in the Sunshine Act (5 U.S.C. 552b(c)). This delegation is designed to expedite the processing of minutes and transcripts that are produced to satisfy the requirements of that Act (5 U.S.C. 552b(f)(1)). The delegation does not affect minutes taken at the Commission's executive sessions to consider oral arguments in cases under its review. As to those minutes, the Commission will continue to determine which portions may be released.

EFFECTIVE DATE: August 11, 1978.

ADDRESS: Portions of minutes and transcripts determined by the General Counsel or the Commission to be appropriate for release will be available for public inspection in room 130 of the Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT:

Barry R. Rubin, Office of General Counsel, Federal Trade Commission, Washington, D.C. 20580, 202-523-3520.

Accordingly, 16 CFR Part 4 is amended to read as follows:

§ 4.15 Commission meetings.

* * * * *

(c) * * *

(3) Closed meeting transcripts or minutes required by 5 U.S.C. 552b(f)(1) will be released to the public insofar as they contain information that either is not exempt from disclosure under 5 U.S.C. 552b(c), or, although exempt, should be disclosed in the public interest. The Commission will determine whether to release, in whole or in part, the minutes of its executive sessions to consider oral arguments. With regard to all other closed meetings, the General Counsel, without power of redelegation, shall have the authority to determine which portions of the transcripts or minutes may be released. In unusual or difficult cases the General Counsel may, in his sole discretion, refer the question of release to the Commission for determination.

By direction of the Commission dated July 28, 1978.

CAROL M. THOMAS,
Secretary.

[FR Doc. 78-22467 Filed 8-10-78; 8:45 am]

[6750-01]

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

PART 702—PRESALE AVAILABILITY OF WRITTEN WARRANTY TERMS

National Association of Home Builders

AGENCY: Federal Trade Commission.

ACTION: Advisory opinion.

SUMMARY: The Federal Trade Commission issues an advisory opinion on certain situations that arise in the homebuilding industry. The advisory opinion relates to written warrantees and is issued in response to a request from counsel for the National Association of Home Builders, Washington, D. C.

DATE: Effective immediately.

FOR FURTHER INFORMATION CONTACT:

Jeffrey Karp, Attorney, Divison of Product Reliability, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, 202-523-1753.

SUPPLEMENTARY INFORMATION: By letter of September 28, 1977, the firm of Colton and Boykin requested on behalf of its client the National Association of Home Builders ("NAHB"), an interpretation of section 102(b) of the Magnuson-Moss Warranty Act, 15 U.S.C. 2302(b), and the Commission's rule on the presale availability of written warranty terms, 16 CFR Part 702, as they apply to certain situations that arise in the homebuilding industry. NAHB also requested an opinion concerning the applicability of section 111(d) of the Magnuson-Moss Warranty Act, 15 U.S.C. 2311(d), to a warranty required on all FHA/VA financed housing.

The Commission responded to NAHB's request as follows.

HERBERT S. COLTON, ESQ.,
Colton and Boykin, 1133 15th Street NW., Washington, D.C. 20005.

DEAR MR. COLTON: This is in reply to your request of September 28, 1977, on behalf of the National Association of Home Builders, for an advisory opinion concerning sections 102(b), and 111(d) of the Magnuson-Moss Warranty Act, 15 U.S.C. 2301 et seq., and the Commission's rule on the presale availability of written warranty terms, 16 CFR Part 702, as they apply to the homebuilding industry.

Your request contains five topics of discussion, each posing questions for Commission consideration. The Commission has rephrased your request in eight questions in order to clarify the issues posed. It has determined that the rephrased questions numbered 1 through 3 (below) are not appropriate for an advisory opinion under Part 1, Subpart A of the Commission's rules of practice; instead these questions are treated as a request for an exemption from Rule 702, 16 CFR part 702. Where the Commission has granted an exemption from Rule 702, that exemption applies to all affected homebuilders and wholesale suppliers.

The rephrased questions and the Commission's answers are as follows:

1. When a builder gives the purchaser an allowance to select various fixtures or appliances (consumer products) from a third party supplier, is it the builder or the third party who must comply with the presale availability of warranties requirements for "sellers" under 16 CFR part 702.3(a) in each of the following situations:

(a) The purchaser makes selections from stock purchased wholesale by, and in the possession of, the builder, and makes payment to the builder for any items selected in excess of the allowance.

(b) The purchaser makes selections in the showroom of the builder's supplier, from items not yet purchased by the builder, and makes payments to the builder for any items selected in excess of the allowance.

(c) The purchaser makes selections from items not yet purchased by the builder, and makes payment directly to the supplier for any items selected in excess of the allowance.

2. What are a custom builder's duties as a "seller" under 16 CFR part 702 when the purchaser can choose from among virtually all brands of appliances available in the marketplace?

3. If the builder has made the presale warranty information available to the purchaser for all appliances from which the purchaser can choose, does the builder have any obligation under 16 CFR Part 702 to make warranty information available, after a contract is signed, for substitute appliances which the purchaser must select due to a manufacturer's discontinuation or replacement of the appliance initially chosen by the purchaser?

4. Does the Magnuson-Moss Warranty Act require that all builders' warranties contain a clause assigning the manufacturers' warranties on consumer products to the purchaser, or does the act have the effect of automatically making all manufacturers' warranties on such appliances run to the ultimate purchaser?

5. Is the builder or the purchaser the proper party to complete and return the warranty registration cards for consumer products installed in the home?

6. Does section 111(d) exempt the mandatory FHA/VA warranty from the requirements of the Magnuson-Moss Warranty Act?

7. Is a builder who gives only the mandatory FHA/VA warranty required to comply with 16 CFR Part 702 for those consumer products sold with warranties that are covered by the act?

8. If a builder both gives the mandatory FHA/VA warranty, and voluntarily offers an additional warranty not required by any Federal law (e.g., a one year warranty against defects in materials and workmanship), to what extent is the additional warranty subject to the Magnuson-Moss Warranty Act?

The Commission has carefully considered the matters set forth in your letter. It is the Commission's determination that:

1. (a) When a builder gives a purchaser an allowance to select consumer products, and the purchaser makes selections directly

from the builder's stock, the builder must comply with the sellers' duties under 16 CFR 702.3(a) to make warranty terms available prior to sale.

(b) and (c) When a builder gives a purchaser an allowance to select consumer products from the stock of the builder's supplier, the builder is exempted from compliance with 16 CFR 702.3(a). In this latter situation, the builder's supplier is also not required to comply with the seller's presale duties under the rule if the supplier's sales are totally wholesale, including builder-referred sales.

2. When a purchaser contracts to have a custom home built, and pursuant to the contract can choose appliances from among virtually all of those available in the marketplace, the builder is exempted from compliance with the seller's duties under 16 CFR 702.3(a) to make the text of written warranties available prior to sale.

3. A builder must make warranty terms available for inspection by a purchaser if, after a contract is signed, the purchaser must make a second selection because originally selected items have become unavailable. The builder is not exempted from compliance with 16 CFR 702.3(a) in this situation.

4. The Magnuson-Moss Warranty Act does not govern the issue of whether a manufacturer's warranty on a consumer product must be assigned by a builder to the home purchaser. This question is governed by State law.

5. Registration cards would be prohibited for all full warranties under the Commission's rule on reasonable duties under a full warranty, as proposed in 42 FR 39223 (August 3, 1977); see also the Commission's interpretations of the act, 16 CFR 700.7(b). However, registration cards are permitted for limited warranties. When a limited warranty offered on a consumer product by a manufacturer includes the registration card, the home purchaser is the proper party to complete and return the card, unless the warranty specifically requires this of retailers.

6. Section 111(d) of the Magnuson-Moss Warranty Act exempts the mandatory FHA/VA warranty offered by a builder from the requirements of the act (except for section 102(c)).

7. A builder who gives only a FHA/VA warranty must still make available under 16 CFR Part 702 those warranties that are covered by the act; the fact that the FHA/VA warranty is generally exempt from the act does not affect the builder's status as a "seller" of consumer products covered by warranties that are governed by the act.

8. Any warranty offered by a builder on a consumer product that is not required by Federal law is subject to the provisions of the Magnuson-Moss Warranty Act.

By direction of the Commission dated June 21, 1978.

CAROL M. THOMAS,
Secretary.

[FR Doc. 78-22454 Filed 8-10-78; 8:45 am]

[4110-03]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINSTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 510—NEW ANIMAL DRUGS

Subpart G—Sponsors of Approved Applications

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Dichlorophene and Toluene Capsules

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This amendment to the regulations reflects approval of a new animal drug application (NADA) filed by North American Pharmacal, providing for safe and effective use of dichlorophene-toluene capsules for treating dogs and cats for certain helminth infestations.

EFFECTIVE DATE: August 11, 1978.

FOR FURTHER INFORMATION CONTACT:

Henry C. Hewitt, Bureau of Veterinary Medicine (HFV-112), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3430.

SUPPLEMENTARY INFORMATION: North American Pharmacal, 6851 Chase Road, Dearborn, Mich. 48126, filed an NADA (110-736) providing for use of six concentrations of dichlorophene-toluene capsules for removing certain ascarids and hookworms and as an aid in removing certain tapeworms from dogs and cats.

In accordance with the freedom of information regulations and § 514.11(e)(2)(ii) of the animal drug regulations (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk (HFC-20), Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, from 9 a.m. to 4 p.m., Monday through Friday.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Parts 510 and 520 are amended as follows:

1. In Part 510, § 510.600 is amended by adding a new sponsor alphabetically to paragraph (c)(1) and numerically to paragraph (c)(2), to read as follows:

§ 510.600 Names, addresses, and code numbers of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address:	*Drug listing No.*
* * * * *	
North American Pharmacal, 6851 Chase Rd., Dearborn, Mich. 48126.....	000298
* * * * *	

(2) * * *

Drug listing No.:	*Firm name and address*
* * * * *	
000298	North American Phamacal, 6851 Chase Road, Dearborn, Mich. 48126.
* * * * *	

2. In Part 520, § 520.580 is amended by revising paragraph (c)(1) to read as follows:

§ 520.580 Dichlorophene and toluene capsules.

* * * * *

(c)(1) *Sponsor.* Nos. 000010, 000081, 000124, 000298, 000856, 010290, 011519, 011536, 011614, 015563, 017135, and 023851 in § 510.600(c) of this chapter.

* * * * *

Effective date. This amendment is effective August 11, 1978.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: August 4, 1978.

FRED J. KINGMA,
Acting Director,
Bureau of Veterinary Medicine.

[FR Doc. 78-22297 Filed 8-10-78; 8:45 am]

[4110-03]

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Mebendazole Oral Powder

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The animal drug regulations are amended to properly reflect