

realistically test TMD systems to validate their capability to intercept enemy missiles with the capability of ranges up to 1,100-kilometers (684 miles). Testing with both target and interceptor launch facilities within the continental United States and its adjacent waters would provide a cost-effective, flexible, long-term means of meeting current and future TMD requirements.

Environmental issues analyzed in the DSEIS for the EGTR include: air quality; airspace control; biological resources (such as threatened or endangered species and wetlands); cultural resources; geology and soils; hazardous materials and waste; safety and health; land use; noise; socio-economic; transportation; utilities; visual and aesthetics; and water resources.

Lead Agency: Ballistic Missile Defense Organization.

Cooperating Agencies:

Department of the Air Force
Department of the Army
Department of the Navy
Federal Aviation Administration
Department of Interior
U.S. Coast Guard

Proposed Action

The BMDO proposes to establish the capability to conduct missile defense testing against targets simulating threat systems having the capability of ranges up to 1,100-kilometers (684 miles) with defensive missile intercepts over the Gulf of Mexico.

Preferred Alternative

The preferred alternative includes three main types of TMD activities:

(a) Target launches from land at Eglin AFB and/or from aircraft above the Gulf of Mexico;

(b) Interceptor (defensive missile) launches from Eglin AFB and/or ships; and

(c) Intercept of the target missile by the interceptor over the Gulf of Mexico and within the EGTR.

The ground-launch locations evaluated at Eglin AFB are the Santa Rosa Island and Cape San Blas test locations. The air-launched locations evaluated include the airspace within the EGTR and other locations in the Gulf of Mexico within U.S. controlled airspace.

Other Alternatives

1. Florida Keys Target Launches

As an alternative to the air launch and Eglin AFB target launch sites, the ground-launch locations evaluated in the Florida Keys are Department of Defense controlled areas at Saddlebunch

and Cudjoe Keys. These locations, along with Boca Chica, Dredger, Sugarloaf, and Fleming Keys, are also evaluated to support missile tracking and sensor activities.

2. Ship-based Target Launches

In addition to the air launch and Eglin AFB target launch sites, targets launched from ships located within the EGTR and other locations in the Gulf of Mexico are evaluated in the DSEIS.

3. Platform-based Interceptor Launches

In addition to the Eglin AFB interceptor launch sites, interceptors launched from platforms located offshore from the Santa Rosa Island and Cape San Blas test locations are evaluated in the DSEIS.

4. No Action

In addition to the above alternatives, the No Action Alternative is considered for evaluation in the DSEIS.

Information/Comments

Information on the proposed action is available at the following internet address; <http://tw1.eglin.af.mil/46mtd/tmd.htm>. Individuals or organizations may provide comments by: using E-Mail to submit questions and comments, tmd@eglin.af.mil; or sending written comments to: Ms. Linda Ninh, 46 OG/OGM-TMD, 205 West D Ave., Suite 241, Eglin AFB, Florida 32578-6866. In addition, individuals or organizations may offer verbal or written comments at public hearings to be held between 7:00 and 10:00 p.m. at the following Florida locations:

Fort Walton Beach, Holiday Inn, 1110 Santa Rosa Blvd., March 9, 1998

Port St. Joe, Port St. Joe High School, 100 Sharp Drive, March 10, 1998

Key West, Harvey Government Center, 1200 Truman Ave, March 12, 1998

Marathon, Marathon Government Center, 2798 Overseas Hwy, March 13, 1998

Public comments are invited through April 3, 1998.

Interested citizens and public officials will be able to receive pertinent information regarding the findings of the Draft SEIS at these meetings. The AFDTC intends to issue the Final SEIS in September 1998.

Dated: February 5, 1998.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 98-3354 Filed 2-10-98; 8:45 am]

BILLING CODE 5000-04-M

DEPARTMENT OF DEFENSE

DEPARTMENT OF ENERGY

ENVIRONMENTAL PROTECTION AGENCY

NUCLEAR REGULATORY COMMISSION

[Docket No. A-96-44]

Multi-Agency Radiation Survey and Site Investigation Manual

AGENCY: U.S. Department of Defense, U.S. Department of Energy, U.S. Environmental Protection Agency, and the U.S. Nuclear Regulatory Commission.

ACTION: Notice of availability.

SUMMARY: The Department of Defense (DOD), Department of Energy (DOE), U.S. Environmental Protection Agency (EPA), and the U.S. Nuclear Regulatory Commission (NRC) are announcing the availability for use of the "Multi-Agency Radiation Survey and Site Investigation Manual" (MARSSIM). The MARSSIM provides information on planning, conducting, evaluating, and documenting environmental radiological surveys of surface soils and building surfaces for demonstrating compliance with regulations. The MARSSIM, now finalized, is a multi-agency consensus document. The agencies previously have sought public comment in order to receive feedback from the widest range of interested parties and to ensure that all information relevant to developing the document was received. The agencies reviewed public comments received on the draft MARSSIM as well as comments from a concurrent, independent, technical peer review. Suggested changes were incorporated, where appropriate, in response to those comments.

ADDRESSES: Copies of the draft and the final MARSSIM and all public and technical peer review comments received may be examined or copied for a fee at the EPA Docket Room M1500, Docket No. A-96-44, First Floor Waterside Mall, 401 M Street, S.W., Washington D.C. 20460; and the NRC Public Document Room, 2120 L Street, NW, Washington DC 20555-0001. The EPA docket may be inspected from 8:00 am to 4:00 pm, Monday through Friday, excluding Federal holidays in Room M1500 at the address above. NRC documents may be inspected from 7:45 am to 4:15 pm, Monday through Friday, excluding Federal holidays in the lower level of the building at the address above. Copies of the MARSSIM may be

purchased by requests in writing to: The Superintendent of Documents, U.S. Government Printing Office, P.O. Box 37082, Washington, DC 20402-9328. The NRC document number is NUREG-1575, and the EPA document number is EPA 402-R-97-016. The manual is also available through the Internet at: <http://www.epa.gov/radiation/marssim> or by linkage from the NRC home page at: <http://www.nrc.gov>; or the DOE home page at: <http://www.doe.gov>.

FOR FURTHER INFORMATION CONTACT: Any of the following points of contact for each agency for technical information (see "Addresses" section above for directions on obtaining a copy of the MARSSIM): DOE: Kenneth Duvall, Phone: (202) 586-0242, U.S. Department of Energy (EH-412), 1000 Independence Avenue, SW, Washington, DC 20585, e-mail kenneth.duvall@hq.doe.gov; EPA: Mark Doehnert; Phone: (202) 564-9386, U.S. Environmental Protection Agency, Mail Stop 6602J, 401 M. Street, SW, Washington DC 20460, e-mail doehnert.mark@epamail.epa.gov; NRC: Robert A. Meck, Phone: (301) 415-6205, U.S. Nuclear Regulatory Commission, MS T-9C24, Washington DC 20555, e-mail ram2@nrc.gov. Questions concerning the multi-agency document development project should be addressed to CDR Colleen Petullo, U.S. Public Health Service at U.S. Environmental Protection Agency, R&IE, PO Box 98517, Las Vegas, NV 89193-8517, (702) 798-2476, e-mail petullo.colleen@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: The MARSSIM provides information on planning, conducting, evaluating, and documenting environmental radiological surveys of surface soil and building surfaces for demonstrating compliance with regulations. The MARSSIM, now finalized, is a multi-agency consensus document.

The MARSSIM was developed collaboratively over the past four years by the technical staffs of four Federal agencies having authority for control of radioactive materials: DOD, DOE, EPA, and NRC. Members of the public and contractors to the Federal agencies have been present during the open meetings of the MARSSIM work group and have been provided opportunities for input.

The MARSSIM's objective is to describe standardized and consistent approaches for surveys of soil surfaces and building surfaces, which provide a high degree of assurance that established release criteria, limits, guidelines, and conditions of the regulatory agencies are satisfied, while at the same time encouraging an effective use of resources. The

techniques, methodologies, and philosophies that form the bases of this manual were developed to be consistent with current Federal limits, guidelines, and procedures.

The MARSSIM benefited from extensive internal, public, and technical peer reviews and public comments. Before the publication of the draft for public comment, the Federal agencies performed an internal review. Those internal review comments that reflected a technical error or flaw in logic or information flow were addressed before public comments were requested. The other comments, e.g., clarifications, editorial suggestions, etc., from the Federal agencies were addressed along with the public comments. The public review was a necessary step in the development of a final multi-agency consensus document. In addition to written comments, the work group provided the public with the opportunity to comment during the open meetings. The document also received formal technical peer review under the auspices of the EPA Science Advisory Board (SAB). The results of the peer review and the responses to comments by the EPA will be publicly available for examination and may be copied for a fee (see "Addresses" section above for directions).

Reviewers were requested to focus on technical accuracy and understandability. Reviewers were also requested to address five questions while reviewing the MARSSIM. In consideration of the responses to the questions, other comments, and the changes incorporated into the final version of the MARSSIM, the answers to the questions are listed as follows:

1. Does the MARSSIM provide a practical and implementable approach to performing radiation surveys and site investigations? Are there any major drawbacks to the proposed methods?

Answer: The MARSSIM has been shown to be practical and implementable in field tests. Identified difficulties in establishing a suitable background reference area for radionuclides in common with natural or ubiquitous radionuclides are intrinsic to the situations, and such difficulties exist regardless of the measurement method. The MARSSIM provides technically defensible and efficient methods to demonstrate compliance with radiological criteria.

2. Is the MARSSIM technically accurate?

Answer: Within the scope of the MARSSIM, the methods are technically accurate and applicable over a large range of situations.

3. Does the MARSSIM provide benefits that are not available using current methods? What is the value of the MARSSIM in comparison with other currently available alternatives?

Answer: The MARSSIM provides a technically defensible process over a broad range of situations. Results to date indicate that the MARSSIM process requires fewer measurements in comparison to other methods for demonstrating compliance for radiological sites. The MARSSIM also provides a performance based approach and has a strong focus on planning.

4. What are the costs associated with the MARSSIM in comparison with other currently available alternatives?

Answer: The MARSSIM process optimizes the number of samples needed to demonstrate compliance with radiological criteria within the accepted decision errors. Other methods may either overestimate or underestimate the number of samples needed to demonstrate compliance or may not take decision errors into account. The MARSSIM generally involves more planning and less re-work than other currently available methods.

5. Is the information in the MARSSIM understandable and presented in a logical sequence? How can the presentation of material be modified to improve the understandability of the manual?

Answer: Several Chapters in the MARSSIM were significantly revised for clarity, understandability, and elaboration in response to comments. The overall basic processes and methods did not change.

The author agencies solicit comments arising from review and use of the final MARSSIM. Comments will be reviewed periodically by the author agencies, resolved as appropriate, and incorporated into revisions of the MARSSIM. Members of the public are invited to submit written comments to EITHER the U.S. Environmental Protection Agency, ATTN: Air and Radiation Docket, Mail Stop 6102, Air Docket No. A-96-44, Room M1500, First Floor Waterside Mall, 401 M Street, S.W., Washington D.C. 20460 or the Chief, Rules and Directives Branch, Division of Administrative Services, U.S. Nuclear Regulatory Commission, Washington DC 20555-0001. Copies of all comments received by one agency will be periodically copied and sent to the others. Revised pages resulting from the resolution of comments will be available on the Internet at the world wide web site: <http://www.epa.gov/radiation/marssim>. This EPA world wide web site is also accessible by links from the NRC home page at: <http://www.nrc.gov>

www.nrc.gov; and the DOE home page at: <http://www.doe.gov>.

Title: Multi-Agency Radiation Survey and Site Investigation Manual.

For the Department of Defense, dated this 15th day of January 1998.

Gary D. Vest,

Principal Assistant Deputy Under Secretary of Defense for Environmental Security.

For the U. S. Department of Energy, dated this 22nd day of December 1997.

Raymond P. Berube,

Deputy Assistant Secretary for Environment.

For the U. S. Environmental Protection Agency, dated this 23rd day of December 1997.

Lawrence G. Weinstock,

Acting Director, Office of Radiation and Indoor Air.

For the U.S. Nuclear Regulatory Commission, dated this 18th day of December 1997.

Malcolm R. Knapp,

Acting Director, Office of Nuclear Regulatory Research.

[FR Doc. 98-3432 Filed 2-10-98; 8:45 am]

BILLING CODE 7590-01-P

DEPARTMENT OF DEFENSE

Office of the Secretary

U.S. Court of Appeals for the Armed Forces Proposed Rule Changes

ACTION: Notice of Proposed Changes to the Rules of Practice and Procedure of the United States Court of Appeals for the Armed Forces.

SUMMARY: This notice announces the following proposed changes to Rules 9(c), 12(b), 21(b), 24, 31(d), and 37, and new Rule 35A of the Rules of Practice and Procedure, United States Court of Appeals for the Armed Forces for public notice and comment:

* * * * *

RULE 24. FORM, CONTENT AND PAGE LIMITATIONS

(a) Form and content. All briefs *shall conform to the printing, copying, and style requirements of Rule 37, shall be legible, and shall be substantially as follows:*

* * * * *

[Delete Rule 24 subsection (c) *Style* and move this subsection to new Rule 37 as set forth after the following proposed change to Rule 31(d) below.]

Rule 31. Petition for Reconsideration

(Revise subsection (d) as follows):

(d) *A petition for reconsideration shall be granted with the concurrence of*

a majority of the judges who participated in the original decision.

* * * * *

RULE 37. PRINTING, COPYING AND STYLE REQUIREMENTS

(a) *Printing.* Except for records of trial and as otherwise provided by Rule 27(a)(6) all pleadings or other papers relative to a case shall be typewritten and double-spaced, printed on one side only on white *unglazed* paper, 8.5 by 11 inches in size, securely fastened in the top left corner. *With the exception of footnotes which may appear in 11 point type, all printed matter must appear in non-proportional typeface using 12 point type and with no more than ten characters per inch. Margins shall not exceed 6.5 by 9.5 inches, with double-spacing between each line of text. Headings, footnotes and block quotations may be single-spaced, but should not be used excessively to avoid page limit requirements.*

(b) *Copying.*

(1) Copies of typewritten pleadings and papers may include those produced by any process capable of producing a clearly legible black image on white paper, but shall not include ordinary carbon copies. If papers are filed in any other form, the Clerk shall require the substitution of new copies, but such substitution will not affect the filing date of the papers or pleadings involved. *See Rule 36.*

(2) An original and seven legible copies of all pleadings or other papers relative to a case shall be filed. *See Rule 35A concerning documents which contain classified information.*

(c) *Style.*

(1) All pleadings presented to the Court shall, unless they are less than 5 pages in length, be preceded by a subject index of the matter contained therein, with page references, and a table of cases (alphabetically arranged with citations), textbooks and statutes cited, with references to the pages where cited.

(2) Citations shall conform with the *Uniform System of Citation.*

(3) All references to the record of trial shall include page numbers or exhibition designations, as appropriate.

(4) No pleading or other paper filed with the Court shall incorporate by reference any material from any other source.

[Delete Rule 24 subsection (d) *Classified Information* and move to new Rule 35A as follows:]

RULE 35A. USE OF CLASSIFIED INFORMATION

Classified information shall be included in documents filed with the

Court only when necessary to a proper consideration of the issues involved. The original or one complete copy of a document containing the classified information shall be filed with the Court. The party filing such document shall give written notice to the Clerk and to all other parties prior to the time of such filing that such document contains classified information. In addition, there shall be filed in accordance with Rule 37(b)(2) an original and seven copies of each such document from which the classified information has been deleted or omitted in such manner that the pages which contain the deleted or omitted classified information are clearly identified.

Note: The following amendments conforming references to new Rule 35A concerning classified information shall also be made:

- Amend Rule 9(c) *Custodian of records* reference to Rule 35A (instead of Rule 24(d)).
- Amend Rule 12(b) *Classified documents* reference to Rule 35A (instead of Rule 24(d)).
- Amend Rule 21(b) *Supplement of Petition for Grant of Review* reference to “the provisions of Rule 24(b), (c), and (d)” to read as follows: “*the provisions of Rules 24(b), 35A, and 37*”

DATES: Comments on the proposed changes must be received by April 12, 1998.

ADDRESSES: Forward written comments to Thomas F., Granahan, Clerk of the Court, United States Court of Appeals for the Armed Forces, 450 E Street, NW., Washington, DC 20442-0001.

FOR FURTHER INFORMATION CONTACT: Thomas F. Granahan, Clerk of Court, telephone (202) 761-1448(x600).

SUPPLEMENTARY INFORMATION: The Rules Advisory Committee Comments on the proposed changes to Rules 9(c), 12(b), 21(b), 24, 31(d), and 37, and new Rule 35A are included as an attachment to this notice.

Rules Advisory Committee Comments on Proposed Rule 35A and Proposed Revisions to Rules 9(c), 12(b), 21(b), 24 (a), (c) and (d), 31(d), and 37

1. Printing, Copying and Style Requirements

The purpose of the proposed change in title and restructured text of proposed Rule 37 is to consolidate in one rule the related requirements of printing, copying, and style which apply to all pleadings and other papers filed with the Court. The new requirements for print size parallel similar provisions used by other courts of appeals. These