Title 15—Commercial Practices
CHAPTER I—FEDERAL TRADE COMMISSION
SUBCHAPTER G—RULES, REGULATIONS STATEMENTS AND INTERPRETATIONS UNDER THE MAGNUSSON-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 ultralight 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. In addition, Sears asked whether a retailer using an ultralight system could display all of its written warranties on a single ultralight 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 ultralight 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 devices are 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.

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. 76-28768 appearing at pages 34301-02 in the FEDERAL REGISTER of Friday, October 1, 1976, the following changes should be made:

1. On page 34301, the headings were partially printed and should read as set forth above.

2. On page 34301, 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 34301, 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 TO UPFRONT PUBLICATION

4. On page 34301, the numbered list of controlled substances appearing under paragraph (b) of § 1308.11 is corrected to read as follows:

§ 1308.11 [Amended]

(5) Alphacetaminophenoid 9603
   (6) Diamorphine 9615
   (7) Dihydrocodeinebase 9616
   (8) Dihydrocodeine 9616
   (9) Dihydrocodeinone 9617
   (10) Dihydrocodeinone 9617
   (11) Dihydrocodeinone 9618
   (12) Dihydrocodeinone 9618
   (13) Dihydrocodeinone 9618
   (14) Dihydrocodeinone 9619
   (15) Dihydrocodeinone 9621
   (16) Dihydrocodeinone 9622

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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-phenethylamine.

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

However, because dextrophan 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), “dextrophan” 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 “dextrophan excepted” are added.


Peter B. Bensinger, Administrator, Drug Enforcement Administration.

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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


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 mortgagor notifies the mortgagee 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 80 percent of the amount 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 become delinquent.

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