INDIANA—TSP—Continued

Designated Area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
• • •	•	•	•	•
Porter County:				
An area bounded on the north by the Lake Michigan shoreline, on the east by Mineral Springs Road, on the south by I-94, and on the west by Indiana 249 from I-94 to Burns Ditch and then following Burns Ditch to Lake Michigan.			X	
Remainder of Porter County				X
• • •	•	•	•	•
Sullivan County				X
• • •	•	•	•	•
Vigo County:				
The area within a 0.5 kilometers radius circle centered at UTM Coordinates Zone 16 East 464.52 km North 4369.21 km.		X		
The remainder of Vigo County				X
• • •	•	•	•	•

[FR Doc. 85-9593 Filed 4-19-85; 8:45 am]

BILLING 6560-50-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 76 and 95

[CGD 83-026A]

Discharge Rate of Fire Extinguishing Carbon Dioxide in Cargo Spaces Specifically Suitable for Vehicles

AGENCY: Coast Guard, DOT.

ACTION: Rule related notice.

SUMMARY: The Coast Guard recently tested and found that the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS) standard for the discharge rate of fire extinguishing carbon dioxide (CO_2) in cargo spaces specifically suitable for vehicles (RO/RO cargo spaces) is effective in providing a degree of safety consistent with the intent of the Coast Guard's fire protection regulations. Thus, the Coast Guard is prepared to accept CO_2 installations in RO/RO cargo spaces where the arrangement is such that two-thirds the required quantity of CO_2 is discharged within ten minutes as prescribed by SOLAS. Any faster discharge rate, such as that presently required by the Coast Guard's fire protection regulations, is also acceptable.

DATES: Effective April 15, 1985. Comments will be accepted until May 22, 1985.

ADDRESSES: Comments should be mailed to Commandant (G-CMC/21) (CGD 83-026), U.S. Coast Guard, 2100 Second Street SW., Washington, D.C. 20593. Each comment should include the name and address of the person submitting the comment and identify this notice (CGD 83-026). Comments will be available for inspection and copying from 8:00 a.m. to 4:00 p.m., Monday through Friday, except holidays, at the Marine Safety Council, Room 2110, at the address above. The telephone number is (202) 426-1477.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander John E. Veentjer, Office of Merchant Marine Safety, U.S. Coast Guard (G-MTH-4/13), Room 1304, 2100 Second Street SW., Washington, D.C. 20593. Telephone (202) 426-2197.

SUPPLEMENTARY INFORMATION:

Drafting Information

The principal persons involved in preparing this notice are Lieutenant Commander John E. Veentjer, Office of Merchant Marine Safety, and Mr. Michael N. Mervin, Office of Chief Counsel.

Background

An Advanced Notice of Proposed Rulemaking was published on October 1, 1984 (49 FR 38672) (CGD 83-026) in which the Coast Guard announced its intention to review the existing fire protection regulations and incorporate the 1981 set of amendments to the International Convention for the Safety of Life at Sea, 1974 (SOLAS 74). No public input specifically aimed at this subject has been received; however, other matters directed attention to a significant difference between the SOLAS regulations and the Coast Guard's regulations pertaining to the discharge rate of CO_2 in cargo spaces specifically suitable for vehicles (RO/RO cargo spaces).

Paragraph (b)(i) of Regulation 31 of Chapter II-2 of SOLAS 74 requires that the CO_2 fire extinguishing arrangement for RO/RO cargo spaces be such that the gas is introduced rapidly and effectively. The corresponding Coast Guard regulations in 46 CFR 76.15-5(f)(2) and 95.15-5(f)(2) require that 100% of the required quantity of CO_2 be released within two minutes.

The 1981 set of amendments to SOLAS 74 provide a more precise CO_2 discharge rate in paragraph 2.1. of Regulation 38 of Chapter II-2 for RO/RO spaces in passenger vessels and in paragraph 2.2.1.1. of Regulation 53 of Chapter II-2 for RO/RO spaces in cargo vessels. These SOLAS regulations now require that two-thirds of the required quantity of CO_2 be discharged within ten minutes. These regulations became effective 1 September 1984.

There were no known tests to support any particular discharge rate, thus the Coast Guard conducted a test at its Fire and Safety Test Facility. The SOLAS discharge rate was specifically tested and found to be effective in providing a degree of safety consistent with the intent of the Coast Guard fire protection regulations. Thus, the Coast Guard is prepared to accept CO_2 fire extinguishing arrangements which are designed to the SOLAS discharge rate requirements.

As a result of the fire tests, the Coast Guard is changing its policy on release of 100% of CO_2 within two minutes and will approve arrangements providing for the discharge of two-thirds of the prescribed quantity within ten minutes, unless significant adverse comments are received within thirty days. 46 CFR 90.15-1 states conditions under which equivalents may be accepted. One of the conditions is that the Commandant may acccept other arrangements "provided, that he shall have been satisfied by suitable trials that the * * * arrangement is at least as effective as that specified in this subchapter". The fire testing carried out certainly falls within these provisos.

This alternative arrangement acceptance will eliminate the need for costly retrofitting in connection with reflaggings.

Although this action is not expected to receive opposition, the Coast Guard welcomes comment, data, or arguments. The acceptance of the SOLAS discharge rate may be altered if the Coast Guard receives convincing arguments indicating that safety is not served by the SOLAS standard.

In the course of the continuing review of all the Coast Guard's fire protection regulations, the SOLAS discharge rate

will be incorporated by replacing the discharge rate now specified in 46 CFR 76.15–5(f)(2) and 95.15–5(f)(2). A notice of proposed rulemaking (CGD 83–026) to update all the fire protection regulations is forthcoming.

Dated: April 15, 1985.

B.G. Burns,

Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc. 85–9434 Filed 4–19–85; 8:45 am]

BILLING CODE 4910–14–M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 282 (Sub-9)]

49 CFR Part 1180

Railroad Consolidation Procedures; Trackage Rights Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Final rules.

SUMMARY: The Commission exempts from regulation, under 49 U.S.C. 10505, trackage rights proposals and renewal of trackage rights agreements under 49 U.S.C. 11343 that are: (1) based on written agreements; and (2) not filed or sought in responsive applications in rail consolidation proceedings. Carriers taking advantage of this exemption are subject to the standard provisions for the protection of employees in *Norfolk and Western Ry. Co.—Trackage Right—BN*, 354 I.C.C. 605 (1978), as modified by *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980). The exemption automatically removes these transactions from regulatory oversight, and simplifies and expedites the process for commencing trackage rights operations. The regulations at 49 CFR Part 1180 are amended, as set forth in the Appendix, to implement this action.

DATE: The rules will be effective on May 22, 1985.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275–7245.

SUPPLEMENTARY INFORMATION: The rules adopted here were proposed at 47 FR 40668, on September 15, 1982. Additional information is contained in the Commission's decision. To purchase a copy of the full decision write to T.S. InfoSystems, Inc., Interstate Commerce Commission, Room 2227, Washington, DC 20423, or call 289–4357 (DC Metropolitan area) or toll free (800) 424–5403.

List of Subjects in 49 CFR Part 1180

Administrative practice and procedure, Railroads.

Authority: 49 U.S.C. 10505(b) and 5 U.S.C. 553.

This action will not significantly affect either the quality of the human environment or energy conservation.

Decided: April 10, 1985.

By the Commission, Chairman Taylor, Vice Chairman Gradison, Commissioners Sterrrett, Andre, Simmons, Lamboley, and Strenio. Commissioner Lamboley concurred in the result.

James H. Bayne,

Secretary.

Appendix

PART 1180—[AMENDED]

Title 49, Subtitle B, Chapter X, Part 1180 of the Code of Federal Regulations is amended as follows:

§ 1180.2 [Amended]

1. The first sentence of § 1180.2(d) is amended by revising the word "six" to read "seven."

2. Section 1180.2(d)(4) is amended by removing the words "or trackage rights contracts."

3. A new paragraph (d)(7) is added to § 1180.2 to read as follows:

* * * * *

(d) * * *

(7) Acquisition of trackage rights and renewal of trackage rights by a rail carrier over lines owned or operated by any other rail carrier or carriers that are: (i) based on written agreements, and (ii) not filed or sought in responsive applications in rail consolidation proceedings.

§ 1180.4 [Amended]

4. In § 1180.4, paragraph (g)(2) is redesignated as paragraph (g)(1)(i).

5. In § 1180.4, paragraph (g)(3) is redesignated as paragraph (g)(1)(ii).

6. Section 1180.4 is amended by adding new paragraph (g)(2) to read as follows:

* * * * *

(g)(2)(i) To qualify for an exemption under § 1180.2(d)(7) (acquisition or renewal of trackage rights agreements), in addition to the notice, the railroad must file a caption summary suitable for publication in the **Federal Register**. The caption summary must be in the following form:

Interstate Commerce Commission

Notice of Exemption

Finance Docket No.

(1)—Trackage Rights—(2)

(2) (3) to grant (4) trackage rights to (1) between (5). The trackage rights will be effective on (6).

This notice is filed under 49 CFR 1180.2(d)(7). Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction.

Dated:

By the Commission.

James H. Bayne,

Secretary.

The following key identifies the information symbolized in the summary.

(1) Name of the tenant railroad.

(2) Name of the landlord railroad.

(3) If an agreement has been entered use "has agreed", but if an agreement has been reached but not entered use "will agree."

(4) Indicate whether "overhead" or "local" trackage rights are involved.

(5) Describe the trackage rights.

(6) State the date the trackage rights agreement is proposed to be consummated.

(ii) The Commission will publish the caption summary in the **Federal Register** within 20 days of the date that it is filed with the Commission. The filing of a petition to revoke under 49 U.S.C. 10505(d) does not stay the effectiveness of an exemption.

§ 1180.6 [Amended]

7. Section 1180.6 is amended by adding the following language to the end of paragraph (a)(7)(ii):

(a) * * *

(7) * * *

(i) * * *

(ii) * * *

In addtion, parties to exempt trackage rights agreements and renewal of agreements described at § 1180.2(d)(7) must submit an original and one copy of the executed agreement or renewal agreement with the notice of exemption, or within 10 days of the date that the agreement is executed, whichever is later.

[FR Doc. 85–9608 Filed 4–19–85; 8:45 am]

BILLING CODE 7035–01–M

Proposed Rules

Federal Register
Vol. 50, No. 77
Monday, April 22, 1985

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 35

Physician's Use of Radioactive Drugs

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing to amend its regulations to allow physicians to use technetium-99m labeled sulfur colloid for gastroesophageal imaging; technetium-99m labeled sulfur colloid, pertechnetate, and macroaggregated human serum albumin for LeVeen, ventriculo-atrial and ventriculo-peritoneal shunt imaging; and technetium-99m labeled pertechnetate for cystography and dacryocystography. Without this amendment, each NRC licensee that wants to use these radioactive materials in these ways would have to apply to the NRC for permission to do so. The proposed rule will allow physicians or hospitals that are now licensed by NRC to use other similar materials to use these drugs without making an application to NRC.

DATE: Comment period expires May 22, 1985.

Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

ADDRESSES: Send comments to: The Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, ATTN: Docketing and Service Branch. Hand deliver comments to: Room 1121, 1717 H Street NW., Washington, DC between 8:15 am and 5:00 p.m. Examine comments received, environmental and regulatory analyses and the requests for exception at: The NRC Public Document Room 1717 H Street, NW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Norman L. McElroy, Office of Nuclear Materials Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: (301) 427–4108.

SUPPLEMENTARY INFORMATION:

Physicians who want to use certain readioactive materials in the practice of medicine may do so only in accordance with a license issued by the Nuclear Regulatory Commission (NRC) or by States which have an agreement with the NRC to license the use of these materials instead of the NRC.

As new radiopharmaceuticals, radioactive sources, medical devices, and uses of radioisotopes are developed, the NRC considers adding them to one of the groups under which medical licenses are issued. The groups were designed to allow physicians and community hospitals wide access to nuclear medicine services. The groups in § 35.100 contain only radiopharmaceuticals that are the subject of an FDA-approved "New Drug Application" (NDA), or a "Notice of Claimed Investigational Exemption for a New Drug" (IND) that has been accepted by FDA. A licensee authorized to use all the materials listed in a group is referred to as a "group medical licensee."

NRC regulations in § 35.14(b)(6) that apply to the group medical licensees provide that when a physician uses byproduct material for clinical procedures other than those approved by FDA and specified in the product labeling or package insert, the physician must follow the product labeling regarding: (1) Chemical and physical form, (2) route of administration, and (3) dosage range. The NRC has received requests to amend its regulations to allow physicians to use technetium-99m labeled sulfur colloid for gastroesophageal imaging; technetium-99m labeled sulfur colloid, pertechnetate, and macroaggregated human serum albumin for LeVeen, ventriculo-atrial, and ventriculo-peritoneal shunt imaging; and technetium-99m labeled pertechnetate for cystography and dacryocystography. These are clinical procedures that are not listed in the product labels.

(As a separate matter, the NRC recently allowed persons who are licensed to use materials in § 35.100 Group II or III to also use pertechnetate for dacryocystography and sulfur colloid for gastroesophageal imaging (see 50 FR 7663, published February 25, 1985). That action was precipitated by a letter to NRC from FDA that said those two methods of use had recently been approved for listing on the respective package inserts, but that some manufacturers might not be able to print new package inserts for several months. The NRC has included those two methods of use in this proposed rulemaking so that the regulation will provide a complete list.)

It is noteworthy that NRC and FDA have sought a solution to the general problem of drug labeling, and FDA currently is considering a program to authorize additional clinical procedures that use approved radiopharmaceuticals. However, until such a program is implemented, NRC believes that this rulemaking is the most appropriate way to resolve the problem in this interim period. This policy was described in an NRC rulemaking published in the **Federal Register** on February 3, 1983 (48 FR 5217).

The requests that NRC received provided a description of the clinical procedure, a justification for why the regulatory action is needed, the purpose of the procedure, an analysis of the radiation dose, and additional technical and scientfic information. (Each of the requests is available for inspection at the NRC Public Document Room, 1717 H Street, NW, Washington, DC.) The NRC has reviewed the requests to determine whether the requested regulatory action might result in an unreasonable risk to the safety of the public or might endanger life or property. The NRC specifically considered two criteria:

- No unjustified dose to the patient, and
- Demonstration of adequacy of occupational radiation protection measures.

With assistance from its Advisory Committee on the Medical Uses of Isotopes (ACMUI), the NRC has determined that the above criteria have been met for the proposed clinical procedures. Many of the committee members believe that these clinical procedures are useful, and the risk/benefit ratio for these procedures is extremely low. They also noted that these techniques will probaby become routine when allowed by NRC.

Technetium-99m labeled sulfur colloid can be administered orally either as a solid or liquid test meal. Following oral administration, technetium-99m sulfur colloid goes from the esophagus to the stomach, small intestine, and the upper large intestine. This clinical procedure permits external imaging which is helpful in assessing gastric emptying, gastroesophageal reflux, and esophageal transit. The gastric emptying procedure is useful in demonstrating the presence and the severity of gastric motor disorder; the gastroesophageal reflux study may demonstrate backward flow in the digestive tract. The esophageal transit study may demonstrate obstructions or abnormal transit time. The normal dosage is 0.3 millcuries. The radiation dose to an average adult patient from 1 millicurie of orally administered technetium-99m sulfur colloid as a liquid is: 0.1 rad to the stomach wall; 0.3 rad to the small intestine; 0.5 rad to the upper large intestine; 0.3 rad to the lower large intestine; 0.1 rad to the ovaries; 0.01 rad to the testes; and 0.02 rad to the whole body. The estimated absorbed radiation dose to an average adult patient from 1 millicurie of orally administered technetium-99m sulfur colloid as a solid food is: 0.2 rad to the stomach wall; 0.2 rad to the small intestine; 0.4 rad to the upper large intestine; 0.3 rad to the lower large intestine; 0.1 rad to the ovaries, 0.004 rad to the tests; and 0.02 rad to the whole body.

These estimated absorbed radiation doses and the following doses are similar to other absorbed doses received from other diagnostic nuclear medicine and x-ray procedures.

A LeVeen shunt is an implanted tube that drains built-up fluid from the peritioneal cavity to a large central vein. Technetium-99m labeled sulfur colloid, pertechnetate, or macroaggregated human serum albumin can be injected into the peritoneal cavity to diagnose shunt malfunction, such as blockage by clot or valve failure, by taking images of the shunt. The normal dosage is 3 to 10 millicuries. The radiation dose from an intraperitoneal injection of a 3 millicurie dosage of technetium-99m sulfur colloid is: 0.02 rad to the whole body; 0.02 rad to the tests; 0.02 rad to the ovaries; 0.03 rad to the liver; 0.02 rad to the spleen and 0.03 rad to the red marrow.

A ventriculo-atrial shunt is a tube implanted in patients with hydrocephalus (fluid build-up in the head). It drains the fluid from the head to the atrial cavity. Technetium-99m labeled colloid, pertechnetate, or macroaggregated human serum albumin is injected into the shunt system of the patient to localize shunt blockage before surgical repair is performed. The normal dosage is 1 to 5 millicuries. The radiation dose from an injection of a 5 millicurie dosage of technetium-99m to a patient with a patent shunt is: 0.1 rad to the whole body and 0.1 rad to the brain.

A ventriculo-peritoneal shunt is an implanted tube in patients with hydrocephalus (fluid build-up in the head). It drains the fluid from the head to the peritoneal cavity. Technetium-99m labeled sulfur colloid, pertechnetate, or macroaggregated human serum albumin is injected into the shunt of patients to localize blockage before performing surgical repairs. The normal dosage is 1 to 5 millicuries. The radiation dose from an injection of a 5 millicurie dosage of technetium-99m to a patient with a patent shunt is: 0.1 rad to the whole body and 0.1 rad to the brain.

Cystography is a procedure for patients with bladder problems. A tube is inserted into the bladder of a patient. Technetium-99m pertechnetate is instilled through the tube into the bladder. Images are taken during filling and voiding of the bladder to measure the amount of reflux (backward flow) into the upper tracts, bladder volume at which reflux occurs, drainage time of reflux after voiding, and the remaining urine volume. The normal dosage is 1 millicurie. The radiation dose from a 1 millicurie dosage of technetium-99m pertechnetate is: 0.002 rad to the whole body, 0.006 rad to gonads, and 0.2 rad to the bladder.

Dacryocystography is a procedure for patients whose eyes exhibit excessive teardrops (epiphora). This procedure is performed to assess tear production and drainage in patients, and for nasolacrimal system imaging. Technetium-99m labeled pertechnetate is administered as a sterile eye drop. The normal dosage is 100 to 250 microcuries. The radiation dose from a dosage of 100 to 150 microcuries of technetium-99m pertechnetate per eye drop to the germinal epithelium of the lens is: 0.01 to 0.02 rad under normal physiological conditions. With blocked lacrimal drainage, the dose to the lens is 0.4 to 0.6 rad.

Finding of No Significant Environmental Impact: Availability

The Commission has determined under the National Environmental Policy Act of 1969, as amended, and the Commission's regulations in Subpart A of 10 CFR Part 51, that this is not a major Federal action significantly affecting the quality of the human environment and therefore an environmental impact statement is not required. The assessment shows that any detectable effect on the environment is unlikely. The environmental assessment and finding of no significant impact on which this determination is based are available for inspection at the NRC Public Document Room, 1717 H Street, NW, Washington, DC. Single copies of the environmental assessment are available from Mr. McElroy (*See* "**FOR FURTHER INFORMATION CONTACT**" heading).

Paperwork Reduction Act Statement

This proposed rule contains no information collection requirements and therefore it is not subject to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Regulatory Analysis

The NRC has prepared a draft regulatory analysis for this proposed rule. The analysis examines the costs and benefits of the alternatives considered by the NRC Public Document Room, 1717 H Street, NW, Washington, DC. A single copy may be obtained from Mr. McElroy (*See* "For Further Information Contact" heading).

Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the NRC certifies that the rule, if adopted, will not have a significant economic impact on a substantial number of small entities. The NRC has prepared a draft regulatory analysis for this proposed rule that examines the economic impact of this action. The analysis notes that approximately 1900 medical licensees may experience some beneficial impact from the rule. The proposed rule would spare each medical licensee who desires to use the radioactive material in the requested manner the estimated $230 cost of preparing a license amendment request, the $120 amendment fee, and the 60-day delay associated with the amendment of the license.

The Commission is seeking comment particularly from small entities (*i.e.*, small businesses, small organizations, and small jurisdictions as defined by the Regulatory Flexibility Act) about the ways the proposed rule will affect them and the ways it may be modified to impose less stringent requirements on them which will still adequately protect the public health and safety. Those small entities that offer comments on how the regualtions could be modified to take into account their differing needs should specifically discuss:

(a) The size of their business and how the proposed regulations would result in a significant economic burden upon them as compared to larger organizations in the same business community;

(b) How the proposed regulation could be modified to take into account their differing needs or capabilities;

(c) The benefits that would accure, or the detriments that would be avoided, if the proposed regulation were modified as suggested by the commenter;

(d) How the proposed regulation, as modified, would more closely equalize the impact of NRC regulations or create more equal access to the benefits of Federal programs as opposed to providing special advantages to any individuals or groups; and

(e) How the proposed regulation, as modified, would still adequately protect the public health and safety.

List of Subjects in 10 CFR Part 35

Byproduct material, Drugs, Health facilities, Health professions, Incorporation by reference, Medical devices, Nuclear materials, Occupational safety and health, Penalty, Radiation protection, Reporting and recordkeeping requirements.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 553, the following amendment to 10 CFR Part 35 is being considered.

PART 35—HUMAN USES OF BYPRODUCT MATERIAL

1. The authority citation for Part 35 continues to read as follows:

Authority: Secs. 81, 161, 182, 183, 68 Stat. 935, 948, 953, 954, as amended (42 U.S.C. 2111, 2201, 2232, 2233); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§35.2, 35.14(b), (e) and (f), 35.21(a), 35.22(a), 35.24, and 35.31(b) and (c) are issued under sec. 161(b), 68 Stat. 948, as amended 42 U.S.C. 2201(b); and §§ 35.14(b)(5)(ii), (iii) and (v) and (f)(2), 35.25 and 35.31(d) are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

* * * * *

2. In § 35.14, paragraph (b)(7) is revised to read as follows:

§ 35.14 Specific licenses for certain groups of medical uses of byproduct material.

* * * * *

(b) * * *

(7) The following radiopharmaceuticals, when used for the listed clinical procedures, are not subject to the restrictions in paragraph (b)(6) of this section:

(i) Technetium–99m pentetate as an aerosol for lung function studies;

(ii) Technetium–99m sulfur colloid as a solid or liquid for gastroesophageal imaging;

(iii) Technetium–99m sulfur colloid, pertechnetate, or macroaggregated human serum albumin for LeVeen shunt imaging;

(iv) Technetium–99m sulfur colloid, pertechnetate, or macroaggregated human serum albumin for ventriculo-atrial shunt imaging;

(v) Technetium–99m sulfur colloid, pertechnetate, or macroaggregated human serum albumin for ventriculo-peritioneal shunt imaging;

(vi) Technetium–99m pertechnetate for cystography; and

(vii) Technetium–99m pertechnetate for dacryocystography.

* * * * *

Dated at Bethesda, Maryland this 5th day of April 1985.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 85–9653 Filed 4–19–85; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 207 and 213

[Docket No. R–85–1106; FR–1756]

Cooperative Housing Mortgage Insurance—Subordinated Secretary-Held Mortgages

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Proposed rule.

SUMMARY: This proposed rule would, under stated conditions, permit unsubsidized multifamily rental housing projects with Secretary-held mortgages to be converted to cooperatives by subordinating the Secretary-held mortgage to a new first mortgage insured under section 213(i) of the National Housing Act.

This proposal is expected to benefit both the tenants of an affected project and the General Insurance Fund. Tenants would gain the opportunity for cooperative homeownership at a lower cost, since the interest on the Secretary-held mortgage would remain at its original rate. The General Insurance Fund would benefit by sharing in fifty percent of the equity appreciation received by the project owner in selling the project to a cooperative.

DATE: Comments due: June 21, 1985.

ADDRESS: Interested persons are invited to submit comments about this rule to the Office of the General Counsel, Rules Docket Clerk, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. Letters should refer to the above docket number and title. A copy of each comment received will be available for public inspection and copying (at a charge of 10 cents per page) during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: James L. Hamernick, Director, Office of Housing, Multifamily Housing Development, Room 6128, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755–5720. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: With the exception of certain supplementary loans under section 213(j), 232(i) or 241 of the National Housing Act (Act), or operating loss loans under section 223(d) of the Act, HUD is not authorized to insure a project mortgage which has been subordinated to any other first lien. The Act, however, does not prohibit HUD from allowing an already-existing first mortgage to be subordinated, after HUD has become the mortgagee. By amending 24 CFR 213.21 and 213.22, and by making conforming amendments to §§ 213.7, 207.253a, and 207.258, this proposed rule would allow an unsubsidized multifamily rental housing project with a Secretary-held mortgage to be converted to a cooperative by subordinating the existing Secretary-held mortgage to a new National Housing Act section 213(i) insured first mortgage.

The new section 213(i) insured first mortgage would be for an amount no greater than the difference between (a) the maximum insured mortgage which would be available under Section 213(i) if the project were being refinanced, and (b) the unpaid principal obligation of the existing Secretary-held mortgage. In order to protect the interests of the government as a secondary lienholder, and to enable a certain amount of the insurance proceeds that was paid to the mortgagee to be recouped upon the conversion, provisions are proposed to be added to the regulations to enable HUD to share in the equity appreciation realized by the mortgage in selling the property to a cooperative, and to require