

Note, and the attached Federal Register notices

By note dated 13 January 1986, the Government of the United States conveyed to the United Nations notices published in the Federal Register of the United States, which provided public notice of the issuance in 1984 by the National Oceanic and Atmospheric Administration (NOAA), United States Department of Commerce, of four licences authorizing deep sea-bed hard mineral resources exploration in specified areas of the east-central Pacific Ocean. Included in the Federal Register notices were the geographical co-ordinates of the deep sea-bed areas within which deep sea-bed hard mineral exploration has been authorized. That note and the related licence notices were printed in the United Nations Law of the Sea Bulletin, No. 7, April 1986.

As a result of negotiations which in July 1987 produced the successful resolution of mine site overlaps, three of the above licences have been modified to incorporate changes in site co-ordinates. These licence amendments are set forth in the attached Federal Register notices.

The Government of the United States requests that this note, and the attached Federal Register notices, be circulated by the United Nations as part of the next Law of the Sea Bulletin prepared by the Office of the Special Representative of the Secretary-General for the Law of the Sea.

National Oceanic and Atmospheric Administration

Deep Sea-Bed Mining: Approval of Revisions to Mine Site Areas and Publication of Revised Co-ordinates

AGENCY: National Oceanic and Atmospheric Administration, Commerce

ACTION: Notice of approval of amendments to Deep Sea-Bed Mining Exploration Licence areas and publication of revised co-ordinates.

SUMMARY: Pursuant to the Deep Sea-Bed Hard Mineral Resources Act and 15 CFR Part 970, and at the request of the affected U.S. licensees, the National Oceanic and Atmospheric Administration (NOAA) on 22 February 1988 approved revisions to exploration licences USA-2 and USA-3, issued to Ocean Management, Inc. (OMI) and Ocean Mining Associates (OMA), respectively. On 7 and 16 October 1987, at 52 FR 37490 and 52 FR 38504, NOAA published notice of the proposed licence area changes to USA-2 and USA-3 and to exploration licence USA-1 issued to Ocean Minerals Company (OMCO), and a brief explanation of how these area revisions would be accomplished. No comments were received in opposition to approval of the requested revisions. NOAA will announce final action on the proposed revisions to licence USA-1 at a later date.

In accordance with the provisions of 15 CFR 970.512 through 970.514, NOAA has modified the licence terms, conditions and restrictions (TCR (5)) of licences USA-2 and USA-3 to restrict exploration activities so as to reflect the resolution of site overlaps. All other licence TCRs will remain in effect.

USA-2, issued to Ocean Management, Inc.

NOAA published the co-ordinates for the Ocean Management, Inc. exploration licence area at 49 FR 48205 on 11 December 1984. That licence area is now amended, resulting in a change in operating area from approximately 135,100 square kilometres to approximately 112,500 square kilometres; a reduction of approximately 22,600 square kilometres. This amendment is accomplished as follows:

- 1) The licence area is reduced by OMI relinquishment of the following area:

<u>Turning Points</u>	<u>Latitude (North)</u>	<u>Longitude (West)</u>
1	12° 50'	133° 50'
2	12° 50'	134° 00'
3	13° 00'	134° 00'
4	13° 00'	134° 15'
5	12° 30'	134° 15'
6	12° 30'	134° 04'
7	12° 11.6'	134° 04'
8	12° 11.6'	133° 50'
1	12° 50'	133° 50'

The above area has been applied for to be added to the licence area of Ocean Minerals Company.

2) The operating area within the original licence area is reduced by adding new paragraphs (b) and (c) to TCR(5) of the licence terms, conditions and restrictions. TCR(5) now provides as follows:

(5) Freedom of the High Seas Requirements

(a) The licensee shall conduct its exploration activities in a manner which will not unreasonably interfere with the interests of other nations in their exercise of the freedoms of the high seas, as recognized under general principles of international law, such as fishing, navigation, submarine pipeline and cable laying, and scientific research (15 CFR 970.520).

(b) In particular, pursuant to the resolution of the deep sea-bed mining site overlap between Ocean Management, Inc., and Yuzhmorgeologiya, which is to be implemented as set forth in the agreement of 14 August 1987 between the United States and the Union of Soviet Socialist Republics, Ocean Management, Inc., shall not engage in exploration, and shall not physically interfere with the exploration or commercial recovery activities of other operators, in the following area:

<u>Turning Points</u>	<u>Latitude (North)</u>	<u>Longitude (West)</u>
1	13° 30'	134° 45'
2	13° 30'	133° 50'
3	12° 50'	133° 50'
4	12° 50'	134° 00'
5	13° 00'	134° 00'
6	13° 00'	134° 15'
7	12° 30'	134° 15'
8	12° 30'	134° 04'
9	12° 11.6'	134° 04'
10	12° 11.6'	133° 50'
11	11° 30'	133° 50'
12	11° 30'	134° 45'
1	13° 30'	134° 45'

(c) In the event of actions which may constitute a breach of the above agreement of 14 August 1987, including the understandings related thereto, the State Department, on its own initiative or at the request of NOAA or any affected licensee, will determine within 60 days after such initiative or request, and in consultation with NOAA

and any affected licensee, if such a breach has occurred. If this is determined to be the case, the Department of State and NOAA, in consultation with any affected licensee, will take appropriate action to seek to remedy the breach. If such breach cannot be remedied within 90 days after it is determined a breach has occurred, NOAA shall, in accordance with NOAA regulations, remove or modify the restrictions set forth in TCR(5) (b), or take promptly such other action as is appropriate and effective.

USA-3, issued to Ocean Mining Associates.

A. Licence area amendment:

NOAA published the co-ordinates for the Ocean Mining Associates exploration licence area at 49 FR 44938 on 13 November 1984.

That licence area is now amended, resulting in a change in operating area from approximately 156,060 square kilometres to approximately 150,310 square kilometres; a reduction of approximately 5,750 square kilometres. This amendment is accomplished by reducing the operating area within the original licence area, through adding new paragraphs (b) and (c) to TCR(5) of the licence terms, conditions and restrictions. TCR(5) now provides as follows:

(5) Freedom of the High Seas Requirements

(a) The licensee shall conduct its exploration activities in a manner which will not unreasonably interfere with the interests of other nations in their exercise of the freedoms of the high seas, as recognized under general principles of international law, such as fishing, navigation, submarine pipeline and cable laying, and scientific research (15 CFR 970.520).

(b) In particular, pursuant to the resolution of the deep sea-bed mining site overlap between Ocean Mining Associates and Yuzhmorgeologiya, which is to be implemented as set forth in the agreement of 14 August 1987 between the United States and the Union of Soviet Socialist Republics, Ocean Mining Associates shall not engage in exploration, and shall not physically interfere with the exploration or commercial recovery activities of other operators in the following area:

<u>Turning Points</u>	<u>Latitude (North)</u>	<u>Longitude (West)</u>
1	14° 45'	128° 12.5'
2	14° 37.5'	128° 12.5'
3	14° 37.5'	128° 9.13'
4	14° 15'	128° 9.13'
5	14° 15'	128° 5'
6	14° 00'	128° 5'
7	14° 00'	128° 10'
8	13° 55'	128° 10'
9	13° 55'	128° 15'
10	13° 34.56'	128° 15'
11	13° 34.56'	128° 35'
12	14° 45'	128° 35'
1	14° 45'	128° 12.5'

(c) In the event of actions which may constitute a breach of the above agreement of 14 August 1987, including the understandings related thereto, the State Department, on its own initiative or at the request of NOAA or any affected licensee, will determine within 60 days after such initiative or request, and in consultation with NOAA

and any affected licensee, if such a breach has occurred. If this is determined to be the case, the Department of State and NOAA, in consultation with any affected licensee, will take appropriate action to seek to remedy the breach. If such breach cannot be remedied within 90 days after it is determined a breach has occurred, NOAA shall, in accordance with NOAA regulations, remove or modify the restrictions set forth in TCR(5) (b), or take promptly such other action as is appropriate and effective.

B. Proposal for interim preservational reference area:

Ocean Mining Associates (OMA) has submitted to NOAA a request for consultation with the objective of early designation by OMA of an area of approximately 6,520 square kilometres within the area of licence USA-3 as an interim preservational reference area. The co-ordinates delineating the proposed area are as follows:

<u>Turning Points</u>	<u>Latitude (North)</u>	<u>Longitude (West)</u>
1	14° 10'	128° 5'
2	14° 10'	128° 0'
3	12° 55'	128° 0'
4	12° 55'	128° 27.5'
5	12° 32.5'	128° 27.5'
6	12° 32.5'	128° 35'
7	13° 34.56'	128° 35'
8	13° 34.56'	128° 15'
9	13° 55'	128° 15'
10	13° 55'	128° 10'
11	14° 0'	128° 10'
12	14° 0'	128° 5'
1	14° 10'	128° 5'

This proposal is consistent with the approach NOAA is pursuing for monitoring the environmental effects of deep sea-bed mining. NOAA's approach responds to guidance on this subject from a panel of the National Research Council, National Academy of Sciences. NOAA also notes OMA's belief that such a proposal could serve as a catalyst for, and nucleus of, a constructive co-operative program of research, with additional benefits to industry, the nation and the international community.

In view of the above considerations, NOAA believes it is beneficial to pursue OMA's proposal and to examine further the potential designation of the proposed OMA area as a reference area for purposes of environmental research and monitoring.

Dated: 26 February 1988

National Oceanic and Atmospheric Administration

Deep Sea-bed Mining: Approval of Revision to Mine Site Area and Publication of Revised Co-ordinates

AGENCY: National Oceanic and Atmospheric Administration, Commerce

ACTION: Notice of approval of amendment to Deep Sea-bed Mining Exploration Licence area and publication of revised co-ordinates.

SUMMARY: Pursuant to the Deep Sea-Bed Hard Mineral Resources Act and 15 CFR Part 970, and at the request of the licensee, the National Oceanic and Atmospheric Administration (NOAA), on 5 April 1988, approved Revision No. 2 to exploration licence USA-1, issued to Ocean Minerals Company (OMCO). On 7 and 16 October 1987, at 52

FR 37490 and 52 FR 38504, NOAA published notice of proposed licence area changes to USA-1, USA-2 and USA-3, issued to OMCO, Ocean Management, Inc., and Ocean Mining Associates, respectively, and a brief explanation of how these area revisions would be accomplished. No comments were received in opposition to approval of the requested revisions. NOAA noticed approval of revisions to USA-2 and USA-3 on 3 March 1988, at 53/FR/6858.

In accordance with the provisions of 15 CFR 970.512 through 970.514, NOAA has approved additional new exploration areas and has modified the licence terms, conditions and restrictions (TCR (5)) of licence USA-1, to restrict exploration activities so as to reflect the resolution of site overlaps. All other licence TCRs will remain in effect.

NOAA published the co-ordinates for the OMCO exploration licence area at 49 FR 47081 on 30 November 1984. The licence area for USA-1 is now amended, resulting in a change in operating area from approximately 165,533 square kilometres to approximately 168,841 square kilometres; an addition of approximately 3,308 square kilometres. This amendment is accomplished as follows:

- (1) The licence area is increased by the addition of the following areas:

<u>Turning Points</u>	<u>Latitude (North)</u>	<u>Longitude (West)</u>
a) 1	13° 29.0'	131° 00.0'
2	13° 20.0'	131° 00.0'
3	13° 20.0'	132° 15.0'
4	13° 29.0'	132° 15.0'
1	13° 29.0'	131° 00.0'
b) 1	13° 00.0'	134° 00.0'
2	12° 50.0'	134° 00.0'
3	12° 50.0'	133° 50.0'
4	12° 11.6'	133° 50.0'
5	12° 11.6'	134° 04.0'
6	12° 30.0'	134° 04.0'
7	12° 30.0'	134° 15.0'
8	13° 00.0'	134° 15.0'
1	13° 00.0'	134° 00.0'
c) 1	11° 30.0'	131° 30.0'
2	11° 00.0'	131° 30.0'
3	11° 00.0'	132° 30.0'
4	10° 30.0'	132° 30.0'
5	10° 30.0'	133° 30.0'
6	11° 00.0'	133° 30.0'
7	11° 00.0'	133° 40.0'
8	11° 40.0'	133° 40.0'
9	11° 40.0'	132° 20.0'
10	11° 30.0'	132° 00.0'
1	11° 30.0'	131° 30.0'

- (2) The operating area within the original licence area is reduced by adding new paragraphs (b) and (c) to TCR (5) of the licence terms, conditions and restrictions. TCR (5) now provides as follows:

(5) Freedom of the High Seas Requirements

(a) The licensee shall conduct its exploration activities in a manner which will not unreasonably interfere with the interests of other nations in their exercise of the freedoms of the high seas, as recognized under general principles of international law, such as fishing, navigation, submarine pipeline and cable laying, and scientific research (15 CFR 970.520).

(b) In particular, pursuant to the resolution of the deep sea-bed mining site overlap between Ocean Minerals Company and Yuzhmorgeologiya, which is to be implemented as set forth in the agreement of 14 August 1987 between the United States and the Union of Soviet Socialist Republics, Ocean Minerals Company shall not engage in exploration, and shall not physically interfere with the exploration or commercial recovery activities of other operators, in the following areas:

<u>Turning points</u>	<u>Latitude (North)</u>	<u>Longitude (West)</u>
(a) 1	13° 40.0'	128° 35.0'
2	13° 20.2'	128° 35.0'
3	13° 20.2'	130° 00.0'
4	13° 40.0'	130° 00.0'
1	13° 40.0'	128° 35.0'
(b) 1	12° 50.0'	132° 15.0'
2	12° 31.1'	132° 15.0'
3	12° 31.1'	133° 30.6'
4	12° 50.0'	133° 30.6'
1	12° 50.0'	132° 15.0'
(c) 1	11° 50.0'	143° 37.9'
2	11° 00.0'	143° 37.9'
3	11° 00.0'	145° 00.0'
4	11° 50.0'	145° 00.0'
1	11° 50.0'	143° 37.9'

(c) In the event of actions which may constitute a breach of the above agreement of 14 August 1987, including the understandings related thereto, the State Department, on its own initiative or at the request of NOAA or any affected licensee, will determine 60 days after such initiative or request, and in consultation with NOAA and any affected licensee, if such a breach has occurred. If this is determined to be the case, the Department of State and NOAA, in consultation with any affected licensee, will take appropriate action to seek to remedy the breach. If such breach cannot be remedied within 90/days after it is determined a breach has occurred, NOAA shall, in accordance with NOAA regulations, remove or modify restrictions set forth in TCR (5) (b), or take promptly such other action as is appropriate and effective.

Dated: 13 April 1988