

rules and regulations

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Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

SUBCHAPTER G—RULES, REGULATIONS STATEMENTS AND INTERPRETATIONS UNDER THE MAGNUSON-MOSS WARRANTY ACT

PART 702—PRE-SALE AVAILABILITY OF WRITTEN WARRANTY TERMS

Request of Sears, Roebuck and Co. for Advisory Opinion

By letter dated December 6, 1976, Sears, Roebuck and Co. (Sears) requested an advisory opinion on whether an ultrafiche reader system satisfies the Commission Rule on Pre-Sale Availability of Written Warranty Terms, 16 CFR Part 702, implementing section 102(b) (1) (A) of the Magnuson-Moss Warranty Act, 15 U.S.C. 2302(b) (1) (A).

The Sears request was made following the Commission's advisory opinion of November 10, 1976 to the National Retail Hardware Association (NRHA) approving use of a microfiche reader system to satisfy § 702.3(a) (1) (ii) of the rule. 41 FR 53472. The Rule requires a retailer to maintain a binder "or [other] similar system * * *" giving "convenient access to * * * warranties." 16 CFR 702.1(g).

Specifically, Sears asked whether an ultrafiche viewing system would also satisfy § 702.3(a) (1) (ii) of the Rule. In addition, Sears asked whether a retailer using an ultrafiche system could display all of its written warranties on a single ultrafiche card.

The Commission has determined that the Sears system would satisfy its Rule on Pre-Sale Availability and that all warranties may be displayed on a single ultrafiche card so long as the conditions set forth in the letter below are met. Moreover, the Commission has also decided that retailers using microfiche viewing systems should be allowed to display the warranties relating to more than one product class on a single microfiche card. These conclusions reflect the Commission's continued recognition of the need for flexibility in the administration of the Act and rules so long as the goals of the Act and the rules are satisfied.

The text of the Commission's opinion is as follows:

This is in response to your request for an advisory opinion concerning a proposed method of complying with the Commission's Rule on Pre-Sale Availability of Written Warranty Terms, 16 CFR Part 702. Your request was made following the Commission's advisory opinion of November 10, 1976, to the National Retail Hardware Association (NRHA) approving use of a microfiche reader system to satisfy § 702.3(a) (1)

(ii) of the rule. 41 FR 53472. The rule requires a retailer to maintain a binder "or (other) similar system * * *" giving consumers "convenient access to * * * warranties." 16 CFR 702.1(g).

Specifically, you ask whether an ultrafiche viewing system would also satisfy § 702.3(a) (1) (ii) of the rule. In addition, you ask whether a retailer wishing to use an ultrafiche system under the rule must comply with the condition set forth in the advisory opinion to the NRHA that:

The warranties appear on separate microfiche cards which contain all warranties for a given product class, and only that product class (e.g., vacuum cleaners), and which do not contain any other product information * * *.

The system you propose is substantially similar to the NRHA microfiche system. Information is stored on cards in greatly reduced photographic form. The cards can then be inserted into a viewing machine which magnifies the information and displays it in readable form on a screen.

The basic difference between the two systems is that an ultrafiche card contains 2,800 pages of information while a microfiche card typically contains less than 100. You argue that requiring a separate ultrafiche card for the warranties relating to each class of products would defeat the purpose of an ultrafiche system.

The Commission has carefully considered the matters set forth in your letter. It is the Commission's conclusion that the ultrafiche system you propose will satisfy the Commission's rule if:

- (1) Simple, complete instructions for use of the system are posted on each ultrafiche viewer; and
- (2) Personnel in each selling establishment familiar with the operation of the system are available to assist consumers should the need arise; and
- (3) Ultrafiche cards used to display warranties contain only warranty information.

The Commission further concludes that the warranties relating to more than one product class may be stored on a single ultrafiche card: *Provided*, The conditions listed below are met. Moreover, the Commission has reconsidered the requirement set forth in its opinion to the NRHA that the warranties for each product class be displayed on separate microfiche cards. Therefore, the Commission concludes that the warranties relating to more than one product class may be displayed on either a single ultrafiche or a single microfiche card if:

- (1) All warranties relating to a product class are grouped together on the same ultrafiche or microfiche card; and
- (2) All warranties relating to a particular product class appear on the same row or

column of the ultrafiche or microfiche card; and

- (3) Each ultrafiche or microfiche card contains a clear product index.

These conditions are required to ensure that consumers have the "convenient access" to warranties required by the rule.

By direction of the Commission dated March 9, 1977.

JOHN F. DUGAN,
Acting Secretary.

[FR Doc.77-8645 Filed 3-22-77;8:45 am]

Title 21—Food and Drugs

CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

Dextrophan Nalbuphine; Removal From Schedules; and Corrections to Schedules of Controlled Substances; Publication of Schedules; Corrections

In FR Doc. 76-28756 appearing at pages 43401-02 in the FEDERAL REGISTER of Friday, October 1, 1976, the following changes should be made:

1. On page 43401, the headings were partially printed and should read as set forth above.

2. On page 43401, a subheading should have appeared immediately preceding paragraph one, but was deleted from printing. The Order is corrected to provide that subheading as follows:

DEXTROPHAN AND NALBUPHINE; REMOVAL FROM SCHEDULES

3. On page 4301, a subheading should have appeared immediately preceding paragraph seven, but was deleted from printing. The Order is corrected to provide that subheading as follows:

SCHEDULES OF CONTROLLED SUBSTANCES; CORRECTIONS OF UPDATED PUBLICATION

4. On page 43401, the numbered list of controlled substances appearing under paragraph (b) of § 1308.11 is corrected to read as follows:

§ 1308.11 [Amended]

°	*	*	*	*
(b)	* * *			
(3)	Alphacetylmethadol	-----		9603
	°	°	°	°
(13)	Diampromide	-----		9615
(14)	Diethylthiambutene	-----		9616
(15)	Difenoxin	-----		9163
(16)	Dimenoxadol	-----		9617
(17)	Dimpheptanol	-----		9618
(18)	Dimethylthiambutene	-----		9619
(19)	Dioxaphetyl butyrate	-----		9621
(20)	Dipipanone	-----		9622

(21) Ethylmethylthiambutene -----	9623
(22) Etonitazene -----	9624
(23) Etoxadine -----	9625
(24) Furethidine -----	9626
(25) Hydroxypethidine -----	9627
(26) Ketobemidone -----	9628
(27) Levomoramide -----	9629
(28) Levophenacetylmorphan -----	9631
(29) Morpheridine -----	9632
(30) Noracymethadol -----	9633
(31) Norlevorphanol -----	9634
(32) Normethadone -----	9635
(33) Norpipanone -----	9636
(34) Phenadoxone -----	9637
(35) Phenampromide -----	9638
(36) Phenomorphan -----	9647
(37) Phenoperidine -----	9641
(38) Piritramide -----	9642
(39) Proheptazine -----	9643
(40) Properidine -----	9644
(41) Propiram -----	9649
(42) Racemoramide -----	9645
(43) Trimeperidine -----	9646

5. On page 43401, the numbered list of controlled substances appearing under paragraph (d) of § 1308.11 is corrected by adding the following:

§ 1308.11 Schedule I.

* * * * *	
(d) Hallucinogenic substances. * * *	
(4) 5-methoxy-3, 4-methylenedioxy- amphetamine -----	7401
* * * * *	

6. On page 43401 of the October 1, 1976 order paragraph five states the finding that there is no justification for dextrorphan to be controlled in any schedule under the act. Paragraph six of the order effects this finding by stating dextrorphan is removed from schedule I, the only schedule in which it was listed.

However, because dextrorphan is an opiate it should not only have been removed from the opiate section of schedule I, but it also should have been specifically excluded from all opiate sections of all schedules, so as to avoid it possibly being construed as belonging in another schedule as a derivative or isomer of a substance controlled therein. Therefore, on page 43401 of the order § 1308.12 is corrected as follows:

§ 1308.12 [Amended]

a. In § 1308.12(b) (1), "dextrorphan" is added on line four between the words "apomorphine," and "nalbuphine".

b. In § 1308.12(c), entitled "Opiates", the colon at the end of line eight is replaced with a comma and the words "dextrorphan excepted:" are added.

Dated: March 15, 1977.

PETER B. BENSINGER,
Administrator,

Drug Enforcement Administration.

[FR Doc.77-8603 Filed 3-22-77;8:45 am]

Title 24—Housing and Urban Development
CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING — FEDERAL HOUSING COMMISSIONER, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-77-406]

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENTS LOANS

Adoption of Interim Regulations

On January 4, 1977, the Department of Housing and Urban Development published in the FEDERAL REGISTER (42 FR 762) interim regulations to amend 24 CFR Part 203 in order to clarify the text of § 203.554 and § 203.556 as published on November 10, 1976, at 41 FR 49730.

Interested parties were given the opportunity to submit, not later than January 31, 1977, data, views, and comments on the amendments.

No comments have been received, and the interim regulations are hereby adopted without change.

A finding of inapplicability with respect to environmental impact was made in connection with the basic amendments and that statement is applicable with respect to the clarification accomplished by these amendments. A copy of the statement of inapplicability is available in the Office of the Rules Docket Clerk, Room 10141, Department of Housing and Urban Development, 451-7th Street, S.W., Washington, D.C.

It is hereby certified that the economic and inflationary impacts of this rule have been carefully evaluated in accordance with OMB Circular A-107.

Accordingly, Part 203 of Chapter II of 24 CFR is amended as follows:

1. Section 203.554 is amended to read:

§ 203.554 Enforcement of late charges.

(a) A mortgagee shall not commence foreclosure when the only default on the part of the mortgagor is the failure to pay a late charge or charges (§ 203.25), except as provided in § 203.556.

(b) A late charge attributable to a particular installment payment due under the mortgage shall not be deducted from that installment. However, if the mortgagee thereafter notifies the mortgagor of his obligation to pay a late charge, such a charge may be deducted from any subsequent payment or payments submitted by the mortgagor or on his behalf if this is not inconsistent with the terms of the mortgage. Partial payments shall be treated as provided in § 203.556.

(c) A payment may be returned because of failure to include a late charge

only if the mortgagee notifies the mortgagor before imposition of the charge of the amount of the monthly payment, the date when the late charge will be imposed and either the amount of the late charge or the total amount due when the late charge is included.

2. Section 203.556 is amended to read:

§ 203.556 Return of partial payments.

(a) For the purpose of this section, a partial payment is a payment of any amount less than the full amount due under the terms of the mortgage at the time the payment is tendered, including late charges.

(b) Except as provided in this section, the mortgagee shall accept any partial payment and either apply it to the mortgagor's account or identify it with the mortgagor's account and hold it in a trust account pending disposition. When partial payments held for disposition aggregate a full monthly installment they shall be applied to the mortgagor's account, thus advancing the date of the oldest unpaid installment but not the date on which the account first became delinquent.

(c) If the mortgage is not in default, a partial payment may be returned to the mortgagor with a letter of explanation.

(d) If the mortgage is in default, a partial payment may be returned to the mortgagor with a letter of explanation in any of the following circumstances:

(1) When payment aggregates less than 50 percent of the amount then due;

(2) The payment is less than the amount agreed to in a forbearance plan, whether or not reduced to writing;

(3) The property is occupied by a tenant who is paying rent and the rentals are not being applied to the mortgage payments;

(4) Foreclosure has been commenced. (Foreclosure is commenced when the first action required for foreclosure under applicable law is taken.)

(e) Under the following circumstances the mortgagee may return any partial payment received more than 14 days after the mortgagee has mailed to the mortgagor a statement of the full amount due, including late charges, and a notice of intention to return any payment less than such amount.

(1) Four or more monthly installments are due and unpaid, or

(2) A delinquency of any amount has continued for at least six months since the account first became delinquent.

These amendments supersede the corresponding sections of the regulations promulgated at 41 FR 49730, and shall be effective January 1, 1977.