{1/2}	A-189	134	NE _{1/2} SE _{1/2} SW _{1/2}	257	
		274	NE _{1/2} SE _{1/2} NE _{1/2}	A-190	135	NE _{1/2} SE _{1/2} SW _{1/2}	258	
		275	NE _{1/2} SE _{1/2} NE _{1/2}	A-191	136	NE _{1/2} SE _{1/2} SW _{1/2}	259	
		276	NE _{1/2} SE _{1/2} NE _{1/2}	A-192	137	NE _{1/2} SE _{1/2} SW _{1/2}	260	
		277	NE _{1/2} SE _{1/2} NE _{1/2}	A-193	138	NE _{1/2} SE _{1/2} SW _{1/2}	261	
		278	NE _{1/2} SE _{1/2} NE _{1/2}	A-194	139	NE _{1/2} SE _{1/2} SW _{1/2}	262	
		279	NE _{1/2} SE _{1/2} NE _{1/2}	A-195	140	NE _{1/2} SE _{1/2} SW _{1/2}	263	
		280	NE _{1/2} SE _{1/2} NE _{1/2}	A-196	141	NE _{1/2} SE _{1/2} SW _{1/2}	264	
		281	NE _{1/2} SE _{1/2} NE _{1/2}	A-197	142	NE _{1/2} SE _{1/2} SW _{1/2}	265	
		282	NE _{1/2} SE _{1/2} NE _{1/2}	A-198	143	NE _{1/2} SE _{1/2} SW _{1/2}	266	
		283	NE _{1/2} SE _{1/2} NE _{1/2}	A-199	144	NE _{1/2} SE _{1/2} SW _{1/2}	267	
		284	NE _{1/2} SE _{1/2} NE _{1/2}	A-200	145	NE _{1/2} SE _{1/2} SW _{1/2}	268	
		285	NE _{1/2} SE _{1/2} NE _{1/2}	A-201	146	NE _{1/2} SE _{1/2} SW _{1/2}	269	
		286	NE _{1/2} SE _{1/2} NE _{1/2}	A-202	147	NE _{1/2} SE _{1/2} SW _{1/2}	270	
		287	NE _{1/2} SE _{1/2} NE _{1/2}	A-203	148	NE _{1/2} SE _{1/2} SW _{1/2}	271	
		288	NE _{1/2} SE _{1/2} NE _{1/2}	A-204	149	NE _{1/2} SE _{1/2} SW _{1/2}	272	
		289	NE _{1/2} SE _{1/2} NE _{1/2}	A-205	150	NE _{1/2} SE _{1/2} SW _{1/2}	273	
		290	NE _{1/2} SE _{1/2} NE _{1/2}	A-206	151	NE _{1/2} SE _{1/2} SW _{1/2}	274	
		291	NE _{1/2} SE _{1/2} NE _{1/2}	A-207	152	NE _{1/2} SE _{1/2} SW _{1/2}	275	
		292	NE _{1/2} SE _{1/2} NE _{1/2}	A-208	153	NE _{1/2} SE _{1/2} SW _{1/2}	276	
		293	NE _{1/2} SE _{1/2} NE _{1/2}	A-209	154	NE _{1/2} SE _{1/2} SW _{1/2}	277	
		294	NE _{1/2} SE _{1/2} NE _{1/2}	A-210	155	NE _{1/2} SE _{1/2} SW _{1/2}	278	
		295	NE _{1/2} SE _{1/2} NE _{1/2}	A-211	156	NE _{1/2} SE _{1/2} SW _{1/2}	279	
		296	NE _{1/2} SE _{1/2} NE _{1/2}	A-212	157	NE _{1/2} SE _{1/2} SW _{1/2}	280	
		297	NE _{1/2} SE _{1/2} NE _{1/2}	A-213	158	NE _{1/2} SE _{1/2} SW _{1/2}	281	
		298	NE _{1/2} SE _{1/2} NE _{1/2}	A-214	159	NE _{1/2} SE _{1/2} SW _{1/2}	282	
		299	NE _{1/2} SE _{1/2} NE _{1/2}	A-215	160	NE _{1/2} SE _{1/2} SW _{1/2}	283	
		300	NE _{1/2} SE _{1/2} NE _{1/2}	A-216	161	NE _{1/2} SE _{1/2} SW _{1/2}	284	
		301	NE _{1/2} SE _{1/2} NE _{1/2}	A-217	162	NE _{1/2} SE _{1/2} SW _{1/2}	285	
		302	NE _{1/2} SE _{1/2} NE _{1/2}	A-218	163	NE _{1/2} SE _{1/2} SW _{1/2}	286	
		303	NE _{1/2} SE _{1/2} NE _{1/2}	A-219	164	NE _{1/2} SE _{1/2} SW _{1/2}	287	
		304	NE _{1/2} SE _{1/2} NE _{1/2}	A-220	165	NE _{1/2} SE _{1/2} SW _{1/2}	288	
		305	NE _{1/2} SE _{1/2} NE _{1/2}	A-221	166	NE _{1/2} SE _{1/2} SW _{1/2}	289	
		306	NE _{1/2} SE _{1/2} NE _{1/2}	A-222	167	NE _{1/2} SE _{1/2} SW _{1/2}	290	

High Island, South Addition (continued)	High Island, East Addition (continued)	High Island, East Addition, S. Extension (continued)	High Island, East Addition, S. Extension (continued)	High Island, East Addition, S. Extension (continued)	East Breaks (continued)	East Breaks (continued)	East Breaks (continued)	East Breaks (continued)	Garden Banks (continued)	Garden Banks (continued)	Garden Banks (continued)
A-496	A-562	129	A-260	A-336	122	329	602	988	126	206	
A-497	A-563	130	A-261	A-338	125	330	604	989	127	207	
A-499	A-564	166	A-264	A-339	154	343	605	990	128	208	
A-501	A-567	167	A-269	A-340	156	344	607	991	129	210	
A-502	A-568	A-170	A-270	A-341	157	345	623	992	141	211	
A-503	A-570	A-171	A-271	A-343	158	384	624	994	142	212	
A-505	A-571	A-172	A-272	A-344	159	385	625		143	213	
A-506	A-572	A-173	A-274	A-345	160	388	626		144	215	
A-510	A-573	A-174	A-280	A-347	161	389	637		145	216	
A-511	A-574	A-175	A-281	A-348	162	392	638		147	217	
A-515	A-576	A-176	A-282	A-349	164	393	639		151	222	
A-517	A-582	A-177	A-283	A-350	165	402	640		152	224	
A-518	A-584	A-178	A-285	A-351	168	428	642		154	225	
A-519	A-585	A-183	A-286	A-352	169	429	643		156	226	
A-520	A-586	A-185	A-288	A-353	171	437	644		157	228	
A-521	A-587	A-187	A-293	A-354	172	462	645	21	158	229	
A-522	A-588	A-192	A-294	A-355	173	473	646	22	163	230	
A-523	A-589	A-193	A-295	A-356	207	474	647	23	164	232	
A-524	A-590	A-194	A-296	A-360	208	475	648	26	165	233	
A-525	A-591	A-195	A-297	A-361	209	476	649	27	166	234	
A-527	A-593	A-200	A-299	A-362	211	477	684	28	167	235	
A-528	A-595	A-201	A-300	A-363	213	506	685	29	168	236	
A-529	A-596	A-205	A-301	A-365	214	507	686	35	170	237	
A-531		A-206	A-302	A-366	215	512	688	65	173	239	
A-532		A-207	A-303	A-367	216	514	689	68	179	240	
A-533		A-217	A-305	A-368	217	519	690	69	181	241	
A-536		A-218	A-306	A-369	235	520	691	70	183	242	
A-537		A-224	A-307	A-370	236	523	692	71	184	244	
A-539		A-228	A-308	A-371	237	524	728	80	185	245	
A-540		A-229	A-309	A-372	238	555	729	81	186	248	
A-542		A-231	A-310	A-373	246	556	732	83	187	250	
A-544		A-233	A-312	A-374	250	557	739	84	189	251	
A-545		A-237	A-313	A-376	251	558	740	85	190	252	
A-546		A-239	A-314	A-377	252	562	741	97	190	253	
A-547	38	A-240	A-317	A-378	254	563	783	98	191	257	
A-548	39	A-244	A-318	A-379	255	564	784	102	192	258	
A-549	45	A-246	A-321	A-381	256	565	785	103	193	259	
A-550	46	A-250	A-322	A-382	257	566	901	105	195	260	
A-551	74	A-53	A-323	A-383	258	567	902	106	196	269	
A-552	75	A-254	A-324	A-384	259	568	904	112	197	272	
A-553	76	A-255	A-325	A-385	260	569	905	115	198	273	
A-554	83	A-259	A-326	A-386	279	579	943	117	199	274	
A-555	84	A-329	A-327	A-387	280	580	944	120	200	275	
A-556	85	A-329	A-328	A-387	290	593	945	121	201	276	
A-557	118	A-330	A-329	A-388	296	598	946	122	202	277	
A-557	119	A-332	A-330	A-389	300	599	947	123	203	278	
A-558	120	A-333	A-331	A-390	302	600	948	124	204	279	
A-560	120	A-334	A-332	A-391	304	601	949	125	205	280	
A-561	128	A-335	A-333	A-392	120						

Garden Banks (continued)	Garden Banks (continued)	Garden Banks (continued)	Garden Banks (continued)	Port Isabel	Alaminos Canyon (continued)	Alaminos Canyon (continued)	Keathley Canyon (continued)	Keathley Canyon (continued)
281	380	471	607	39	390	783	167	583
282	381	472	610	40	398	810	168	584
283	386	473	611	81	441	811	177	594
284	387	474	622	82	442	813	178	595
285	388	475	623	125	475	814	179	596
286	389	476	625	130	489	818	191	600
287	390	477	629	131	490	822	192	601
291	397	485	630	166	491	826	199	603
295	398	489	638	167	518	827	200	604
298	399	498	639	174	533	854	201	638
299	405	506	644	175	534	856	202	639
302	407	507	645	214	556	857	203	647
303	409	508	646	216	557	865	211	648
305	410	512	650	217	558	900	212	649
314	411	513	651	218	595	901	221	650
315	412	514	653	481	599	903	236	693
322	413	515	674	482	600	904	241	694
324	414	516	682	525	601	908	242	695
326	415	517	683	526	602	947	243	
327	416	523	694	568	644	951	245	
329	418	524	697	570	645	954	246	
330	419	525	726	876	646	955	247	
331	420	529	727		647	998	255	
333	421	536	736		687	999	256	
334	422	549	738		691		286	
335	423	550	739		719		301	
341	424	554	740		720		302	
342	425	555	741		726		324	
344	426	556	754		728		346	
345	427	557	767		730		377	
346	428	558	771		731		388	
349	429	559	772		734		420	
361	430	562	775		735		421	
362	433	563	782		736		422	
363	444	568	783		763		431	
365	447	569	784		764		432	
366	448	579	785		766		465	
367	455	580	786		767		466	
368	456	588	786		770		476	
371	457	593	787		774		509	
372	462	594	788		775		512	
374	463	598	798		776		522	
375	464	599	803		778		523	
376	465	600	804		779		556	
377	466	601	806		780		557	
378	467	602	811		781		567	
379	468	603	812		782		568	
	470	606	813					

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Alaminos
CanyonKeathley
Canyon

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(2) Although currently unleased and shown on Texas Leasing Map No. 7C, High Island Area, East Addition, South Extension, dated October 19, 1981, no bids will be accepted on the following blocks: A-375 and A-398.

(3) No bids will be accepted in the Corpus Christi Naval Operations Deferral Area containing 340 blocks as shown on Map 1.

13. Lease Terms and Stipulations.

(a) Leases resulting from this sale will have initial terms as shown on Map 1 and will be issued on Form MMS-2005 (March 1986). Copies of the lease form are available from the Gulf of Mexico regional office (see paragraph 14(a)).

(b) The applicability of the stipulations which follow is as shown on Map 1 and Map 3 and as supplemented by references in this Notice.

Stipulation No. 1--Protection of Archaeological Resources.

(This stipulation will apply to all blocks offered for lease in this sale.)

(a) "Archaeological resource" means any prehistoric or historic district, site, building, structure, or object (including shipwrecks); such term includes artifacts, records, and remains which are related to such a district, site, building, structure, or object (16 U.S.C. 470w(5)). "Operations" means any drilling, mining, or construction or placement of any structure for exploration, development, or production of the lease.

(b) If the Regional Director (RD) believes an archaeological resource may exist in the lease area, the RD will notify the lessee in writing. The lessee shall then comply with subparagraphs (1) through (3).

(1) Prior to commencing any operations, the lessee shall prepare a report, as specified by the RD, to determine the potential existence of any archaeological resource that may be affected by operations. The report, prepared by an archaeologist and a geophysicist, shall be based on an assessment of data from remote-sensing surveys and of other pertinent archaeological and environmental information. The lessee shall submit this report to the RD for review.

(2) If the evidence suggests that an archaeological resource may be present, the lessee shall either:

(i) Locate the site of any operation so as not to adversely affect the area where the archaeological resource may be; or

(ii) Establish to the satisfaction of the RD that an archaeological resource does not exist or will not be adversely affected by operations. This shall be done by further archaeological investigation, conducted by an archaeologist and a geophysicist, using survey equipment and techniques deemed necessary by the RD. A report on the investigation shall be submitted to the RD for review.

(3) If the RD determines that an archaeological resource is likely to be present in the lease area and may be adversely affected by operations, the RD will notify the lessee immediately. The lessee shall take no action that may adversely affect the archaeological resource until the RD has told the lessee how to protect it.

(c) If the lessee discovers any archaeological resource while conducting operations on the lease area, the lessee shall report the discovery immediately to the RD. The lessee shall make every reasonable effort to preserve the archaeological resource until the RD has told the lessee how to protect it.

Stipulation No. 2--Protection of Topographic Features.

(This stipulation will be included in leases located in the areas so indicated on Maps 1 and 3 described in paragraph 12.)
The banks which cause this stipulation to be applied to blocks of the Western Gulf are:

Bank Name	No Activity Zone Defined by Isobath (meters)	Bank Name	No Activity Zone Defined by Isobath (meters)
Shelf Edge Banks			
West Flower Garden Bank*	100	Mysterious Bank	74, 76, 78, 80, 84 (see leasing map)
(defined by 1/4 1/4 1/4 system)		Coffee Lump	Various (see leasing map)
East Flower Garden Bank*	100	Blackfish Ridge	70
MacNeil Bank	82	Big Dunn Bar	65
29 Fathom Bank	64	Small Dunn Bar	65
Rankin Bank	85	32 Fathom Bank	52
Geyer Bank	85	Claypile Bank***	50
Elvers Bank	85	South Texas Banks***	
Bright Bank*****	85	Dream Bank	78, 82
McCrall Bank*****	85	Southern Bank	80
Rezak Bank*****	85	Hospital Bank	70
Sidner Bank	85	North Hospital Bank	68
Parker Bank	85	Arahans Bank	70
Stetson Bank	62	South Baker Bank	70
Applebaum Bank	85	Baker Bank	70

* Flower Garden Banks--In paragraph (c) a "4-Mile Zone" rather than a "1-Mile Zone" applies.

** Low Relief Banks--Only paragraph (a) applies.

*** Claypile Bank--Paragraphs (a) and (b) apply. In paragraph (b) monitoring of the effluent to determine the effect on the biota of Claypile Bank shall be required rather than shunting.

**** South Texas Banks--Only paragraphs (a) and (b) apply.

*****Central Gulf of Mexico bank with a portion of its "1-Mile Zone" and/or "3-Mile Zone" in the Western Gulf of Mexico.

(a) No activity including structures, drilling rigs, pipelines, or anchoring will be allowed within the listed isobath ("No Activity Zone" as shown on Map 3) of the banks as listed above.

(b) Operations within the area shown as "1,000-Meter Zone" shall be restricted by shunting all drill cuttings and drilling fluids to the bottom through a downpipe that terminates an appropriate distance, but no more than 10 meters, from the bottom.

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(c) Operations within the area shown as "1-Mile Zone" on Map 3 shall be restricted by shunting all drill cuttings and drilling fluids to the bottom through a downpipe that terminates an appropriate distance, but no more than 10 meters, from the bottom. (Where there is a "1-Mile Zone" designated, the "1,000-Meter Zone" in paragraph (b) is not designated.)

(d) Operations within the area shown as "3-Mile Zone" on Map 3 shall be restricted by shunting all drill cuttings and drilling fluids from development operations to the bottom through a downpipe that terminates an appropriate distance, but no more than 10 meters, from the bottom.

Stipulation No. 3--Military Warning Areas.

(This stipulation will be included in leases located within Warning Areas shown on Map 1 described in paragraph 12.)

(a) Hold and Save Harmless

Whether compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occur in, on, or above the Outer Continental Shelf (OCS), to any persons or to any property of any person or persons who are agents, employees, or invitees of the lessee, its agents, independent contractors or subcontractors doing business with the lessee in connection with any activities being performed by the lessee in, on, or above the OCS, if such injury or damage to such person or property occurs by reason of the activities of any agency of the U. S. Government, its contractors or subcontractors, or any of their officers, agents or employees, being conducted as a part of, or in connection with, the programs and activities of the command headquarters listed in the following table.

Notwithstanding any limitation of the lessee's liability in section 14 of the lease, the lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of its officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, and to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the agents, employees, or invitees of the lessee, its agents, or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the appropriate military installation, whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors or subcontractors, or any of its officers, agents, or employees and whether such claims might be sustained under a theory of strict or absolute liability or otherwise.

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(b) Electromagnetic Emissions

The lessee agrees to control its own electromagnetic emissions and those of its agents, employees, invitees, independent contractors or subcontractors emanating from individual designated defense warning areas in accordance with requirements specified by the commander of the command headquarters listed in the following table to the degree necessary to prevent damage to, or unacceptable interference with, Department of Defense flight, testing or operational activities conducted within individual designated warning areas. Necessary monitoring control and coordination with the lessee, its agents, employees, invitees, independent contractors or subcontractors will be effected by the commander of the appropriate onshore military installation conducting operations in the particular warning area, provided, however, that control of such electromagnetic emissions shall in no instance prohibit all manner of electromagnetic communication during any period of time between a lessee, its agents, employees, invitees, independent contractors or subcontractors, and onshore facilities.

(c) Operational

The lessee, when operating or causing to be operated on its behalf, boat or aircraft traffic in the individual designated warning areas, shall enter into an agreement with the commander of the individual command headquarters listed in the following table, upon utilizing an individual designated warning area prior to commencing such traffic. Such an agreement will provide for positive control of boats and aircraft operating into the warning areas at all times.

Warning Areas' Command Headquarters
Western Planning Area

Warning Areas

W-228

Command Headquarters

Chief, Naval Air Training
Naval Air Station
ATTN: Lt. Commander Williams
or Lt. Jex
Corpus Christi, Texas 78419-5100
Telephone: (512) 939-3927/3902

W-602

Command Headquarters

Headquarters SAC/DONO
Deputy Chief of Staff
Operations Headquarters
Strategic Air Command
ATTN: Lt. Col. Forstie
or Mr. Berube
Offutt AFB, Nebraska 68113-5001
Telephone: (402) 294-3103/3450 or
Scheduling: (402) 294-2334

14. Information to Lessees.

(a) **Supplemental Documents.** For copies of the various documents identified as available from the Gulf of Mexico regional office, bidders should contact the Public Information Unit, Minerals Management Service, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123-2394, telephone (504) 736-2519. For additional information, contact the Regional Supervisor for Leasing and Environment, same address, or phone (504) 736-2759.

(b) **Navigation Safety.** Operations on some of the blocks offered for lease may be restricted by designation of the fairways, precautionary zones, anchorages, safety zones, or traffic separation schemes established by the U.S. Coast Guard pursuant to the Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.), as amended. U.S. Army Corps of Engineers permits are required for construction of any artificial islands, installations, and other devices permanently or temporarily attached to the seabed located on the OCS in accordance with section 4(e) of the OCS Lands Act, as amended.

For additional information, prospective bidders should contact Lt. Commander William P. Prosser, Assistant Marine Port Safety Officer, 8th Coast Guard District, Hale Boggs Federal Building, New Orleans, Louisiana 70130, telephone (504) 589-6901.

(c) **Offshore Pipelines.** Lessees are advised that the Department of the Interior and the Department of Transportation have entered into a Memorandum of Understanding dated May 6, 1976, concerning the design, installation, operation, and maintenance of offshore pipelines. Bidders should consult both Departments for regulations applicable to offshore pipelines.

(d) **8-Year Lessee.** Bidders are advised that any lease issued for a term of 8 years will be cancelled after 5 years, following notice pursuant to the OCS Lands Act, as amended, if within the initial 5-year period of the lease, the drilling of an exploratory well has not been initiated, or if initiated, the well has not been drilled in conformance with the approved exploration plan criteria, or if there is not a suspension of operations in effect, etc. Bidders are referred to 30 CFR 256.37.

(e) **Affirmative Action.** Revision of Department of Labor regulations on affirmative action requirements for Government contractors (including lessees) has been deferred, pending review of those regulations (see Federal Register of August 25, 1981, at 46 FR 42865 and 42968). Should changes become effective at any time before the issuance of leases resulting from this sale, section 18 of the lease form (Form MMS-2005, March 1986) would be deleted from leases resulting from this sale. In addition, existing stocks of the affirmative action forms described in paragraph 5 of this Notice contain language that would be superseded by the revised regulations at 41 CFR 60-1.5(a)(1) and 60-1.7(a)(1).

Submission of Form MMS-2032 (June 1985) and Form MMS-2033 (June 1985) will not invalidate an otherwise acceptable bid, and the revised regulations' requirements will be deemed to be part of the existing affirmative action forms.

(f) Ordnance Disposal Areas. Bidders are cautioned as to the existence of two inactive ordnance disposal areas in the Corpus Christi and East Breaks areas, shown on Map 1 described in paragraph 12 of this Notice. These areas were used to dispose of ordnance of unknown composition and quantity. These areas have not been used since about 1970. Water depths in the Corpus Christi area range from approximately 600 to 900 meters. Water depths in the East Breaks area range from approximately 300 to 700 meters. Bottom sediments in both areas are generally soft, consisting of silty clays. Exploration and development activities in these areas require precautions commensurate with the potential hazards. Lessees are advised of an Environmental Protection Agency dumping site located in portions of Alamitos Canyon, East Breaks, Garden Banks, and Keathley Canyon.

(g) Archaeological Resources. Bidders are advised of proposed changes in the historic shipwreck requirements and the areas on the OCS where such surveys will be required (see Stipulation No. 1). The proposed requirements would significantly reduce the area where historic shipwreck surveys will be required but call for a more concentrated survey interval (i.e., from 150 meters to 50 meters) in high probability areas of historic shipwrecks, to better locate, evaluate, and protect historic period wrecks. These proposed changes are specifically described at 56 FR 20234-20238 in the Federal Register of May 2, 1991, and, if adopted, would supersede all previously adopted Notices to Lessees and Letters to Lessees.

Approved:

David O'Neal
Assistant Secretary, Land and Mineral Management

7-3-91

Date

David O'Neal

Barry Williamson
Director, Minerals Management Service

Barry Williamson

Billing Code: 4310-MR

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Outer Continental Shelf
Western Gulf of Mexico

Notice of Leasing Systems, Sale 135

Section 8(a)(8) (43 U.S.C. 1337(a)(8)) of the Outer Continental Shelf Lands Act (OCSLA) requires that, at least 30 days before any lease sale, a Notice be submitted to the Congress and published in the Federal Register:

1. Identifying the bidding systems to be used and the reasons for such use; and
2. designating the tracts to be offered under each bidding system and the reasons for such designation.

This Notice is published pursuant to these requirements.

1. Bidding systems to be used. In the Outer Continental Shelf (OCS) Sale 135, blocks will be offered under the following two bidding systems as authorized by section 8(a)(1) (43 U.S.C. 1337(a)(1)): (a) bonus bidding with a fixed 16 2/3-percent royalty on all unleased blocks in less than 400 meters of water; and (b) bonus bidding with a fixed 12 1/2-percent royalty on all remaining unleased blocks.

a. Bonus Bidding with a 16 2/3-Percent Royalty. This system is authorized by section 8(a)(1)(A) of the OCSLA. This system has been used extensively since the passage of the OCSLA in 1953 and imposes greater risks on the lessee than systems with higher contingency payments but may yield more rewards if a commercial field is discovered. The relatively high front-end bonus payments may encourage rapid exploration.

b. Bonus Bidding with a 12 1/2-Percent Royalty. This system is authorized by section 8(a)(1)(A) of the OCSLA. It has been chosen for certain deeper water blocks proposed for the Western Gulf of Mexico (Sale 135) because these blocks are expected to require substantially higher exploration, development, and production costs, as well as longer times before initial production, in comparison to shallow water blocks. Department of the Interior analyses indicate that the minimum economically developable discovery on a block in such high-cost areas under a 12 1/2-percent royalty system would be less than for the same blocks under a 16 2/3-percent royalty system.

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As a result, more blocks may be explored and developed. In addition, the lower royalty rate system is expected to encourage more rapid production and higher economic profits. It is not anticipated, however, that the larger cash bonus bid associated with a lower royalty rate will significantly reduce competition, since the higher costs for exploration and development are the primary constraints to competition.

2. Designation of Blocks. The selection of blocks to be offered under the two systems was based on the following factors:

- a. Lease terms on adjacent, previously leased blocks were considered to enhance orderly development of each field.
- b. Blocks in deep water were selected for the 12 1/2-percent royalty system based on the favorable performance of this system in these high-cost areas as evidenced in our analyses.

The specific blocks to be offered under each system are shown on Map 2 entitled "Western Gulf of Mexico Lease Sale 135 - Final. Bidding Systems and Bidding Units." This map is available from the Minerals Management Service, Gulf of Mexico Region, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123-2394.

Approved:

Barry Williamson

Director, Minerals Management Service

David O'Neal

July 2, 1991

Assistant Secretary - Land and Minerals Management

federal register

**Monday
July 8, 1991**

Part VI

Department of Transportation

Coast Guard

46 CFR Part 16

Chemical Drug Testing Programs for Commercial Vessel Personnel; Final Rule

DEPARTMENT OF TRANSPORTATION**Coast Guard****46 CFR Part 16****[CGD 90-014]****RIN 2115-AC45****Chemical Drug Testing Programs for Commercial Vessel Personnel****AGENCY:** Coast Guard, DOT.**ACTION:** Final rule.

SUMMARY: This rule establishes random chemical drug testing requirements for all crewmembers who serve in positions which affect the safe operation of a commercial vessel. The Coast Guard believes that random chemical testing for dangerous drugs is necessary for the overall effectiveness of any program to discourage drug use by commercial vessel personnel and thereby enhance the safety of the marine transportation industry.

These regulations reduce the number of crewmembers subject to random testing under the maritime transportation drug testing program and remove industrial personnel on industrial vessels from the requirements for drug testing.

EFFECTIVE DATE: This rule is effective on October 1, 1991.

FOR FURTHER INFORMATION CONTACT: LCDR Thomas Murphy, U.S. Coast Guard Headquarters, Office of Marine Safety, Security and Environmental Protection (G-MMI-2), telephone (202) 267-1421.

SUPPLEMENTARY INFORMATION:**Drafting Information**

The principal document drafters are Mr. Walter D. Rabe, Project Manager, Office of Marine Safety, Security and Environmental Protection, and Christena Green, Project Counsel, Office of Chief Counsel.

Background

On November 21, 1988, the Coast Guard issued a Final Rule requiring pre-employment, periodic, random, post-accident and reasonable cause testing for commercial vessel personnel. (53 FR

47064) On November 29, 1988, the Transportation Institute and the Seafarers International Union, as well as other individual plaintiffs, filed a lawsuit against the U.S. Coast Guard and James H. Burnley IV, then Secretary of Transportation (Civil Action No. 88-3429), in the United States District Court for the District of Columbia. The lawsuit sought declaratory and injunctive relief against the Coast Guard's Final Rule which required private citizens employed aboard commercial vessels to be subject to government-compelled drug testing even if those individuals were not suspected of drug use.

On December 18, 1989, the District Court enjoined the Coast Guard from implementing that part of the drug testing rules which required employers to initiate programs for random drug testing of all crewmembers as described in the November 21, 1988, Final Rule. The Final Rule has required, with limited exceptions, that all crewmembers serving aboard a vessel be subject to random drug testing. The rule was based on the concept that random testing was warranted not only for those crewmembers whose ordinary duties directly affected the safe navigation and operation of a vessel but also for other crewmembers who, in an emergency, were assigned tasks critical to the safety of the vessel and its passengers. In his opinion, District Court Judge Thomas F. Hogan approved the concept of random drug testing but held that the random drug testing regulations as written in the November 21, 1988, Final Rule could not be sustained under the Fourth Amendment because no clear, direct nexus between the nature of an employee's duty and an irreversible and calamitous consequence has been demonstrated. The Court was not convinced that the immediacy or gravity of the potential safety threat was sufficient to mandate random drug testing for all employees covered in the Coast Guard's regulations. However, Judge Hogan acknowledged "that some crewmembers within the currently drawn regulations perform duties so directly tied to safety, that they could constitutionally be required to undergo random testing." Judge Hogan's decision left the Coast

Guard free to promulgate new random drug testing regulations applicable only to those crewmembers whose duties have a clear and direct nexus to the safety concerns of the government. In response to Judge Hogan's decision, on December 26, 1989, the Coast Guard published a Final Rule suspending implementation of random drug testing by marine employers until further notice. (54 FR 52943)

On July 27, 1990, the Coast Guard published a Notice of Proposed Rulemaking (the "NPRM") to require random chemical drug testing only for those commercial vessel personnel who perform ordinary duties directly affecting the safe operation and navigation of the vessel and, on vessels carrying passengers, who are assigned emergency duties making them directly responsible for the safety to passengers (55 FR 30886). The NPRM also proposed removing certain drilling industry personnel from maritime industry drug testing program coverage.

This Final Rule contains the Coast Guard's random chemical drug testing regulations for the maritime industry. It requires chemical testing for dangerous drugs on a random basis (random testing) of crewmembers on inspected vessels who occupy a position, or perform the duties and functions of a position, required by the vessel's Certificate of Inspection; who perform the duties and functions of patrolmen or watchmen; or who are specifically assigned the duties of warning, mustering, assembling, assisting, or controlling the movement of passengers during emergencies. The rule also requires random testing of crewmembers on uninspected vessels who are required by law or regulation to hold a license issued by the Coast Guard in order to perform their duties on the vessel; who perform duties and functions directly related to the safe operation of the vessel; who perform the duties and functions of patrolmen or watchmen; or who are specifically assigned the duties of warning, mustering, assembling, assisting, or controlling the movement of passengers during emergencies. This Final Rule removes industrial personnel on

industrial vessels from all requirements under the maritime transportation industry drug testing program contained in 46 CFR part 16.

Discussion of Comments and Changes

The Coast Guard received 52 written comments in response to the notice of proposed rulemaking. The written comments on the July 27, 1990, NPRM addressed a wide variety of issues. All comments were considered, despite the fact that some were received after the close of the applicable comment period.

Public Hearings

One commenter requested that public hearings be held in various cities so that affected individuals would have an opportunity to testify. The Coast Guard believes that all interested parties have had ample opportunity to express their views regarding this rulemaking and that public hearings would not have been of substantial benefit to the development of this rule.

Definitions

The Coast Guard has combined the proposed definitions of vessel operation and vessel navigation into a single definition. For many years, the Coast Guard has considered the functions and duties listed under "vessel navigation" in the NPRM to be essential parts of vessel operation. In fact, 46 U.S.C. 8101 requires the Certificate of Inspection (COI) issued to an inspected vessel to "state the complement of licensed individuals and crew (including lifeboatmen) considered by the Secretary to be necessary for safe operation." Because no particular purpose would be served by separating navigation duties from other operation duties in this rulemaking, and to eliminate possible confusion, the definitions of "vessel navigation" and "vessel operation" in the NPRM have been replaced by a single definition, "operation", in the final rule.

Numerous commenters objected to the proposed language "providing for the safety of passengers on board" in the definition of vessel operations because that phrase is vague and could be interpreted very broadly. The Coast Guard agrees with these commenters, and has clarified the language in the final rule. As indicated previously, the Coast Guard believes that any crewmember assigned direct responsibility for passenger safety should be subject to random testing. On inspected vessels, those crewmembers are, for the most part, required by and listed on the COI as patrolmen, watchmen and lifeboatmen. Any additional crewmembers who are

specifically assigned these duties, whether or not they are listed on the COI and regardless of whether they perform these duties on an inspected vessel or an uninspected vessel, also should be subject to random testing. The language of the final rule, therefore, has been revised to include all crewmembers who perform duties as patrolmen or watchmen or who are "specifically assigned the duties of warning, mustering, assembling, assisting, or controlling the movement of passengers during emergencies." The Coast Guard believes that this language clearly identifies which crewmembers are subject to random testing by virtue of their assigned duties to ensure passenger safety.

One commenter urged that the definition of "operation" be broadened to include monitoring, maintenance, and operation of equipment intended for use in response to spills of oil and hazardous liquids because those duties are clearly and directly connected to "consequences that may be irreversible and calamitous." The Coast Guard does agree that the definition of "operations" should be so broadened. Oil spill cleanup operations are performed from many different types of vehicles, including commercial and non-commercial, inspected and uninspected vessels. On board a commercial vessel, persons who are involved solely in "cleanup operations" are industrial personnel and should be excepted from chemical drug testing required by part 16; while crewmembers with duties that directly affect the safe operation of the vessel would be subject to random testing. On non-commercial oil spill clean-up vessels, such as those owned and operated by federal, state, or local governments, these rules do not apply.

Two commenters indicated that "marine employer" needs to be more clearly defined. The commenters question whether the company that charters a vessel or the company that provides a vessel for charter bears the responsibility for random testing of the crewmembers. Clearly, the crewmembers' employer is responsible for implementing the drug testing programs required by these regulations. The Coast Guard believes that the definition in § 16.105 of "marine employer" as the owner, managing operator, charterer, agent, master, or person in charge of a vessel is sufficient for the purposes of these drug testing regulations. Each marine employer is responsible for implementing the regulations with regard to its employees. The Coast Guard does not believe that there are any peculiar employment arrangements in the maritime industry

that prevent an employer from knowing who they employ or an employee from knowing who employs them. The intent of the regulations is to ensure that all covered crewmembers are appropriately tested and that the rule provides marine employers flexibility in providing for required testing. The Coast Guard does not intend to regulate contractual matters among operators, charterers, owners, etc., regarding compliance with these regulations.

Crewmembers Subject to Random Testing

In general, commenters representing an employee or union perspective opposed random testing or suggested a narrow definition of "crewmembers subject to random testing". Commenters representing a marine employer perspective generally suggested either a broad definition of "crewmembers subject to random testing" or that all crewmembers be random tested.

Several commenters suggested that all crewmembers on particular vessel types, such as large passenger vessels, oil tankers, inland towing vessels, or mobile offshore drilling units (MODUs) be subject to random testing. While the 1988 Final Rule required most of these crewmembers to be tested on a random basis, the Coast Guard cannot accept these suggestions because it is clear from Judge Hogan's ruling that a direct nexus between a crewmember's duties and vessel safety must exist in order to subject a crewmember to random testing. The Coast Guard cannot demonstrate that all crewmembers on any particular type of vessel have duties that directly affect the vessel's safety.

Some commenters suggested that on inspected vessels, only those crewmembers required by the COI be subject to random testing. Although the minimum required crew complement of an inspected vessel is listed (number and type of licensed, documented, and undocumented personnel) on the vessel's COI, the COI will rarely, if ever, be identical to the actual crewlist. When crewmembers in addition to those listed on the COI are engaged at the discretion of the vessel owner or operator to perform the same duties as those crewmembers listed on the COI, these additional crewmembers must be subject to random testing for the same reasons as COI listed personnel. The Coast Guard could not, therefore, limit the random testing requirements to only the crewmembers required by the COI. The requirement in the final rule that COI listed crewmembers be subject to random testing is only a threshold requirement for testing crewmembers on

inspected vessels. The marine employer must identify all other crewmembers who perform operations duties and ensure that they, too, are subject to random testing. We must, therefore, determine which duties on all vessels will subject a crewmember to random testing, based on the duties that a crewmember actually performs rather than on the type of vessel on which the crewmember serves. The Coast Guard has defined the types of duties which directly affect the safe operation of a vessel. The marine employer must identify which crewmembers perform these duties.

Several commenters requested that all crewmembers on uninspected inland towing vessels, including cooks, be subject to random testing. Some commenters indicated that cooks on these vessels routinely perform a variety of duties that involve the safe operation of the vessel, and that a cook's failure to perform his galley duties properly could result in food poisoning of the crew or in a galley fire that could spread and consume the vessel. Based on the comments received, however, the Coast Guard does not agree that all cooks should be subject to random testing. Most cooks do not have duties in addition to cooking and galley cleaning. The Coast Guard does not believe that cooking and galley cleaning alone have a sufficient tie to safe vessel operation to warrant random testing. However, those cooks on any type of vessel who have ordinary and routine duties (apart from cooking or galley cleaning) that are directly related to the safe operation of the vessel should be subject to random testing.

Two commenters indicated that all crewmembers onboard passenger vessels, including cabin stewards, waiters, porters, and entertainers, are directly responsible for passenger safety and should be subject to random testing. Another commenter indicated that all personnel on passenger vessels with emergency duties assigned on the vessel's station bill should be subject to random testing. The Coast Guard does not agree with these commenters. A crewmember's assignment to an emergency duty on the vessel's station bill is not sufficient reason to require the crewmember to be subject to random testing. The Coast Guard's position concerning emergency duties is that only those crewmembers who are assigned specific emergency duties which make them directly responsible for the safety of life of passengers should be subject to random testing. Direct responsibility for passenger safety must be assigned to and understood by a crewmember as a

job function. Crewmembers who may simply "help out" in an emergency are not thereby subject to random testing. Of course, in an emergency, persons who are not otherwise subject to random testing are not precluded from providing assistance to passengers that is beyond their normal job requirements.

One commenter indicated that the NPRM does not include harbor pilots, and that they should be subject to random testing. The Coast Guard agrees that pilots should be subject to random testing. As stated in the NPRM, pilots perform the same duties as masters and deck watch officers, and also contribute knowledge of local port conditions. The NPRM envisioned that pilots would be subject to random drug testing because they perform vessel navigation duties. The final rule requires that harbor pilots be subject to random drug testing.

Two commenters indicated that wipers would be excluded from random testing. One commenter said that Judge Hogan had already concluded that a wiper's duties "were not so safety sensitive as to permit them to be subjected to random urinalysis." The other commenter said that the inclusion of the wiper "is not considered valid by definition of his job description. The job of the wiper at sea and in port (is) to do general cleaning and upkeep in the engine department spaces and assist in repair work." The Coast Guard does not believe that Judge Hogan's ruling concluded that a wiper should be excluded from random testing. Rather, the Coast Guard believes that the salient conclusion drawn by Judge Hogan was that the Government had not shown a direct nexus between the duties of wipers and the safety concerns of the Government. The Court expected the Coast Guard to show that nexus when it reformulated the regulations. However, in view of the comments received, the Coast Guard has reconsidered its original position regarding random testing of wipers. The Coast Guard agrees that the ordinary duties of a wiper are not so safety-sensitive as to require random testing. Generally, a wiper occupies an entry level position in the engine department, is not required by the COI, and, is closely supervised by other engine department personnel when performing safety-sensitive duties. In those few instances where wipers are required by the COI, they have been determined to be essential to the safe operation of the vessel. Accordingly, the Final Rule requires only those wipers who are specifically required by the COI, or who perform some other "operation" duty in

addition to their duties as a wiper, to be subject to random testing.

After considering all the comments received, the Coast Guard has revised the NPRM's proposed wording to insure that this final rule clearly indicates which crewmembers on inspected vessels and uninspected vessels must be subject to random testing. Paragraph 16.230(a) treats crewmembers on inspected vessels, and paragraph 16.230(b) treats crewmembers on uninspected vessels.

Industrial Personnel

Two commenters noted that the NPRM, as written, could be misinterpreted to propose random testing of industrial personnel because they perform duties listed under "Vessel Operations." The Coast Guard agrees that some confusion might have resulted from the wording of the NPRM, and appropriate changes have been made to the Final Rule to clarify its coverage. Industrial personnel are carried on board an industrial vessel for the sole purpose of carrying out the industrial business or functions of the vessel, and they do not routinely perform duties that directly affect the safe operation of the vessel. These persons are, therefore, excepted from chemical drug testing required by part 16. Although industrial personnel may perform some of the types of duties listed under "vessel operations," such as operation of deck machinery, the duties they perform involve the industrial functions of the vessel, not the navigation or operation of the vessel as a vessel. The Coast Guard has had a definition of industrial personnel in 46 CFR 90.10-15 for many years, i.e., "This term means every person carried on board an industrial vessel for the sole purpose of carrying out the industrial business or functions of the industrial vessel. Examples of industrial personnel include tradesmen, such as mechanics, plumbers, electricians, and welders; laborers, such as wreckers and construction workers; and other persons, such as supervisors, engineers, technicians, drilling personnel, and divers."

Industrial personnel are not required by the Certificate of Inspection to be on board a vessel; they are allowed to be on board to perform industrial functions. However, some confusion might remain regarding those persons who perform industrial functions, but who also are properly trained and documented to serve as lifeboatmen. When such persons are serving as a lifeboatmen required by the COI, they cannot be excluded under the "industrial personnel" provision because they are

not on board for the sole purpose of carrying out industrial functions. They perform the duties of a lifeboatman, and are required by the COI; they are therefore subject to random testing.

Two commenters noted that proposed 16.105(b)(3) would apply only to industrial personnel on mobile offshore drilling units, and that industrial personnel on other vessels, such as derrick barges and pipelay barges, should be treated equally. The Coast Guard agrees, and § 16.105(b)(3) has been rewritten to include industrial personnel on any industrial vessel.

Implementation Date

The Coast Guard specifically sought comment on problems associated with implementation of this Final Rule within 30 days after publication in the Federal Register.

Note: The Notice of Proposed Rulemaking published on July 27, 1990, stated, as a result of a printing error, that the random testing program was to be implemented not later than August 27, 1990. The error was corrected by the Federal Register of August 1, 1990.

Five commenters requested that the effective date of the rules be more than 30 days from publication in the Federal Register. Three commenters suggested 90 days, one commenter suggested 45 days, and one commenter suggested "more than 30 days." One commenter indicated that more than 30 days time is necessary for companies to inform their employees of the new random testing requirements, establish internal policies, and ensure that all mechanisms for compliance are in place. When the NPRM was published, the Coast Guard had anticipated that final rules would be in place in sufficient time for employers with 50 or fewer employees to implement a random testing program as originally scheduled on December 21, 1990. However, it was not possible to complete a final rule on the schedule that had been anticipated. In view of the comments received, the Coast Guard agrees that additional time may be necessary for all employers to implement a random testing program. Accordingly, § 16.205 (a), (b), and (c) have been revised to require that all random testing programs be in place by October 1, 1991.

Other Employer Drug Testing Programs

Two commenters requested that the final rule specifically state that it does not preempt other drug testing programs implemented by employers. The Coast Guard does not believe that it is necessary for the final rule to contain such a statement. The authority for these rules is 46 U.S.C. 2103, 3306, 7101, 7301, and 7701, and 49 CFR 1.46.

Employers must implement programs for chemical drug and alcohol testing of commercial vessel personnel in accordance with this rule. These rules do not preclude or limit additional drug testing programs established by employers under other authority.

Regulatory Evaluation

These regulations are considered to be non-major under Executive Order 12291. However, they are considered to be significant under the DOT regulatory policies and procedures (44 FR 11304; February 26, 1979) because of controversy surrounding random testing, substantial public interest, and litigation. The revision to 46 CFR part 16 serves to re-establish random drug testing requirements for those crewmembers aboard commercial vessels whose duties directly affect the vessel's safe operation. A regulatory evaluation of the economic impact of drug testing, including random testing, accompanied the November 21, 1988 Final Rule (53 FR 47064). Although this revision will reduce somewhat the recurring annual cost of implementation of drug testing by decreasing the number of persons subject to drug testing, there will be no appreciable decrease in the administrative costs to employers to conduct the overall program. The crewmembers who will be excluded by this revision perform only duties that are not considered safety sensitive. The Coast Guard believes their exclusion will decrease the cost of the random testing program but will not significantly decrease the benefits of random testing because these crewmembers have little impact on a vessel's safe operation.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 requires review of proposed rules to assess their impact on small business. The Coast Guard concluded that the November 21, 1988 Final Rule could have a significant economic impact on a substantial number of small entities. A regulatory flexibility analysis was placed in the docket (CGD 86-067) for the Final Rule (53 FR 47064). As discussed above, this revision will decrease the economic impact imposed by that rule by reducing somewhat the number of tests required to be conducted. However, the savings will be minimal because the proposed change will not eliminate other required tests or the need to have a drug testing program for personnel covered by that rule.

Paperwork Reduction Act

This rule contains no additional information collection requirements. The paperwork associated with this rule has

been approved by the Office of Management and Budget under number 2115-0574.

Federalism Implications

This rule has been analyzed in accordance with the principles and criteria contained in Executive Order 12612. The Coast Guard has determined that it does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

As required by section 2.B.2.1. of Commandant Instruction M16475.1B, the Coast Guard has considered this rule's environmental impact and concludes that the rule is categorically excluded from further environmental documentation.

List of Subjects in 46 CFR Part 16

Seamen, Marine safety, Navigation (water), Alcohol and alcoholic beverages, Drugs.

In consideration of the foregoing, the Coast Guard amends part 16 of title 46, Code of Federal Regulations as set forth below:

PART 16—CHEMICAL TESTING

1. The authority citation for part 16 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306, 7101, 7301, and 7701; 49 CFR 1.46.

2. In § 16.105, the definition of "crewmember" is amended by revising paragraph (b) and a new definition "operation" is added in alphabetical order, to read as follows:

§ 16.105 Definitions of terms used in this part.

* * * * *

Crewmember means an individual who is:

* * * * *

(b) Engaged or employed on board a vessel owned in the United States that is required by law or regulation to engage, employ, or be operated by an individual holding a license, certificate of registry, or merchant mariner's document issued under this subchapter, except the following:

(1) Individuals on fish processing vessels who are primarily employed in the preparation of fish or fish products, or in a support position, and who have no duties that directly affect the safe operation of the vessel;

(2) Scientific personnel on an oceanographic research vessel;

(3) Individuals on industrial vessels who are industrial personnel, as defined in this chapter; and

(4) Individuals not required under part 15 of this subchapter who have no duties that directly affect the safe operation of the vessel.

* * * *

Operation means to navigate, steer, direct, manage, or sail a vessel, or to control, monitor, or maintain the vessel's main or auxiliary equipment or systems. Operation includes:

(a) Determining the vessel's position, piloting, directing the vessel along a desired trackline, keeping account of the vessel's progress through the water, ordering or executing changes in course, rudder position, or speed, and maintaining a lookout;

(b) Controlling, operating, monitoring, maintaining, or testing: the vessel's propulsion and steering systems; electric power generators; bilge, ballast, fire, and cargo pumps; deck machinery including winches, windlasses, and lifting equipment; lifesaving equipment and appliances; firefighting systems and equipment; and navigation and communication equipment; and

(c) Mooring, anchoring, and line handling; loading or discharging of cargo or fuel; assembling or disassembling of tows; and maintaining the vessel's stability and watertight integrity.

* * * *

3. Section 16.201 is amended by revising paragraphs (c) and (d) to read as follows:

§ 16.201 Application.

* * * *

(c) If an individual holding a license, certificate of registry, or merchant mariner's document fails a chemical test for dangerous drugs, the individual's employer or prospective employer shall report the test results in writing to the nearest Coast Guard Officer in Charge, Marine Inspection (OCMI). The individual shall be denied employment as a crewmember or removed from duties which directly affect the safe operation of the vessel as soon as practicable and shall be subject to suspension and revocation proceedings against his or her license, certificate of registry, or merchant mariner's document under 46 CFR part 5.

(d) If an individual who does not hold a license, certificate of registry, or merchant mariner's document fails a

chemical test for dangerous drugs, the individual shall be denied employment as a crewmember or removed from duties which directly affect the safe operation of the vessel as soon as possible.

* * * *

4. Section 16.205 is revised to read as follows:

§ 16.205 Implementation of chemical testing programs.

(a) Each employer who employs more than 50 employees required to be tested under this part was required to implement the pre-employment testing program required by this part not later than June 21, 1989, and the serious marine incident and reasonable cause testing programs required by this part not later than December 21, 1989. The random testing program required by this part shall be implemented not later than October 1, 1991.

(b) Each employer who employs from 11 to 50 employees required to be tested under this part was required to implement the pre-employment, serious marine incident and reasonable cause testing programs required by this part not later than December 21, 1989. The random testing program required by this part shall be implemented not later than October 1, 1991.

(c) Each employer who employs 10 or fewer employees required to be tested under this part was required to implement the preemployment, serious marine incident and reasonable cause testing programs required by this part not later than December 21, 1990. The random testing program required by this part shall be implemented not later than October 1, 1991.

5. Section 16.230 is revised to read as follows:

§ 16.230 Random testing requirements.

(a) Marine employers shall establish programs for the chemical testing for dangerous drugs on a random basis of crewmembers on inspected vessels who:

(1) Occupy a position, or perform the duties and functions of a position, required by the vessel's Certificate of Inspection;

(2) Perform the duties and functions of patrolmen or watchmen required by this chapter; or,

(3) Are specifically assigned the duties of warning, mustering, assembling, assisting, or controlling the

movement of passengers during emergencies.

(b) Marine employers shall establish programs for the chemical testing for dangerous drugs on a random basis of crewmembers on uninspected vessels who:

(1) Are required by law or regulation to hold a license issued by the Coast Guard in order to perform their duties on the vessel;

(2) Perform duties and functions directly related to the safe operation of the vessel;

(3) Perform the duties and functions of patrolmen or watchmen required by this chapter; or,

(4) Are specifically assigned the duties of warning, mustering, assembling, assisting, or controlling the movement of passengers during emergencies.

(c) Random selection of individual crewmembers means that every member of a given population has a substantially equal chance of selection on a statistically valid basis. The testing frequency and selection process shall be such that an employee's chance of selection continues to exist throughout his or her employment. Random selection may be accomplished by periodically selecting one or more vessels and testing all crewmembers covered by this section, provided each vessel subject to the marine employer's test program remains equally subject to selection.

(d) Marine employers may form or otherwise use sponsoring organizations, or may use contractors, to conduct the random chemical testing programs required by this part.

(e) Each marine employer shall ensure that crewmembers are tested on a random basis at an annual rate of not less than 50 percent.

(f) An individual may not be engaged or employed, including self-employment, on a vessel in a position as master, operator, or person in charge for which a license or merchant mariner's document is required by law or regulation unless all crewmembers covered by this section are subject to the random testing requirements of this section.

Dated: June 28, 1991.

J. W. Kime,

Admiral, U.S. Coast Guard Commandant.

[FR Doc. 91-16101 Filed 7-5-91; 8:45 am]

BILLING CODE 4910-14-M

federal register

**Monday
July 8, 1991**

Part VII

The President

**Presidential Determination No. 91-43—
Determination Under Section 405(a) of
the Trade Act of 1974, as Amended—the
Republic of Bulgaria**

**Presidential Determination No. 91-44—
Determination Under Section 405(a) of
the Trade Act of 1974, as Amended—the
Mongolian People's Republic**

**Memorandum of June 25—Delegation of
Authority Regarding Missile Technology
Proliferation**

July 2, 1921

Part VII

The President

Presidential Information No. 94-45
 Determination Under Section 405(a) of
 the Trade Act of 1924 as Amended—The
 Republic of Bulgaria

Presidential Information No. 97-44
 Determination Under Section 405(a) of
 the Trade Act of 1924 as Amended—The
 Kingdom of the Netherlands

Memorandum of June 25—Determination of
 Authority Regarding Trade Policy
 Protection

Federal Register

Vol. 56, No. 130

Monday, July 8, 1991

Presidential Documents

Title 3—

Presidential Determination No. 91-43 of June 24, 1991

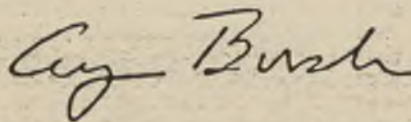
The President

**Determination Under Section 405(a) of the Trade Act of 1974,
as Amended—the Republic of Bulgaria**

Memorandum for the Secretary of State

Pursuant to the authority vested in me under the Trade Act of 1974 (Public Law 93-618, January 3, 1975; 88 Stat. 1978), as amended (the "Trade Act"), I determine, pursuant to section 405(a) of the Trade Act, that the "Agreement on Trade Relations Between the Government of the United States of America and the Government of the Republic of Bulgaria" will promote the purposes of the Trade Act and is in the national interest.

You are authorized and directed to transmit copies of this determination to the appropriate Members of Congress and to publish it in the **Federal Register**.



THE WHITE HOUSE,
Washington, June 24, 1991.

[FR Doc. 91-16362

Filed 7-5-91; 11:39 am]

Billing code 3195-01-M

Editorial note: For the President's letter to Congressional leaders on trade with Bulgaria, see the *Weekly Compilation of Presidential Documents* (vol. 27, p. 841).

Presidential Documents

Presidential Determination No. 91-44 of June 24, 1991

Determination Under Section 405(a) of the Trade Act of 1974, as Amended—the Mongolian People's Republic

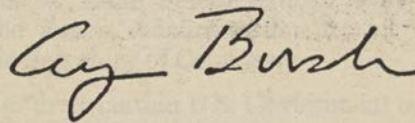
Memorandum for the Secretary of State

Pursuant to the authority vested in me under the Trade Act of 1974 (Public Law 93-618, January 3, 1975; 88 Stat. 1978), as amended (the "Trade Act"), I determine, pursuant to section 405(a) of the Trade Act, that the "Agreement on Trade Relations Between the Government of the United States of America and the Government of the Mongolian People's Republic" will promote the purposes of the Trade Act and is in the national interest.

You are authorized and directed to transmit copies of this determination to the appropriate Members of Congress and to publish it in the **Federal Register**.

THE WHITE HOUSE.

Washington, June 24, 1991.



[FR Doc. 91-16381

Filed 7-5-91; 11:40 am]

Billing code 3195-01-M

Editorial note: For the President's letter to Congressional leaders on trade with Mongolia, see the *Weekly Compilation of Presidential Documents* (vol. 27, p. 843).

Presidential Documents

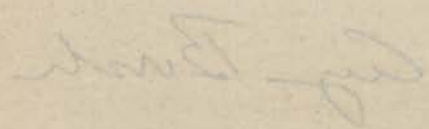
Presidential Memorandum No. 81-41 of June 24, 1981

Determination Under Section 405(a) of the Trade Act of 1974
as Amended—the Mongolian People's Republic

Memorandum for the Secretary of State

Pursuant to the authority vested in me under the Trade Act of 1974 (Law 95-618, January 3, 1978; 88 Stat. 1978), as amended (the "Trade Act"), I determine pursuant to section 405(a) of the Trade Act that the Agreement on Trade Relations between the Government of the United States of America and the Government of the Mongolian People's Republic will promote the purposes of the Trade Act and is in the national interest.

You are authorized and directed to transmit copies of this determination to the appropriate Members of Congress and to publish it in the Federal Register.



THE WHITE HOUSE
Washington, June 24, 1981

Referred to the Committee on International Trade and Commerce, House of Representatives, for its consideration and report, July 2, 1981.

For the President
Ronald Reagan

Presidential Documents

Memorandum of June 25, 1991

Delegation of Authority Regarding Missile Technology Proliferation

Memorandum for the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, [and] the Secretary of Commerce

By virtue of the authority vested in me by the Constitution and laws of the United States of America, including section 301 of title 3, United States Code, and sections 1701-1704 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510) (the Act), I hereby make the following delegations:

1. The authority and duties vested in me by sections 72 and 73 of the Arms Export Control Act (22 U.S.C. 2797a and b) and section 1704 of the Act (22 U.S.C. 2797 note) are delegated to the Secretary of State, except that:

a. The authority vested in me to make determinations with respect to violations by U.S. persons of the Export Administration Act of 1979 under section 72(a)(1) is delegated to the Secretary of Commerce.

b. The authority vested in me to deny certain U.S. Government contracts as provided in sections 73(a)(2)(A)(i) and 73(a)(2)(B)(i), pursuant to a determination made under section 73(a)(1), as well as the authority vested in me to make the findings provided in sections 72(c), 73(f), and 73(g)(1), are delegated to the Secretary of Defense. Waivers based upon findings made pursuant to sections 72(c) and 73(f) shall be issued, transmitted to Congress, and notified to the Secretary of the Treasury as appropriate by the Secretary of State.

c. The authority vested in me to prohibit certain imports as provided in section 73(a)(2)(C), pursuant to a determination made by the Secretary of State under such section, and the obligation to implement the exceptions provided in section 73(g), are delegated to the Secretary of the Treasury.

2. The authority and duties vested in me by section 1702 of the Act and section 11B of the Export Administration Act of 1979 (50 U.S.C. App. 2410b) are delegated to the Secretary of Commerce, except that:

a. The authority and duties vested in me by sections 11B(b)(1)(A) (insofar as such section authorizes determinations with respect to violations by U.S. persons of the Arms Export Control Act), 11B(b)(1)(B)(iii) (insofar as such section authorizes determinations regarding activities by foreign persons), and 11B(b)(5) are delegated to the Secretary of State.

b. The authority vested in me to make the findings provided in sections 11B(a)(3), 11B(b)(6), and 11B(b)(7)(A) are delegated to the Secretary of Defense. Waivers based upon findings made pursuant to sections 11B(a)(3) and 11B(b)(6) shall be issued, transmitted to Congress, and notified to the Secretary of the Treasury as appropriate by the Secretary of Commerce and Secretary of State, respectively.

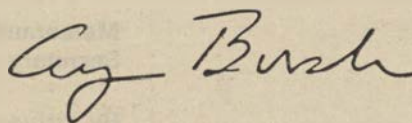
c. The authority vested in me to prohibit certain imports as provided in section 11B(b)(1)(B)(iii), pursuant to a determination made by the Secretary of State under such section, and the obligation to implement the exceptions provided in section 11B(b)(7), are delegated to the Secretary of the Treasury.

All functions delegated herein shall be exercised in consultation among the Secretary of State, the Secretary of Defense, the Secretary of the Treasury, the Secretary of Commerce, the Director of the Arms Control and Disarmament Agency, and other departments and agencies as appropriate.

The functions delegated herein may be redelegated as appropriate. Regulations necessary to carry out the functions delegated herein may be issued as appropriate.

The Secretary of State is authorized and directed to publish this memorandum in the **Federal Register**.

THE WHITE HOUSE,
Washington, June 25, 1991.



[FR Doc. 91-16383

Filed 7-5-91: 11:39 am]

Billing code 3195-01-M