

unfair acts and practices and unfair methods of competition, this consent order prohibits, among other things, a Gastonia, North Carolina chemical company from entering into any agreements fixing prices or restricting sales of any lithium product.

Additionally, respondent is prohibited from acting as an agent for any lithium producer when such action might unreasonably restrain competition.

DATE: Complaint and Order issued July 22, 1986.¹

FOR FURTHER INFORMATION CONTACT: FTC/G-402, Jerry Philpott, Washington, DC 20580. (202) 254-7051.

SUPPLEMENTARY INFORMATION: On Monday, May 5, 1986, there was published in the *Federal Register*, 51 FR 16566, a proposed consent agreement with analysis in the Matter of Lithium Corporation of America, a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Combining or Conspiring; § 13.384 Combining or conspiring; § 13.433 To fix prices. Subpart—Corrective Actions and/or Requirements; § 13.533 Corrective actions and/or requirements; § 13.533-20 Disclosures; § 13.533-45 Maintain records.

List of Subjects in 16 CFR Part 13

Chemicals, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Benjamin I. Berman,

Acting Secretary.

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¹Copies of the Complaint and the Decision and Order are available for inspection at the Commission's Public Reference Branch, Room H-130, 6th St. & Pa. Ave., NW., Washington, DC 20580.

16 CFR Part 13

[Dkt. 8835]

United Brands Co.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Set Aside Order.

SUMMARY: The Federal Trade Commission has set aside a 1974 order (39 FR 22139) that required respondent to file special reports with the FTC about the company's access to land commercially suitable for lettuce cultivation. The Commission ruled that any competitive issues that might be raised do not exist since respondent is no longer in the lettuce business.

DATES: Order issued May 14, 1974. Set Aside Order issued July 29, 1986.

FOR FURTHER INFORMATION CONTACT: Elliot Feinberg, FTC/L-301, Washington, DC 20580. (202) 634-4604.

SUPPLEMENTARY INFORMATION: In the Matter of United Brands Company, a corporation.

List of Subjects in 16 CFR Part 13

Lettuce, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

Order Reopening and Setting Aside Order Requiring Filing of Special Report

Commissioners: Daniel Oliver, Chairman, Patricia P. Bailey, Terry Calvani, Mary L. Azcuenaga, Andrew J. Strenio, Jr.

In the Matter of United Brands Co., a corporation.

Issued on May 14, 1974.

By a petition filed on April 29, 1986, United Brands Company ("UBC") requests that the Commission reopen the proceeding in Docket No. 8835 and modify the Order Requiring Filing of Special Report issued by the Commission on May 14, 1974. Pursuant to § 2.51 of the Commission's Rules of Practice, UBC's petition was placed on the public record for comment. No comments were received.

Upon consideration of UBC's petition and supporting materials, and other relevant information, the Commission now finds that changed conditions of fact and the public interest warrant reopening the proceeding and setting aside the Order Requiring Filing of Special Report. The record demonstrates that the competitive concerns the order intended to address no longer exist and

termination of the order to relieve UBC of compliance costs is in the public interest.

Accordingly, it is ordered that this matter be, and hereby is, reopened and that the Commission's Order Requiring Filing of Special Report be, and hereby is, set aside.

By direction of the Commission.

Issued: July 29, 1986.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 86-17977 Filed 8-8-86; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Schedules of Controlled Substances; Extension of Temporary Placement of 1-Methyl-4-phenyl-4-propionoxypiperidine (MPPP) and 1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine (PEPAP) into Schedule I

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Final rule.

SUMMARY: This final rule is issued by the Administrator of the Drug Enforcement Administration (DEA) to extend the temporary scheduling of the narcotic substances 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP) and 1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine (PEPAP) into Schedule I of the Controlled Substances Act (CSA) (21 U.S.C. 801 et seq.). The temporary scheduling of MPPP and PEPAP was due to expire on August 12, 1986. This notice will extend the time period for six months or until MPPP and PEPAP are placed in Schedule I pursuant to the scheduling procedure outlined in 21 U.S.C. 811(a), whichever occurs first.

EFFECTIVE DATE: August 12, 1986.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Drug Control Section, Drug Enforcement Administration, Washington, D.C. 20537, Telephone: (202) 633-1366.

SUPPLEMENTARY INFORMATION:

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Narcotics, Prescription drugs.

On July 10, 1985, the Administrator of the Drug Enforcement Administration issued a final rule in the Federal Register temporarily placing MPPP and PEPAP into Schedule I of the CSA pursuant to the emergency scheduling provisions of 21 U.S.C. 811(h). This action which became effective on August 12, 1985 was based on a finding by the Administrator that the emergency scheduling of MPPP and PEPAP was necessary to avoid an imminent hazard to the public safety. Section 201(h)(2) of the CSA (21 U.S.C. 811(h)(2)) provides that the emergency scheduling of a substance expires at the end of one year from the effective date of the order. However, if a rulemaking proceeding to schedule the substance has been initiated pursuant to section 201(a)(1) of the CSA (21 U.S.C. 811(a)(1)), the temporary scheduling may be extended for up to six months. Under this provision, the temporary scheduling of MPPP and PEPAP which is due to expire on August 12, 1986 will be extended until February 12, 1987 or until the date on which a final rule, published as a result of the formal rulemaking proceeding, is effective, whichever occurs first.

Pursuant to 21 U.S.C. 811(h)(2) and since proceedings have been initiated in accordance with 21 U.S.C. 811(a)(1) to schedule MPPP and PEPAP, the Administrator hereby orders that the temporary scheduling of MPPP and PEPAP be extended to February 12, 1987 or until the conclusion of the rulemaking proceeding, whichever occurs first.

Pursuant to Title 5, United States Code, section 605(b), the Administrator certifies that the extended scheduling of MPPP and PEPAP in Schedule I of the Controlled Substances Act will have no impact upon small businesses or other entities whose interests must be considered under the Regulatory Flexibility Act (Pub. L. 96-354). The substances MPPP and PEPAP have no legitimate use or manufacturer in the United States.

It has been determined that the extension of the temporary placement of MPPP and PEPAP into schedule I of the CSA under the emergency scheduling provision is a statutory exception to the requirements of Executive Order 12291 (46 FR 13193).

Dated: August 5, 1986.

John C. Lawn,

Administrator, Drug Enforcement Administration.

[FR Doc. 86-17948 Filed 8-8-86; 8:45 am]

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 200

[Docket No. R-86-1219; FR-1776]

Changes to the Minimum Property Standards (MPS) for Care-Type Housing

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

ACTION: Final rule.

SUMMARY: This final rule changes the basic structure of HUD's Minimum Property Standards for Care-Type Housing. HUD Handbook 4920.1, which contained the MPS for such structures, has been withdrawn. Instead, the Department will rely on local or State codes that a HUD Field Office has verified as being comparable to one of the national model codes, or on the provisions of nationally recognized model building codes. The requirements in HUD Handbook 4910.1, "Minimum Property Standards for Multifamily Housing" which has now been retitled "Minimum Property Standards for Housing", will now apply to care-type housing also, and provide requirements that are unlikely to be contained in local, State or model codes. These changes will preserve the quality of care-type housing and protect the Department's insurance fund while simplifying construction requirements.

This rule also deletes certain referenced standards from the MPS, and references the Uniform Federal Accessibility Standards as the design and construction criteria for handicapped persons.

EFFECTIVE DATE: October 3, 1986.

FOR FURTHER INFORMATION CONTACT: Mark W. Holman, Manufactured Housing and Construction Standards Division, Room 9152, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410-8000, telephone (202) 755-6590. [This is not a toll-free number.]

SUPPLEMENTARY INFORMATION: Section 232 of the National Housing Act, 12 U.S.C. 1715w, as amended by section 437 of the Housing and Urban-Rural Recovery Act of 1983, Pub. L. 98-181, 97 Stat. 1153, 1222, authorizes the Secretary of Housing and Urban Development "to insure any mortgage which covers a new or rehabilitated nursing home or intermediate care facility or combined

nursing home and intermediate care facility or a board and care home. . . ." (See 12 U.S.C. 1715w(d)). The Secretary may insure such mortgages "upon such terms and conditions as he may prescribe. . . ." (See 12 U.S.C. 1715w(c)). Similarly, section 242 and Title XI of the National Housing Act authorize the Secretary to insure mortgages covering hospitals and group practice facilities. Such mortgages may be insured under such terms and conditions as the Secretary may prescribe (See 12 U.S.C. 1715z-7, 12 U.S.C. 1749aaa-1749aaa-5). Accordingly, the Secretary prescribed standards for determining the acceptability of care-type housing for purposes of mortgage insurance by issuing the Minimum Property Standards (MPS) for Care-Type Housing. The MPS for Care-Type Housing were published as HUD Handbook 4920.1, and were incorporated into the Department's regulations by authority of 24 CFR 200.927.

On February 15, 1985, the Department published at 50 FR 6359 a proposed rule to change the basic structure of the MPS. That rule proposed that the Department eliminate HUD Handbook 4920.1, which contains the MPS for care-type housing, and instead rely upon acceptable local or State codes or designated nationally recognized model building codes to provide the health and safety criteria for care-type housing. The rule also proposed that the Department apply the requirements of the MPS for Multifamily Housing in HUD Handbook 4910.1 to care-type housing as well. Finally, the rule proposed to revise the MPS in Handbook 4910.1 to reflect the inclusion of care-type housing and appropriate standards that are referenced in the MPS and in Appendix A of 24 CFR Part 200.

The Department has evaluated these proposed changes in light of the recent amendment to section 526 of the National Housing Act, 12 U.S.C. 1735f-4 by section 405 of the Housing and Urban-Rural Recovery Act of 1983, Pub. L. 98-181, 97 Stat. 1153 (1983). As amended, section 526(b) permits the Secretary to require, with respect to health and safety, that properties other than manufactured homes "comply with one of the nationally recognized model building codes, or with a State or local building code based on one of the nationally recognized model building codes or their equivalent." The Secretary is "responsible for determining the comparability of the State and local codes to such model codes. . . ."