

statements prepared by State association staff members or individuals who prepare annual financial statements, provided that such statements are certified by two members of the State association. In addition, State associations that receive less than \$10,000 annually must submit to the Board a CPA audited financial statement at least every 5 years. Financial statements of SPPAs that receive less than \$2,000 annually in distributed assessments are audited by the Board.

The annual minimum dollar amounts of distributed assessments of \$10,000 and \$2,000 referenced above were established effective August 11, 1988 (53 FR 30243). These minimum dollar requirements were established to enable the smaller SPPAs that receive relatively smaller amounts of annual assessments to minimize the cost of CPA audits, which could represent a significant proportion of their total assessments.

Since then, the annual amount of assessments distributed by the Board to the SPPAs has increased as a result of an increase in the assessment rate effective December 1, 1991 (56 FR 51635), and some annual increases in domestic hog prices and in the number of hogs marketed. Consequently, it is the Board's view that the minimum dollar amount now is not high enough to enable a sufficient number of the smaller SPPAs to minimize the costs of preparing and submitting annual financial reports and thus have additional funds available to finance promotion and research projects.

The amount of annual assessments distributed to the 45 SPPAs in 1993 ranged from less than \$1,000 to nearly \$1.4 million. Seventeen State associations received less than \$30,000, and four of those State associations received less than \$2,000. To minimize the costs of CPA audits for the 13 State associations whose annual assessments are more than \$2,000, but less than \$30,000, the Board has recommended that the annual minimum dollar amount of distributed assessments that triggers the requirement of an annual CPA audit be increased from \$10,000 to \$30,000. The provision that the Board audits financial statements of SPPAs that receive less than \$2,000 in annual distributed assessments would remain unchanged.

Since the establishment in 1988 of the initial minimum dollar amount of assessments for which a CPA audit is required, neither the Board nor the Department has encountered any problems with SPPAs preparing and submitting financial statements or the safeguarding of assessments. Accordingly, based on the Board's

findings and its recommendations discussed above, we propose that the provisions of § 1230.74(c) of the Order containing the requirements for the SPPA's submission of annual financial audits to the Board be terminated.

Further, we propose that the requirements for submission of annual audits be revised based on the Board's recommendations and published in the rules and regulations implementing the Order. The revised requirements would provide that SPPAs that receive less than \$30,000 in assessments would be required to submit unaudited financial statements to the Board. The other requirements of § 1230.74(c) would remain unchanged.

List of Subjects in 7 CFR Part 1230

Administrative practice and procedure, Advertising, Agricultural research, Marketing agreement, Meat and meat products, Pork and pork products.

For the reasons set forth in the preamble, it is proposed that 7 CFR Part 1230 be amended as set forth below:

PART 1230—PORK PROMOTION, RESEARCH, AND CONSUMER INFORMATION

1. The authority citation for 7 CFR part 1230 continues to read as follows:

Authority: 7 U.S.C. 4801-4819.

2. In § 1230.74, paragraph (b) is revised to read as follows:

§ 1230.74 [Amended]

* * * * *

(b) Organizations receiving distributions of assessments from the Board shall furnish the Board with annual financial statements audited by a certified public accountant of all funds distributed to such organizations pursuant to this subpart and any other reports as may be required by the Secretary or the Board in order to verify the use of such funds.

* * * * *

3. A new § 1230.115 would be added to Subpart B—Rules and Regulations, to read as follows.

§ 1230.115 Submission of annual financial statements.

State Pork Producer Associations, as defined in § 1230.25, that receive distributions of assessments pursuant to § 1230.72 and that receive less than \$30,000 in assessments annually, may satisfy the requirements of § 1230.74(b) by providing to the Board unaudited annual financial statements prepared by State association staff members or individuals who prepare annual financial statements, provided that two

members of the State association attest to and certify such financial statements. Notwithstanding any provisions of the Order to the contrary, State associations that receive less than \$30,000 in distributed assessments annually and submit unaudited annual financial statements to the Board shall be required to submit an annual financial statement audited by a certified public accountant at least once every 5 years, or more frequently if deemed necessary by the Board or the Secretary. The Board may elect to conduct its own audit of the annual financial statements of State Pork Producer Associations that receive less than \$2,000 in distributed assessments annually, every 5 years in lieu of the required financial statements.

Dated: March 8, 1995.

Lon Hatamiya,
Administrator.

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NUCLEAR REGULATORY COMMISSION

10 CFR Part 20

[Docket No. PRM-20-23]

Steve Gannis, Denial of Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Denial of petition for rulemaking.

SUMMARY: The Nuclear Regulatory Commission (NRC) is denying a petition for rulemaking (PRM-20-23) from Steve Gannis. The petition is being denied on the basis that the proposed action is not necessary because: current public dose limits adequately protect the health and safety of the public; the requirement that doses are as low as is reasonably achievable (ALARA) provides an ample margin of safety; and the proposed 1 mrem/yr limit is not supported by the recommendations of the International Commission on Radiological Protection (ICRP), the National Council on Radiation Protection and Measurements (NCRP), or Presidential guidance.

ADDRESSES: Copies of the petition for rulemaking, the public comments received, and the NRC's letter to the petitioner are available for public inspection or copying in the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC.

FOR FURTHER INFORMATION CONTACT: Charleen T. Raddatz, Office of Nuclear Regulatory Research, U.S. Nuclear

Regulatory Commission, Washington, DC 20555, telephone (301) 415-6215.

SUPPLEMENTARY INFORMATION:

The Petition

By letter dated January 8, 1994, Mr. Steve Gannis filed a petition for rulemaking with the NRC. The petitioner requested that the NRC reduce the limit for radiation dose to members of the public from the current 100 mrem/yr to 1 mrem/yr.

As a basis for the requested action, the petitioner cited the NRC policy statement on radiation doses that should be considered "Below Regulatory Concern" (BRC)(issued July 3, 1990; FR 27522, and withdrawn August 24, 1993; 58 FR 44610). Table 1 (July 3, 1990; 55 FR 27527 and 55 FR 27232) of that policy statement shows that if a person received the maximum allowable dose every year of the average 70-year life-span, he or she would have an additional 1 in 285 chance of death from cancer as a result of that dose. The petitioner further contends that non-fatal cancers would result at the same rate.

Public Comments on the Petition: Summary and Analysis

On April 14, 1994 (59 FR 17746), the NRC published a notice of the receipt of a petition for rulemaking in the **Federal Register**. Interested persons were invited to submit written comments concerning the petition by June 28, 1994. The NRC received 34 letters of comment from 30 individuals in response to the notice. Two commenters submitted addenda to their comments which were docketed separately. These are summarized in Table 1. Table 1.

TABLE 1

Comments	Category	For	Against
6	Individuals	4	2
5	Radiation Protection Professional Organizations Representatives.	5

TABLE 1—Continued

Comments	Category	For	Against
12	Environmental Group Representatives.	11	1
7	NRC Licensee Representatives.	7

Comments in Favor of the Petition

Several commenters in favor of the petition gave no reasons for their support. These commenters only repeated the position in the petition. One commenter believed that no more than 2.5 mrem/yr limit was reasonable. One commenter said that only a zero dose limit was acceptable. Another commenter said that having reviewed the application for a low-level waste storage facility, it is evident that 1 mrem/yr is achievable for that facility and, therefore, reasonable for all facilities under NRC jurisdiction. Many of those who commented in support of the petition stated that they were appalled that NRC would condone the thousands of unnecessary deaths caused each year by doses to members of the public from exposure to NRC-licensed material.

NRC Response

None of the commenters in favor of the petition presented any information that was convincing concerning the need for a lower dose limit for members of the public. Annual doses to members of the public from natural and man-made sources are summarized in Table 2 (from NCRP Reports, Numbers 92, 93, 94, and 95).

TABLE 2

Source	Average annual dose	
	in mSv	mrem
Naturally occurring radon	2.0	200.0
Other naturally occurring	1.0	100.0
All occupational exposures	0.009	0.9
Nuclear fuel cycle	0.0005	0.1
Other consumer products	0.1	10.0
Diagnostic medical x-rays	0.39	39.0
Nuclear medicine	0.14	14.0
Total	3.64	364.0

Inspection data since 1982 shows that effluents and direct radiation dose rates continue to decline. As doses to members of the public are calculated from these, it is reasonable to assume that public doses have continued to decline as well.

While those who live nearest to NRC-licensed facilities are in principle allowed to receive up to the limit of 100 mrem/yr, most receive only a small fraction of this. The reason for this is that ALARA programs in place to supplement the dose limit result in a system of dose control which achieves doses significantly below the limit. As a consequence of this approach, the average dose to most members of the public from NRC-licensed facilities is well below 1 mrem/yr. Naturally occurring radioactivity is responsible for an average of 300 mrem/yr. In some areas, the dose from naturally occurring radioactivity is considerably higher (up to 900 mrem/yr according to NCRP Report No. 93). The ICRP, in its 1990 recommendations on dose limits in Report Number 60, confirmed that there is no new biological evidence that suggests that there should be a reduction in the limit for members of the public. The ICRP recommendation for dose to members of the public is 100 mrem/yr with certain provisions for deviations up to 500 mrem/yr. The NCRP reached the same conclusions in Report Number 116.

One commenter stated that the Environmental Protection Agency (EPA) limit for members of the public is only 10 mrem/yr. Therefore, the NRC limit of 100 mrem/yr does not protect the health and safety of the public. However, 10 mrem/yr is the EPA Clean Air Act limit for dose from a single pathway of exposure; namely, the dose a member of the public might receive from airborne releases of radioactive material from a facility. Members of the public might receive doses from other pathways as well, including radioactive material in food, water, on the ground, and in the soil, and direct radiation from the facility in which the radioactive material is stored or used. Presidential Guidance to Federal Agencies on dose limits for Public Exposure (May 18, 1960; 25 FR 4402), signed by former President Eisenhower, recommends a value of 500 mrem/yr for all pathways. This guidance is currently under consideration for revision and is expected to be revised to 100 mrem/yr from all pathways (see proposed revision published December 23, 1994 (59 FR 66414). NRC's limit of 100 mrem/yr from all pathways, from licensed and unlicensed sources, under the control of the licensee, including the

provision that any dose must be as low as is reasonably achievable, has the effect of being at least as protective as EPA regulations. In a survey conducted by the EPA to determine if NRC licensees were releasing radioactive materials to the environment in excess of EPA Clean Air Act limits, the EPA found that none of the NRC licensees surveyed had airborne effluents resulting in doses greater than 10 mrem/yr and the vast majority resulted in doses less than 1 mrem/yr to the member of the public likely to receive the highest dose.

Comments Opposed to the Petition

Commenters opposed to the petition presented a variety of reasons for their opposition. Most commenters stated that some current uses of radioactive materials could not continue under a 1 mrem/yr limit for members of the public. Further, some of the commenters stated that it would be impossible to demonstrate compliance with a limit so low that it could not be measured. Many commenters stated that there would be no significant increase in the protection of public health and safety. Other commenters concluded that the lower limit would result in a significant decrease in protection of the health and safety of the public. Some commenters came to this conclusion based on the estimated risks from effluents, waste, and radiation dose from alternate methods for production of electric power (e.g., coal, oil). Other commenters based the conclusion on the increased risk from surgical procedures and alternate chemical treatments for patients now treated with radioactive materials. Some commenters argued that economic considerations would preclude certain uses of radioactive material such as some medical uses. Therefore, the mortality risk from certain cancers would be much higher without the use of radioactive materials in treatment. Radioactive treatments performed to reduce pain and suffering in the last months of life for many cancer patients would also have to be stopped.

Many commenters opposed to the petition believed that the risk was exaggerated in the petition. They stated that the risk estimate referenced by the petitioner assumed that every individual would receive the maximum allowable dose every year of his or her life. Some commenters believed it inappropriate to use the conservative linear non-threshold model to extrapolate from doses between a few thousand mrem and millions of mrem, delivered in a fraction of a second, to the 100 mrem/yr limit. They believed it

unreasonable to give no consideration to possible repair mechanisms or to the existence of any tolerance to radiation dose. Further, commenters contended that licensees must demonstrate compliance with the limit for members of the public by assuming that a member of the public is present at the location of highest dose rate, 24 hours a day, 365 days a year. The commenter therefore concluded that the actual risk is much smaller than the petitioner believes.

Most commenters opposed to the petition cited the recent recommendations of both the ICRP and the NCRP. Both organizations recommend that dose to members of the public not exceed 500 mrem in any one year and not average more than 100 mrem/yr. NCRP states that a dose of 500 mrem in a year is not especially hazardous if the same group does not receive that dose year after year.

One commenter compared 1 mrem/yr exposure to common radiation sources. Some of the examples given were: (1) Flying from New York City to Los Angeles exposes each passenger and crew member to 5 mrem; (2) a one week Colorado ski trip raises your annual exposure by 11 mrem; and (3) sleeping in bed with another person exposes each person to 0.1 mrem/yr from exposure to radioactive material in the other person's body. This commenter argued that radiation is the most studied hazard agent on earth. This commenter stated that after 99 years and billions of research dollars, no statistically significant negative effects of low levels of radiation have been shown in well controlled studies, and in fact, some studies suggest that there may be benefits from chronic, low level radiation exposure, possibly because, by stimulating enzyme production, the organism is protected from damage by stronger radiation and toxic chemicals. This commenter's argument is based, in part, on the observation that background radiation levels in Colorado are about twice that of the rest of the United States, yet cancer rates are tied for the third lowest in the nation.

NRC Response

For the reasons stated as the basis for the denial, the NRC agrees with those commenters who were opposed to the petition.

Reasons for Denial

The NRC has considered the petition, the public comments received, and other related information and has concluded that the issues raised by the petition are insufficient to justify rulemaking to reduce the limit for members of the public. The following is

a discussion of the details of that conclusion.

The primary concern of the petition is the perception that the 100 mrem/yr limit for radiation exposure from radioactive sources under the control of NRC licensees poses an unacceptable risk to the population of the United States. In 1994, the ICRP Main Commission fully discussed the issue of dose limits for members of the public together with the statements to the 1994 United Nations Scientific Committee on the Effects of Atomic Radiation (UNSCEAR). The ICRP confirmed that there was no new biological evidence that suggested that there should be a revision to the cancer risk estimates in ICRP Publication 60 and no reason to revise the recommendation that the average dose over a five year period not exceed 100 mrem/yr for members of the public (allowing for infrequent exposures up to 500 mrem/yr). The NCRP examined the UNSCEAR 1988 report, the report by the National Academy of Sciences/National Research Council Committee on the Biological Effects of Ionizing Radiation (BEIR V) (NAS/NRC, 1990), and the recommendations of the ICRP and issued recommendations that United States regulatory agencies establish limits for exposure to man-made radiation sources by members of the public to an annual average not to exceed 100 mrem/yr with allowances for infrequent exposures up to 500 mrem/yr.

The petitioner contends that the NRC limit of 100 mrem/yr doubles the average background radiation dose to which members of the public are exposed. In fact, the NRC system of dose control includes the ALARA concept that doses should be controlled below the dose limits and to levels which are as low as reasonably achievable. As a consequence, the actual doses from licensed activities are only a very small fraction of the annual background dose to members of the public which averages 300 mrem/yr in the United States.

The petitioner states that "Federal Government standards on how much cancer can be caused among the public by cancer-causing pollutants and contaminants generally permit, at most, approximately 1 cancer per million people." However, the EPA National Emission Standards for Hazardous Air Pollutants (NESHAPS); Radionuclides (54FR51655) states that "a principle that accompanies these numerical goals is that the state of art of risk assessment does not enable numerical risk estimates to be made with comparable confidence. Therefore, judgment must be used in

deciding how numerical risk estimates are considered with respect to these goals." The NESHAPS standard for emissions of radioactive material from NRC licensed facilities is 10 mrem/yr for the air effluent release pathway alone. While the results of the 1993 reports to EPA have not been provided to NRC, a survey of NRC licensed facility air emissions performed by EPA in 1992 revealed that no NRC licensed facility surveyed exceeded that value. Almost all of the facilities surveyed in 1992 had air effluents which resulted in doses an order of magnitude lower for the maximally exposed individuals.

Taking these considerations into account, with respect to reducing the radiation dose limit to members of the public from 100 mrem/yr to 1 mrem/yr, the petition fails to recognize the net effect of the NRC's system of dose control and the role played by the dose limit and ALARA programs.

When these are taken into account, NRC's judgment is that the public is adequately protected, the health risks from NRC licensed activities are low, and no change in basic radiation protection standards, as petitioner suggests, is warranted.

Dated at Rockville, Maryland, this 2nd day of March, 1995.

For the Nuclear Regulatory Commission.

James M. Taylor,

Executive Director for Operations.

[FR Doc. 95-6069 Filed 3-10-95; 8:45 am]

BILLING CODE 7590-01-P

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 722

Appraisals

AGENCY: National Credit Union Administration (NCUA).

ACTION: Proposed amendments.

SUMMARY: The NCUA Board is proposing amendments to its regulation regarding the appraisal of real estate, adopted pursuant to Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989. The proposed amendments simplify compliance with regulatory requirements for credit unions by changing provisions of the appraisal regulation that govern: the publication of the Uniform Standards of Professional Appraisal Practice; minimum appraisal standards; appraisals to address safety and soundness concerns; unavailable information; additional appraisal standards developed by credit unions;

and appraiser independence. The proposed amendments should reduce costs without affecting the reliability of appraisals used in connection with federally related transactions.

DATES: Comments must be postmarked or received by May 12, 1995.

ADDRESSES: Send comments to Becky Baker, Secretary of the Board, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314 or via NCUA's electronic bulletin board to Becky Baker at 703-518-6480.

FOR FURTHER INFORMATION CONTACT: Kent Buckham, Deputy Director, (703) 518-6360, Herbert Yolles, Director, Department of Risk Management, Office of Examination and Insurance, (703) 518-6360 or Michael McKenna, Staff Attorney, Office of General Counsel, (703) 518-6540.

SUPPLEMENTARY INFORMATION:

A. Background

Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA), 12 U.S.C. 3331 et seq., directed NCUA and the other financial institution regulatory agencies to publish appraisal rules for federally related real estate transactions within the jurisdiction of each agency. Section 1121(4) of FIRREA, 12 U.S.C. 3350(4), defines a federally related transaction as a real estate-related financial transaction that, among other things, requires the services of an appraiser. A real estate-related financial transaction is defined as any transaction that involves (i) the sale, lease, purchase, investment in or exchange of real property, including interests in property, or the financing thereof; (ii) the refinancing of real property or interests in real property; and (iii) the use of real property or interests in real property as security for a loan or investment, including mortgage-backed securities. See 12 U.S.C. 3350(5).

In July of 1990, the Board published regulations to meet the requirements of Title XI of FIRREA. See 55 FR 30199, July 25, 1990. The Board recognized that not all real estate-related financial transactions would require an appraisal. Accordingly, in the original appraisal regulation, NCUA did not require a state-certified or -licensed appraiser for real estate-related transactions having a transaction value less than or equal to \$50,000. In July of 1993, the Board raised the de minimus amount for an appraisal performed by a state-certified or -licensed appraiser to \$100,000 (See 58 F.R. 40040, July 27, 1993). The dollar threshold was raised because NCUA had not found any evidence indicating that there had been a significant increase in

the defaults on real estate-related loans of less than \$50,000 and that the increase would not represent a threat to the safety and soundness of credit unions but rather would reduce unnecessary costs and paperwork requirements.

Recently, the other federal financial institution regulatory agencies¹ have increased the threshold to \$250,000. See 59 FR 29482, June 7, 1994. The Board has considered whether the de minimus level should be increased for federally-insured credit unions. At this time, the Board does not perceive a need to increase the threshold. Many credit unions do not have the on-staff expertise to prepare appraisals. In addition, although credit unions are well capitalized, they are generally much smaller than other financial institutions. As a result, the relative size of an average real estate loan to capital is generally much higher for a credit union, which translates to much greater relative risk. A major portion of the losses to the National Credit Union Share Insurance Fund in the past ten years has been associated with real estate lending.

For credit unions that do engage in real estate lending, the greatest single risk protection they can obtain is a licensed or certified appraisal to support the loan-to-value ratio. The current thresholds of \$100,000 for residential real estate and \$50,000 for commercial property are sufficiently high to preclude most home equity or second trust lending from the appraisal requirement, but are low enough to ensure that professional appraisals are obtained for higher-dollar value real estate lending. Therefore, the Board is not proposing to increase either of these dollar thresholds. However, the Board believes that the appraisal regulation can be revised to provide clarity and ease the regulatory burden on credit unions for some categories of transactions.

B. Proposed Amendments

While in most cases an appraisal is an essential part of a sound underwriting decision, the Board believes that NCUA should not require Title XI appraisals where they impose costs without significantly promoting the safety and soundness of credit unions or furthering the purposes of Title XI of FIRREA. Accordingly, the Board is proposing to amend its appraisal regulation to clarify

¹ The Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency and the Office of Thrift Supervision.