

Interested parties are invited to submit comments on the probable regulatory and informational impact of this proposed rule on small entities. Also, parties may suggest modifications of this proposal for the purpose of tailoring their applicability to small businesses.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act, the indefinite suspension of the following provisions of the order regulating the handling of milk in the Upper Florida marketing area is being considered:

(1) In § 1006.7, the introductory text of paragraph (c), the words "50 percent or more of the"; and

(2) In § 1006.7, paragraph (c)(2).

All persons who want to submit written data, views or arguments about the proposed suspension should send two copies of their views to the USDA/AMS/Dairy Division, Order Formulation Branch, Room 2971, South Building, P.O. Box 96456, Washington, DC 20090-6456, by the 30th day after publication of this notice in the **Federal Register**.

All written submissions made pursuant to this notice will be made available for public inspection in the Dairy Division during regular business hours (7 CFR 1.27(b)).

#### Statement of Consideration

The proposed rule would suspend indefinitely certain provisions of the Upper Florida milk order. The proposed suspension would remove the requirement that a cooperative association have 50 percent of the producer milk of its members received at pool distributing plants to retain its pool plant status. It would also suspend the condition that the plant not qualify as a pool supply plant under this or any other Federal milk order.

The order permits a plant operated by a cooperative association that is located in the marketing area to be a pool plant if at least 50 percent of the producer milk of its members is received at pool distributing plants either directly from farms or by transfer from plants of the cooperative association, the plant is duly approved for Grade A milk disposition, and the plant does not qualify as a pool supply plant under this order or any other Federal milk order.

The suspension was requested by Florida Dairy Farmers Association (FDFA), a cooperative association representing producers whose milk is pooled on the 3 Florida orders. FDFA contends that the suspension of the requirement would allow the continued pooling of the cooperative's Jacksonville, Florida, plant under the Upper Florida order irrespective of the

quantity of producer milk received at pool distributing plants. With assurance of pooling, surplus producer milk from the Tampa Bay and Southeastern Florida marketing areas could be diverted to the Jacksonville plant for processing into concentrated milk and shipment to manufacturing plants. Also, in order to prevent the pooling of the Jacksonville plant under another Federal order, FDFA requested the suspension of § 1006.7(c)(2), which would yield regulation of the plant to another Federal order if the plant met the other order's supply plant shipping requirements. With this paragraph suspended, however, the plant would remain regulated under the Upper Florida order even if it were to qualify as a pool plant under another order.

#### List of Subjects in 7 CFR Part 1006

Milk marketing orders.

The authority citation for 7 CFR Part 1006 continues to read as follows:

**Authority:** 7 U.S.C. 601-674.

Dated: April 21, 1997.

**Richard M. McKee,**

*Director, Dairy Division.*

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## DEPARTMENT OF ENERGY

### 10 CFR Part 835

#### Occupational Radiation Protection; Availability of Draft Guides and Technical Standards

**AGENCY:** Department of Energy.

**ACTION:** Notice of availability of draft guidelines; request for comments.

**SUMMARY:** The Department of Energy (DOE) announces that drafts of guidance documents that may be used to implement Occupational Radiation Protection regulations are available for public comment. These draft guidance documents consist of 13 implementation guides, a radiological control technical standard, and two Department of Energy Laboratory Accreditation Program (DOELAP) technical standards. These guidance documents are intended to provide useful information and methodologies on how the requirements in the proposed Occupational Radiation Protection regulations might be implemented.

**DATES:** Written comments for the 13 draft implementation guides must be submitted by May 28, 1997, for the draft Radiological Control Standard by May 23, 1997, and for the two draft DOELAP technical standards by May 27, 1997.

**ADDRESSES:** A copy of each draft implementation guide and technical standard is available at the DOE Freedom of Information Reading Room, 1E-190, 1000 Independence Avenue, SW, Washington D.C. 20585, between the hours of 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Submit written comments to Dr. Joel Rabovsky for the 13 draft implementation guides; to Dr. Judith Foulke for the draft Radiological Control Standard; and to Mr. Robert Loesch for the two draft DOELAP technical standards. The address for all three is: U.S. Department of Energy, EH-52/GTN/270CC, 19901 Germantown Road, Germantown, Maryland 20874-1290.

#### SUPPLEMENTARY INFORMATION:

##### Background

The draft guides are being made available for public comment pursuant to a DOE policy statement, DOE P 450.2A, "Identifying, Implementing and Complying With Environment, Safety and Health Requirements" (May 15, 1996). DOE's policy statement explains the purpose of guides. A Notice of Proposed Rulemaking was published on December 23, 1996 (61 FR 67600), for the purpose of amending 10 CFR 835, "Occupational Radiation Protection." Because of additions and significant changes, it was necessary to provide new implementation guides and technical standards to assist those who must comply with the new requirements. Guidance documents, including technical standards, can assist contractors in implementing requirements. Because of the importance of guidance documents to implementation, the Department will endeavor to develop and issue guidance documents concurrently with the development of requirements.

Guidance documents include background information regarding the intent of the requirement and its technical underpinnings. Unlike the requirements specifically set forth in a rule, the provisions in guidance documents are not mandatory. Failure to follow a guidance document does not in itself indicate noncompliance with a specific requirement—a finding of noncompliance must be based on a failure to satisfy the requirement. The guidance provided in these documents and the standards referenced therein are considered acceptable methods to satisfy requirements. Alternative methods that satisfy the requirements of a rule or Order are also acceptable. Any implementation method selected must be justified to ensure that an adequate level of safety commensurate with the

identified hazards is achieved. In order to provide appropriate opportunities for public input on guidance relating to nuclear safety rules, the policy provides that the Department will: (1) make such guidance documents developed by DOE readily available to the public when issued; (2) publish notice of their availability in the **Federal Register**; and (3) accept comments from the public concerning guidance documents.

- I. Implementation Guides
- II. Radiological Technical Standard
- III. DOELAP Technical Standards

### I. Implementation Guides

DOE is proposing to issue a set of draft revisions of implementation guides and three technical standards to implement part 835 as proposed to be amended. Thirteen of the draft guides are available through the DOE Directives System on the Internet at [www.explorer.doe.gov/](http://www.explorer.doe.gov/). These draft guides are also available through the Office of Worker Protection Programs and Hazards Management web site for part 835 at <http://tis-nt.doe.eh.gov/wpphm/835/835.htm>. The draft implementation guides are:

- DOE G 441.1-1 Radiation Protection Program
- DOE G 441.2-1 Occupational Radiation Protection ALARA Program
- DOE G 441.3-1 Internal Dosimetry
- DOE G 441.4-1 External Dosimetry
- DOE G 441.5-1 Radiation Generating Devices (RGDs)
- DOE G 441.6-1 Evaluation and Control of Fetal Exposures
- DOE G 441.7-1 Radiation Detection Instrumentation Calibration
- DOE G 441.8-1 Workplace Air Monitoring
- DOE G 441.9-1 Radioactive Contamination Control and Measurement
- DOE G 441.10-1 Posting and Labeling Implementation Guide
- DOE G 441.10-A Posting and Labeling Guide—Appendix
- DOE G 441.11-1 Occupational Radiation Protection Recordkeeping
- DOE G 441.12-1 Radiation Safety Training
- DOE G 441.13-1 Sealed Radioactive Source Accountability

### II. Radiological Control Standard

A draft radiological control technical standard is also available for comment. In support of the proposed amendment to part 835, DOE has converted the previous "Radiological Control Manual" (DOE/EH-0256T, April 1994) ("RadCon Manual") into a "Radiological Control Standard," DOE Technical Standards Program project number SAFT-0039. This draft document provides guidance

on acceptable approaches for implementing the overall radiation protection program for DOE activities involving ionizing radiation. For comparison purposes, this draft DOE standard should only be compared against the latest issue of the Radiological Control (RadCon) Manual, Revision 1, April 1994. A draft revised version of the April 1994 RadCon Manual was distributed for comment in mid-1995 through DOE's Directives System in conjunction with the review of the new DOE Order 470, but the revision was never issued as a final document due to the anticipated amendment of part 835. The new draft technical standard, SAFT-0039, is available on the Internet at <http://apollo.osti.gov/html/techstds/tsdrafts/tsdrafts.html>.

### III. DOELAP Technical Standards

DOELAP currently offers accreditations only for whole body personnel dosimetry programs. In the future, DOELAP plans to offer additional accreditation programs for bioassay laboratories and extremity dosimetry programs. Since the administrative aspects of all these programs are generic, DOELAP has begun consolidating this information into a single document, draft technical standard, "Department of Energy Laboratory Accreditation Program Administration," DOE Technical Standard Program project number SAFT-0062. This document proposes the accreditation process, including references to other DOELAP documents for the program specific performance criteria, on-site assessments, and granting of accreditation and exceptions to DOELAP. With the publication of American National Standards Institute Standard N13.30-1996, "Performance Criteria for Radiobioassay," the Department has incorporated the requirement into the proposed amendment of 10 CFR 835 for the accreditation of bioassay laboratories. The new DOELAP program is described in the draft technical standard, "Department of Energy Laboratory Accreditation Program for Radiobioassay," project number SAFT 0049. It is the intent that when this program is initiated, facilities will have a full accreditation cycle (3 years) in which to have their programs accredited. Both draft Standards have been distributed within the DOE community for formal comments.

Issued in Washington, DC, on March 31, 1997.

**Peter N. Brush,**

*Principal Deputy Assistant Secretary,  
Environment, Safety and Health.*

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## NATIONAL CREDIT UNION ADMINISTRATION

### 12 CFR Part 792

#### Production of Nonpublic Records and Testimony of NCUA Employees in Legal Proceedings

**AGENCY:** National Credit Union Administration (NCUA).

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The NCUA proposes to amend its rules regarding subpoenas seeking nonpublic records or the testimony of NCUA employees. The proposed rule provides procedures, requirements and information on how the NCUA will handle these matters and expressly prohibits any disclosure or testimony except as provided by the proposed rule. The effect of the rule will be, among other benefits, to insure an efficient use of NCUA resources, promote uniformity in decisions, protect confidential information, and provide guidance to parties. The proposed rule will also amend the current rule regarding release of NCUA records that are exempt from disclosure under the Freedom of Information Act to conform with the procedures provided in this proposed rule.

**DATES:** Comments must be received on or before June 23, 1997.

**ADDRESSES:** Comments should be directed to Becky Baker, Secretary of the Board. Mail or hand-deliver comments to: National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314-3428. Fax comments to (703) 518-6319. E-mail comments to [boardmail@ncua.gov](mailto:boardmail@ncua.gov). Please send comments by one method only.

**FOR FURTHER INFORMATION CONTACT:** Sheila Albin, Acting Associate General Counsel, or Allan Meltzer, Associate General Counsel, (703) 518-6540.

#### SUPPLEMENTARY INFORMATION:

##### Background

The NCUA receives numerous subpoenas and requests for NCUA employees to provide evidence in litigation. Typically, these subpoenas are for NCUA records that are not available to the public under the