

number of outstanding shipping certificates for all territories combined for the crop year is 300 or more. No changes in the locational price differentials currently may be made if this average is less than 300.

The proposed amendment would reduce to 150 from 300 the minimum weekly average number of outstanding shipping certificates during a crop year that must be observed in order to activate the contract's automatic adjustment procedure for locational price differentials for the next succeeding calendar year.

The CBOT indicates that the purpose of the proposed amendment is to allow the contract's locational price differentials to reflect cash market locational price relationships. The CBOT indicates, in this respect, that reducing the minimum weekly average number of outstanding shipping certificates needed to permit changes in the contract's price differentials will allow such differentials to adjust more quickly toward changing cash market price differences between the contract's delivery territories. The CBOT notes that, while the current automatic adjustment feature has been in effect for three years, adjustments to the contract's locational price differentials were made only in 1993, the first calendar year in which such changes were possible under the automatic adjustment procedure. The CBOT further indicated that, since that time, no changes have been made to the price differentials, because the weekly average number of shipping certificates outstanding during the immediately preceding crop years for each of these years was less than 300 shipping certificates.³ According to the CBOT, if the standard were 150 outstanding certificates, as proposed, the above-noted adjustment formula would have resulted in changes in the locational price differentials for several delivery territories during 1994 and 1995.

The CBOT proposes to make the amendment effective for adjustments in the locational price differentials for the January 1997 and subsequent contract delivery months.

Copies of the proposed amendment will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street NW, Washington, D.C. 20581. Copies of the amended terms and conditions can be obtained through the Office of the Secretariat by mail at the

above address or by telephone at (202) 254-6314.

The materials submitted by the CBOT in support of the proposed amendment may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1987)). Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Act Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the proposed amendment should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581 by the specified date.

Issued in Washington, D.C. on March 27, 1995.

Blake Imel,

Acting Director.

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DEPARTMENT OF DEFENSE

Office of the Secretary

Record of Decision for the Theater Missile Defense Extended Test Range Final Environmental Impact Statement

AGENCY: Ballistic Missile Defense Organization (BMDO).

ACTION: Record of Decision text is as follows:

INTRODUCTION: This document records [BMDO Director's] decision for the Ballistic Missile Defense Organization to conduct tests at two of four alternative test ranges. The potential for environmental impacts at these ranges was analyzed and documented in the Theater Missile Defense Extended Test Range Final Environmental Impact Statement (FEIS), and the public was notified of its availability on January 13, 1995. The following ranges were considered for extended range testing: White Sands Missile Range (WSMR), New Mexico, Eglin Air Force Base (AFB) Florida, Western Range, California, and Kwajalein Missile Range (KMR), U.S. Army Kwajalein Atoll (USAKA), Republic of the Marshall Islands.

In September 1993, [BMDO] issued [BMDO's] Record of Decision (ROD) for the TMD Final Programmatic Environmental Impact Statement which analyzed potential environmental impacts over the life-cycle of the TMD

Program. That document addressed potential environmental consequences of the proposed research, development, testing and production, basing, and eventual decommissioning activities. It serves as the foundation for the TMD Extended Test Range FEIS. [BMDO Director] have also carefully considered the requirements of Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations (Feb. 11, 1994), that this action not have a disproportionate impact on minority or low-income populations.

Need

The proposed extended range testing arises from compelling national security needs recognized by both the Congress and the Administration. Effective Theater Missile Defense (TMD) is necessary to protect forward deployed and expeditionary elements of the Armed Forces of the United States and U.S. friends and allies overseas. Extended range testing is critical to the development of an effective theater missile defense.

Purpose

Extended range tests for TMD must realistically test missile defense systems under circumstances similar to a theater of operations. This includes construction of target launch facilities; development and testing of sensors, Battle Management Command, Control, and Communications components, and defensive missiles; and intercepts of missiles over land and water areas. System operational needs require conducting target and other missile system flight tests and intercepts at altitudes and over distances, greater than can be accommodated by current ranges. These tests validate system design and operational effectiveness of ground-based interceptors to protect our forces and allies overseas from theater ballistic missiles.

Decision

[BMDO Director's] decision is to proceed with the extended range testing at the WSMR and the KRM. At WSMR, [BMDO Director] select the option to launch target missiles from Fort Wingate Depot Target Missiles (FWDA) using Booster Drop Zone C, with intercepts over WSMR. It is part of [BMDO Director's] decision to take action to reserve a portion of FWDA for the proposed TMD activities. On February 28, 1994, the BMDO notified the Secretary of the Army of its potential need for sufficient property at FWDA to conduct missile launch activities, including provision

³ The CBOT notes that a weekly average of 298 and 222 shipping certificates were outstanding during the 1992/93 and 1993/94 crop years, respectively.

for security, safety, and access. The BMDO will confirm its need for property at FWDA and take other necessary actions to ensure such property is not disposed of under the provisions of the Base Realignment and Closure Act. [BMDO Director] have decided not to select sea-based target missile launches at this time. [BMDO Director] select only the land-based target launch option from Wake Island for the KMR alternative. Missile intercepts will take place over existing impact areas or open sea areas at KMR.

Proposed Action and Alternatives

Background: The proposed action analyzed in the TMD Extended Test Range FEIS was to conduct extended range tests of target missiles, defensive missiles, and sensor systems at one or more of four alternative test range areas. The tests would involve target and defense missile launches from existing test ranges and from off-range locations with intercepts over existing ranges or open ocean areas. Preparations and testing would begin in 1995 and continue into the next century. The FEIS compared the impacts of alternative test range areas and a no-action alternative.

As individual TMD system programs mature to the point of defining specific flight/intercept test requirements, the most appropriate test range area(s) capable of meeting test requirements will be identified. The proposed action includes safety measures and standard range operating procedures to ensure the safety of the public and the environment. Some of these safety measures include (1) activating new or existing restricted airspace, (2) the establishment and evacuation of launch hazard areas and booster drop zones, including temporary closure of associated roads, and (3) public notification of launch activities, including Notices to Airmen and Notices to Mariners.

No-Action Alternative: Ongoing activities and operations would continue to be performed at all locations. The development of ground based TMD missile and sensor systems would continue, with missile flight tests and target intercepts being conducted utilizing existing test ranges. Testing for TMD would likely increase at WSMR and possibly at the KMR. Ground-based TMD testing of missile and sensor systems at Eglin AFB and the Western Range would not occur. The missile testing restrictions associated with existing ranges, particularly with shorter range missile flights conducted at WSMR, place artificial limits on system test capabilities. This would make it

impossible to fully validate system design and operational effectiveness in a variety of realistic theater environments. Although this alternative is the environmentally preferable alternative, it was not selected because it fails to meet BMDO's mission requirements. A comparison of the impacts at the four ranges revealed the least impacts to resources at the KMR. Impacts to resources at Western Range, Eglin AFB, are roughly equivalent. The greatest potential impacts were identified for the WSMR alternative and are primarily related to land use, cultural, and transportation issues associated with the initial booster drop zones analyzed in the Draft EIS.

White Sands Missile Range Candidate Test Area Alternative: This alternative included defensive missile launches from WSMR, New Mexico, and Fort Bliss, Texas, and off-range target missile launches from FWDA, New Mexico, and the Green River Launch Complex (GRLC), Utah, with intercepts over WSMR. Testing of TMD radars, positioned on WSMR, would occur during these flight tests. This option also included Army tactical missile launches from FWDA with impacts on WSMR. [BMDO Director] anticipate approximately 6 to 8 launches per year from FWDA.

Two potential booster Drop Zones (A and B) were analyzed in the Draft EIS for both the FWDA and GRLC target launch options. Substantial concerns were raised over the use of these drop zones. Although a number of mitigations could have been implemented to minimize the land use and other impacts, they could have become significant. In addition, [BMDO Director] am sensitive to general concerns about missile overflight of substantial areas of Native American lands in Utah and New Mexico. Accordingly, other booster drop zones were identified and analyzed for both the FWDA and GRLC options in a supplement to the Draft EIS. In both cases, these drop zones were further away from the launch position and further along the flight path and required smaller launch hazard areas at the launch site due to a less vertical trajectory at launch. This enabled the respective launch hazard areas to be reduced in size, responsive to the concerns about proximity to schools, residences, and other potential users of surrounding areas at FWDA. It also avoided the requirement to close Interstate 70 and portions of the Green River during launches for the GRLC option.

In the case of the GRLC target launch options, both Booster Drop Zones A and

B would have created significant land use problems associated with restricting access to Canyonlands National Park and Dead Horse State Park. Use of either of these drop zones would also have necessitated temporary closure of Interstate 70 and portions of the Green River adjacent to the launch area, due to the requirement for a large launch hazard area. The new Booster Drop Zones C1 and C2 for GRLC included Bureau of Land Management (BLM) state of Utah, and private land, as well as the Bridger Jack Mesa and Fish Creek Canyon Wilderness Study Areas. Concerns included restrictions on public access for recreation, and hunting. Booster impacts within the wilderness study area could be avoided, and missile launches could be timed so as to minimize impacts to recreation and avoid nesting and breeding seasons of sensitive species. However, the authority to use BLM lands for military purposes, including the proposed missile tests involving booster drops, would require a lengthy process that would not be responsive to current testing needs. Consequently GRLC options are not under current consideration.

In the case of the FWDA option, use of either Booster Drop Zone A or B would require a launch hazard area extending up to 4½ miles from the launch site. This caused substantial safety concerns for the local community about a nearby school and residences and other areas at FWDA. In addition, Booster Drop Zone B included portions of the El Malpais National Monument and the El Malpais National Conservation Area, which encompassed wilderness and wilderness study areas. Use of this drop zone would be considered significant because it restricts access to recreational areas and conflicts with the statutory purposes for these special use areas. Booster drop zones A and B will not be used.

The new Booster Drop Zone C for FWDA includes U.S. Forest Service and private land. Both the public land manager and private owner have expressed their willingness to allow use of these lands for booster drops. Use of this booster drop zone greatly reduces the launch hazard area at FWDA and significantly improves safety for nearby schools and residences, in keeping with the purpose of E.O. 12898 to avoid disproportionate impacts on minorities, such as the Indian communities in the Fort Wingate area. No significant environmental impacts have been identified associated with this drop zone.

Kwajalein Missile Range, USAKA, Republic of the Marshall Islands

Alternative: This alternative included missile launches and sensor testing at KMR and Wake Island. USAKA would be primarily used for launching defensive missiles, however, there is a possibility that target missiles may be launched from USAKA. Wake Island would primarily be used for target missile launches, however, it also could be used for defensive missile launches. Technical difficulties with launches and costs removed sea-based target missile launches from consideration. Existing facilities at KMR and at Wake Island and planned construction of Wake Island (analyzed in the Wake Island Environmental Assessment, 1994) would be adequate for TMD interceptor and target launching activities; therefore minimal environmental impacts are anticipated. Issues of concern included potential impacts on sensitive plant and animal species at the KMR and Wake Island, particularly in undisturbed areas, the potential for damage, destruction, or vandalism of cultural resources, and safety issues. Mitigations included avoidance of areas of native vegetation and sea turtle nesting areas, consultation with appropriate U.S. and Marshallese officials to establish procedures to protect cultural resources such as data recovery, and avoidance. Mitigations also establish hazard areas and place operating restrictions on radars to avoid significant impacts. No significant environmental impacts are predicted with the use of KMR or Wake Island.

Eglin Air Force Base Candidate Test Area Alternative: This alternative would include missile launches and sensor testing at Eglin AFB on Santa Rosa Island and at Cape San Blas, Florida, with missile launches from a sea-based platform in the Gulf of Mexico. No significant impacts are predicted with the use of Eglin AFB. Health and safety and airspace impacts would be avoided by the issuance of Notices to Airmen and Notices to Mariners, and ensuring that the launch, booster drop, and intercept debris impact areas are clear of air and water traffic before proceeding with the test flights. This alternative is not selected at this time because test objectives could be met at other ranges, sea-launch capabilities will not be available, and additional test instrumentation is needed.

Western Range Test Area Alternative: This alternative would include missile launches and sensor testing at Vandenberg AFB, San Nicolas Island of the Naval Air Warfare Center Weapons Division, and San Clemente Island of the Naval Air Station North Island, California, with off-range missile launches from a sea-based platform in

the Pacific Ocean. No significant impacts are predicted with the use of Western Range. Health and safety and airspace impacts would be avoided by the issuance of Notices to Airmen and Notices to Mariners, and ensuring that the launch, booster drop, and intercept debris impact areas are clear of all air traffic before proceeding with the test flights. This alternative is not selected at this time because test objectives could be met at other ranges, sea-launch capabilities will not be available, and additional test instrumentation is needed.

Alternatives Considered But Not Carried Forward: Initially eleven candidate test range areas were considered for TMD testing. Criteria used to evaluate candidate test ranges included weather, scheduling, range instrumentation, range safety, and debris recovery. All but the four ranges analyzed in the FEIS were eliminated by the criteria established at the beginning of the selection process.

Mitigation, Monitoring, and Enforcement

All practicable means to avoid and minimize environmental harm will be taken. [BMDO Director] direct BMDO Deputies and Program Executive Officers to monitor extended range testing activities and ensure the following mitigation measures described in the TMD Extended Test Range FEIS are implemented. Specifically, at the WSMR, and the associated FWDA, mitigations will include implementing the Evacuation Plan, Booster Recovery Plan, and Emergency Response Plan. Launches will be avoided during weather conditions that would have adverse effects on air quality or on test safety. To the extent possible, launches will be scheduled to avoid major events such as major military maneuvers (i.e., Roving Sand Operations), holidays, hunting seasons, cattle roundups, or local festivities that could be effected by the testing activities. Maximum advance notice of launch activities will be provided to local communities, travelers, etc., as described in the FEIS. Prior to conducting launches and starting construction, consultation with appropriate Federal and state agencies, as discussed in the EIS will occur concerning specific debris impact areas, debris recovery activities, and prelaunch and preconstruction surveys in order to protect cultural resources and threatened and endangered species. American Indian concerns regarding access to and disturbance of sacred lands will be addressed during consultation with each affected American Indian group on a regular

basis and prior to each missile launch. Consultation with local community groups will establish the procedures, and coordinate times for use of FWDA lands under BMDO control during periods of launch inactivity.

At the USAKA, the existing USAKA mitigation plan will be followed. Other mitigations include: International Notices to Airmen and Notices to Mariners, timely coordination with the International Civil Aviation Organization through the Federal Aviation Administration, adherence to established procedures for keep-out zones, hazard areas, and limitations on use of radars, and a scheduling plan will be implemented to minimize airspace and health and safety impacts. Preconstruction surveys and/or other mitigation measures will be accomplished in coordination with the appropriate Federal agencies and the Republic of the Marshall Islands Environmental Protection Authority to protect cultural resources and threatened and endangered species. [BMDO Director] will implement appropriate safeguards as subsequent decisions are made regarding system components and basing locations, and as their accompanying environmental documents elaborate specific requirements for monitoring and enforcement.

Date and Signature

Record of Decision was signed March 21, 1995 by Malcolm R. O'Neill, Lieutenant General, United States Army, Director, Ballistic Missile Defense Organization.

FOR FURTHER INFORMATION CONTACT: Mr. Rick Lehner, BMDO/SRE, Washington, DC 20301-7100, (703) 695-8743.

Dated: March 27, 1995.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

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Meeting of the Commission on Roles and Missions of the Armed Forces

AGENCY: Department of Defense, Commission on Roles and Missions of the Armed Forces.

ACTION: Notice.

SUMMARY: Notice is hereby given of a forthcoming meeting of the Commission on Roles and Missions of the Armed Forces.

The Commission is charged with providing an independent review of the roles and missions of the armed services