

to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Washington, D.C. 20226, and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

Approved: March 6, 1970.

EUGENE T. ROSSIDES,
Assistant Secretary
of the Treasury.

[F.R. Doc. 70-3207; Filed, Mar. 16, 1970;
8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 965]

TOMATOES GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Notice of Proposed Expenses and Rate of Assessment

Consideration is being given to the approval of the expenses and rate of assessment hereinafter set forth which were recommended by the Texas Valley Tomato Committee, established pursuant to Marketing Order No. 965. Said marketing order regulates the handling of tomatoes grown in the counties of Cameron, Hidalgo, Starr, and Willacy in Texas (Lower Rio Grande Valley), and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals may file the same in four copies with the Hearing Clerk, U.S. Department of Agriculture, Room 112-A, Washington, D.C. 20250, not later than March 26, 1970. All written submissions made pursuant to this notice will be made available for public inspection at the office of the hearing clerk during regular business hours (7 CFR 1.27(b)). The proposals are as follows: § 965.211 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Texas Valley Tomato Committee, established pursuant to Marketing Order No. 965, for its maintenance and functioning, and for such other purposes as the Secretary determines to be appropriate, during the fiscal period ending July 31, 1970, will amount to \$400.

(b) There shall be no assessments charged during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in Marketing Order No. 965 (this Part 965).

Dated: March 12, 1970.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 70-3205; Filed, Mar. 16, 1970;
8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 191]

[Docket No. FDC-HS-1]

CARBON TETRACHLORIDE

Proposed Findings of Fact and Conclusions and Tentative Order Regarding Classification as Banned Hazardous Substance

Correction

In F.R. Doc. 70-2538 appearing at page 4001 in the issue of Tuesday, March 3, 1970, the following changes should be made:

1. On page 4002:
 - a. The first word in the 12th line of the first column reading "extinguishment" should read "extinguishant".
 - b. The last word in the 14th line of the second complete paragraph in the first column reading "man" should read "men".
 - c. In the fifth line of the second column the word "or" should read "of".
2. On page 4005 in the third column the first word of the third line from the bottom reading "member" should read "number".
3. On page 4006 the figure "51" in the penultimate line of the third complete paragraph in the first column should read "5".

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 10184]

AIRWORTHINESS DIRECTIVE

British Aircraft Corporation Model BAC 1-11 200 and 400 Series Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive (AD) applicable to British Aircraft Corp. Model BAC 1-11 200 and 400 series airplanes. Cases have been reported of intermittent spurious signals from the rudder feel unit warning system. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require modification of the warning system to introduce a time delay unit on these airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Ad-

ministration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before April 16, 1970, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BRITISH AIRCRAFT CORP. Applies to Model BAC 1-11 200 and 400 series airplanes.

To prevent intermittent spurious signals from the rudder feel unit warning system, within the next 1500 hours' time in service after the effective date of this AD, unless already accomplished, modify the rudder feel warning circuit by introducing a time delay unit in accordance with British Aircraft Corp. Model BAC 1-11 Service Bulletin No. 27-PM3917, Revision 2, dated June 30, 1969, or later ARB-approved issue, or an FAA-approved equivalent. (British Aircraft Corp. Model BAC 1-11 Alert Service Bulletin No. 27-A-PM3917 covers this subject.)

Issued in Washington, D.C., on March 10, 1970.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 70-3153; Filed, Mar. 16, 1970;
8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 70-SW-11]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter controlled airspace in the Wichita Falls, Tex., terminal area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted to triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be

changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as herein-after set forth.

In § 71.181 (35 F.R. 2134), the 700-foot portion of the Wichita Falls, Tex., transition area is amended to read as follows:

WICHITA FALLS, TEX.

That airspace extending upward from 700 feet above the surface within a 20-mile radius of lat. 33°59'56" N., long. 98°30'25" W.

The present transition area was designed for use by conventional approach control utilizing instrument approach procedures other than radar. The transition area requires enlargement to accommodate radar procedures. The proposed action will provide sufficient controlled airspace for the radar approach control facility to radar vector aircraft in the Wichita Falls terminal area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on March 6, 1970.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 70-3156; Filed, Mar. 16, 1970; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-WA-32]

ATLANTA, GA., TERMINAL CONTROL AREA

Supplemental Notice of Proposed Designation

On March 13, 1970, F.R. Doc. 70-3144 was published in the FEDERAL REGISTER (35 F.R. 4521) as a supplemental notice of proposed rule making setting forth a proposed terminal control area for Atlanta, Ga.

Area D described in the above notice contains no altitude information. Accordingly, the following sentence is added to the end of the description of Area D: "The floor of Area D is 6,000 feet MSL."

This amendment is proposed under the authority of sections 307(a) and 313 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 13, 1970.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 70-3221; Filed, Mar. 16, 1970; 8:51 a.m.]

Federal Highway Administration

[49 CFR Parts 367, 368]

[Docket No. 70-6; Notice 1]

MOTOR VEHICLE SAFETY REGULATIONS

Vehicles Manufactured in Two or More Stages

Rulemaking proceedings concerning vehicles manufactured in two or more stages by different manufacturers were initiated by a proposal published on December 2, 1967 (32 F.R. 16534), which opened Docket No. 21, Incomplete Vehicles. These proceedings culminated in an amendment to Subpart A of Part 371 and a related ruling published January 3, 1968 (33 F.R. 18, 29), that dealt only with chassis cabs. The purpose of this notice is to propose a new Part 368 to be added to title 49, which would establish requirements for furnishing and utilizing information and certification by the various manufacturers who may be involved in the assembly of multistage vehicles of various types.

A large number of heavy vehicles of all types, of recreational vehicles, and of special-purpose vehicles are manufactured in two or more stages, of which the first is an incomplete vehicle such as a stripped chassis, chassis cowl, or chassis cab to which one or more subsequent manufacturers add components to produce a complete vehicle. These vehicles present special problems in applying and enforcing motor vehicle safety standards. The vehicle standards by their nature relate to the performance of completed motor vehicles. The original manufacturer of the incomplete vehicle, generally a large scale producer with substantial automotive engineering capability, determines by his design many of the primary operating characteristics of the vehicle as it finally appears on the road. Such a manufacturer could not, however, make conclusive statements as to the performance of the final vehicle in areas such as braking, since the performance depends in part upon weight and weight distribution, about which the final manufacturer, usually a body assembler, has the last word. Final manufacturers typically are companies without extensive automotive engineering capability, many of them quite small, who cannot reasonably be expected to retest the completed vehicle for conformity to all the standards.

The present chassis-cab regulation and ruling deal with the problem where these vehicles are concerned by requiring the chassis-cab to conform to all standards, except the lighting standard, applicable to the end use for which it is intended and in effect at the time the chassis cab is completed. This approach, however, is only a partial and temporary solution—partial in that it would not work in the case of vehicles less complete than a chassis-cab, and temporary in that it will not work in respect to future standards conformity to which depends on the size, weight or body configuration of the completed vehicle. Simple allocation of responsibility for conformity to

various standards between the manufacturers is unsatisfactory where conformity depends on the contribution of both, and where the extent of work performed at the different stages varies greatly from one product line to another.

A satisfactory solution should therefore place no restrictions on, and make no assumptions concerning, the contribution made at various stages of manufacture. Nor would it appear satisfactory, as some commenters have suggested, to relieve the final-stage manufacturer of all responsibility for certification. The final-stage manufacturer is free to alter the vehicle in any way, and could adversely affect its conformity to any of the standards, although he might not do so willfully or knowledgeably.

The proposed regulation would deal with these problems by placing the manufacturers after the incomplete vehicle manufacturer on notice as to the status of the vehicle's conformity to each of the standards. It would require the incomplete vehicle manufacturer to list, in a document furnished with the vehicle, each of the standards that applies to the types of final vehicle for which the incomplete vehicle is intended. Then for each standard this manufacturer would make one of the following kinds of statements: (1) That the vehicle will conform to the standard when completed if no alterations are made in specified components, (2) that the vehicle will conform under a specified set of conditions of final manufacture, or (3) that conformity with the standard is not substantially determined by the design of the incomplete vehicle and no representation is made as to conformity.

In addition, the incomplete vehicle manufacturer would provide in the document the gross vehicle weight rating and the gross combination weight rating of the vehicle, and the gross axle weight rating for each axle of the vehicle. These three values are newly defined in the proposed regulation. They are of major importance not only to the final-stage manufacturer but also to ultimate users of the vehicle, and it is expected that they will be used in other areas of the motor vehicle safety standards and regulations.

Any "intermediate manufacturer", defined as one who is neither the original manufacturer of the incomplete vehicle nor the final-stage manufacturer, would be required to note in an addendum to the document any changes needed to reflect work performed by him on the vehicle, and to pass the document along with the vehicle.

The final-stage manufacturer would be required to complete the vehicle in conformity with the standards in effect on the date of manufacture of the incomplete vehicle, or at a later date up to that of completion, at his discretion. He would also be required, as at present, to certify the conformity of the vehicle to the applicable standards. The information provided in the document would presumably enable him to do both these things knowledgeably, by observing the conditions specified as to each standard. It would be relevant to the question whether he had satisfied the statutory

standard of "due care" in respect to standards conformity to which is not his total responsibility, and could be retained by him as evidence of due care.

The label affixed by the final-stage manufacturer would contain the manufacturer's name and date of manufacture for both the incomplete vehicle and the final vehicle. It would also contain the gross vehicle weight rating, gross combination weight rating, and gross axle weight ratings of the completed vehicle, since this information is important both to users of the vehicle and to Government agencies for enforcement purposes. A new § 367.5, setting forth the labeling requirements, would replace the existing section in the Certification Regulations.

Further provisions are also proposed to deal with the situation where an incomplete vehicle manufacturer or intermediate manufacturer maintains control of the subsequent manufacturing process, and is willing to assume the legal responsibilities imposed on manufacturers by the National Traffic and Motor Vehicle Safety Act for the completed vehicle. These responsibilities include conformity of the vehicle with the safety standards, defect notification, furnishing of performance and technical data, and certification. Where the assuming manufacturer is an intermediate manufacturer, he would still be able to rely on the required document furnished by the incomplete vehicle manufacturer. Where the incomplete vehicle manufacturer assumes legal responsibility, the requirement for furnishing the document would be eliminated.

Since the primary responsibility for providing the conformity information would fall on the incomplete vehicle manufacturer, it is necessary to define this person carefully. It would not be appropriate to fix this responsibility on a person whose product as delivered did not contain, assembled, the major mechanical operating systems of the motor vehicle. The incomplete vehicle is therefore defined as containing at least the frame, power train, and steering, suspension and braking systems, and the incomplete vehicle manufacturer is, in effect, the first person to bring the vehicle to that degree of completion.

In view of the above, it is proposed that the definition of "chassis cab" in §§ 371.3, 371.7(b), 371.13, and the Ruling Regarding Chassis-Cabs appearing at 33 F.R. 29 (Jan. 3, 1968) be repealed, that a new Part 368, Vehicles Manufactured in Two or More Stages, be added to Title 49 of the Code of Federal Regulations, and that § 367.5 be revised, as set forth below. Interested persons are invited to submit comments on this proposed motor vehicle safety regulation. Comments should identify the docket and notice number and be submitted to Docket Section, Federal Highway Administration, Room 4223, 400 Seventh Street SW., Washington, D.C. 20591. It is requested, but not required, that 10 copies be submitted. All comments received before the close of business on June 16, 1970, will be considered. All comments will be available in the docket at the above address

for examination both before and after the closing date.

Effective date. The proposed effective date of this regulation is January 1, 1971.

This notice of proposed rulemaking is issued under the authority of sections 103, 112, 114, and 119 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1392, 1401, 1403, 1407), and the delegation of authority from the Secretary of Transportation to the Federal Highway Administrator, 49 CFR 1.4(c).

Issued on March 13, 1970.

F. C. TURNER,
Federal Highway Administrator.

PART 368—VEHICLES MANUFACTURED IN TWO OR MORE STAGES

§ 368.1 Purpose and scope.

The purpose of this part is to prescribe the method by which manufacturers of vehicles manufactured in two or more stages shall ensure conformity of those vehicles with the Federal motor vehicle safety standards ("standards") and other regulations issued under the National Traffic and Motor Vehicle Safety Act.

§ 368.2 Application.

This part applies to incomplete vehicle manufacturers, intermediate manufacturers, and final-stage manufacturers of vehicles manufactured in two or more stages.

§ 368.3 Definitions.

"Completed vehicle" means a vehicle that requires no further manufacturing operations to perform its intended function, other than the addition of readily attachable components, such as mirrors or wheels, or minor finishing operations such as painting.

"Final stage manufacturer" means a person who performs such manufacturing operations on an incomplete vehicle that it becomes a completed vehicle.

"Gross axle weight rating" (GAWR) means the value specified by the vehicle manufacturer as the loaded weight on a single axle measured at the tire-ground interfaces.

"Gross combination weight rating" (GCWR) means the value specified by the manufacturer as the loaded weight of a combination vehicle.

"Gross vehicle weight rating" (GVWR) means the value specified by the manufacturer as the loaded weight of a single vehicle.

"Incomplete vehicle" means an assembly consisting, as a minimum, of frame and chassis structure, power train, steering system, suspension system, and braking system, to the extent that those systems are to be part of the completed vehicle, that requires further manufacturing operations, other than the addition of readily attachable components, such as mirrors or wheels, or minor finishing operations such as painting, to become a completed vehicle.

"Intermediate manufacturer" means a person, other than the incomplete vehicle

manufacturer or the final-stage manufacturer, who performs manufacturing operations on an incomplete vehicle.

"Incomplete vehicle manufacturer" means a person who manufactures an incomplete vehicle by assembling components none of which, taken separately, constitute an incomplete vehicle.

§ 368.4 Requirements for incomplete vehicle manufacturers.

(a) The incomplete vehicle manufacturer shall furnish with the incomplete vehicle, at or before the time of delivery, a document that contains the following statements, in the order shown, and any other information required by this chapter to be included therein.

(1) Name and mailing address of the incomplete vehicle manufacturer.

(2) Month and year during which the incomplete vehicle manufacturer performed his last manufacturing operation on the incomplete vehicle.

(3) Identification of the incomplete vehicle(s) to which the document applies. The identification may be by serial number, groups of serial numbers, or otherwise, but it must be sufficient to ascertain positively that a document applies to a particular incomplete vehicle after the document has been removed from the vehicle.

(4) Gross vehicle weight rating of the completed vehicle for which the incomplete vehicle is intended.

(5) For powered vehicles, the gross combination weight rating of the completed vehicle for which the incomplete vehicle is intended. Alternatively, the following statement may be made: "This vehicle is not designed for towing a trailer."

(6) Gross axle weight rating for each axle of the completed vehicle, listed and identified in order from front to rear.

(7) Listing of the vehicle types as defined in § 371.3 of this chapter (e.g., truck, multipurpose passenger vehicle, bus, trailer) into which the incomplete vehicle may appropriately be manufactured.

(8) Listing by number of each standard, in effect at the time of manufacture of the incomplete vehicle, that applies to any of the vehicle types listed in subparagraph (7) of this paragraph, followed in each case by one of the following three types of statement, as applicable:

(i) A statement that the vehicle when completed will conform to the standard if no alterations are made in identified components of the incomplete vehicle.

Example. 107—This vehicle when completed will conform to Standard 107, Reflecting Surfaces, if no alterations are made in the windshield wiper components or in the reflecting surfaces in the interior of the cab.

(ii) A statement of specific conditions of final manufacture under which the manufacturer specifies that the completed vehicle will conform to the standard.

Example. 110—This vehicle when completed will conform to Standard 110, Tire Selection and Rims, if it does not exceed any

of the gross axle weight ratings stated above, and the tires are not replaced.

(iii) A statement that conformity with the standard is not substantially determined by the design of the incomplete vehicle, and that the incomplete vehicle manufacturer makes no representation as to conformity with the standard.

(b) The document shall be placed in or attached to the incomplete vehicle in such a manner that it will not be inadvertently detached or destroyed under normal conditions, or alternatively, it may be sent directly to a final-stage manufacturer, intermediate manufacturer or purchaser for purposes other than resale to whom the incomplete vehicle is delivered.

§ 368.5 Requirements for intermediate manufacturers.

Each intermediate manufacturer of an incomplete vehicle shall furnish the document required by § 368.4, in the manner specified in that section. If any of the changes in the vehicle made by the intermediate manufacturer affect the validity of the statements in the document as provided to him he shall furnish an addendum to the document that contains his name and mailing address and an indication of all changes that should be made in the document to reflect changes that he made in the vehicle.

§ 368.6 Requirements for final-stage manufacturers.

(a) Each final-stage manufacturer shall complete the vehicle in such a manner that it conforms to the standards in effect on the date of manufacture of the incomplete vehicle, the date of final completion, or a date between those two dates. This requirement shall, however, be superseded by any conflicting provisions of a standard that applies by its terms to vehicles manufactured in two or more stages.

(b) Each final-stage manufacturer shall certify that the entire vehicle conforms to all applicable standards, in accordance with § 367.5 of this chapter, *Requirements for manufacturers of vehicles manufactured in two or more stages*.

§ 368.7 Requirements for manufacturers who assume legal responsibility for the vehicle.

(a) If an incomplete vehicle manufacturer assumes legal responsibility for all duties and liabilities imposed on manufacturers by the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381-1425) (hereafter referred to as "the Act"), with respect to the vehicle as finally manufactured, the requirements of §§ 368.4, 368.5, and 368.6(b) do not apply to that vehicle. In such a case, the incomplete vehicle manufacturer shall insure that a label is affixed to the final vehicle in conformity with § 367.5 (b) of this chapter.

(b) If an intermediate manufacturer of a vehicle assumes legal responsibility for all duties and liabilities imposed on manufacturers by the Act, with respect to the vehicle as finally manufactured,

§§ 368.5 and 368.6(b) do not apply to that vehicle. In such a case, the manufacturer assuming responsibility shall insure that a label is affixed to the final vehicle in conformity with § 367.5(c) of this chapter. The assumption of responsibility by an intermediate manufacturer does not, however, change the requirements for incomplete vehicle manufacturers in § 368.4.

Amendment to certification regulations:

§ 367.5 Requirements for manufacturers of vehicles manufactured in two or more stages.

(a) Except as provided in paragraphs (b) and (c) of this section, each final-stage manufacturer, as defined in § 368.3 of this chapter, of a vehicle manufactured in two or more stages shall affix to each vehicle a label, of the type and in the manner and form described in § 367.4, containing the following statements:

(1) Name of final-stage manufacturer, preceded by the words "manufactured by" or "MFD BY".

(2) Month and year in which final-stage manufacture is completed. This may be spelled out, as "June 1970", or expressed in numerals, as "6/70". No preface is required.

(3) Name of original manufacturer of the incomplete vehicle, preceded by the words "Incomplete vehicle manufactured by" or "INC VEH MFD BY".

(4) Month and year in which the original manufacturer of the incomplete vehicle performed his last manufacturing operation on the incomplete vehicle, in the same form as subparagraph (2) of this paragraph.

(5) "Gross vehicle weight rating" or "GVWR", followed by the appropriate value in pounds.

(6) For powered vehicles, "Gross combination weight rating" or "GCWR", followed by the appropriate value in pounds. Alternatively, the label may state: "Not for towing trailers".

(7) "Gross axle weight rating" or "GAWR", followed by the appropriate value in pounds for each axle, identified in order from front to rear (e.g., front, first intermediate, second intermediate, rear).

(8) The statement: "This vehicle conforms to all applicable Federal motor vehicle safety standards in effect in [month, year]." The date shown shall be no earlier than the manufacturing date of the incomplete vehicle, and no later than the date of completion of final-stage manufacture.

(9) The type classification of the vehicle as defined in § 371.3 of this chapter (e.g., truck, multipurpose passenger vehicle, bus, trailer).

(b) If an incomplete vehicle manufacturer assumes legal responsibility for all duties and liabilities imposed by the Act, with respect to the vehicle as finally manufactured, the incomplete vehicle manufacturer shall insure that a label is affixed to the final vehicle in conformity with paragraph (a) of this section, except that the name of the incom-

plete vehicle manufacturer shall appear instead of the name of the final-stage manufacturer after the words "Manufactured by" or "MFD BY" required by paragraph (a)(1) of this section, the additional manufacturer's name required by paragraph (a)(3) of this section shall be omitted, and the date required by paragraph (a)(4) of this section shall be preceded by the words "Incomplete vehicle manufactured" or "INC VEH MFD".

(c) If an intermediate manufacturer of a vehicle assumes legal responsibility for all duties and liabilities imposed on manufacturers by the Act, with respect to the vehicle as finally manufactured, the intermediate manufacturer shall insure that a label is affixed to the final vehicle in conformity with paragraph (a) of this section, except that the name of the intermediate manufacturer shall appear instead of the name of the final-stage manufacturer after the words "Manufactured by" or "MFD BY" required by paragraph (a)(1) of this section.

[F.R. Doc. 70-3266; Filed, Mar. 16, 1970; 8:51 a.m.]

[49 CFR Part 371]

[Docket No. 69-23; Notice 1]

SEATBELT ASSEMBLIES

Motor Vehicle Safety Standard

The Administrator is considering rule making which would amend Motor Vehicle Safety Standard No. 209 in § 371.21 of Title 49, CFR, to upgrade requirements for seatbelt assemblies for use in passenger cars, multipurpose passenger vehicles, trucks, and buses.

Motor Vehicle Safety Standard No. 209 specifies requirements for seatbelt assemblies for use in passenger cars, multipurpose passenger vehicles, trucks, and buses. During the period since the issuance of the standard, laboratory tests and experience with actual seatbelt usage have disclosed areas where improvements in performance requirements can be made. The interests of motor vehicle safety would seem to require that occupants of passenger cars, multipurpose passenger vehicles, trucks, and buses to whom seatbelts are available should be able to take advantage of the added protection offered by improved seatbelts.

The proposed amendments would be effective on April 1, 1971.

On March 1, 1967, Standard No. 209 was amended to permit seatbelt assemblies to include approved hardware equivalent to the hardware specified in the original standard, which had been issued a month earlier. A purpose of the amendment was to allow inclusion of approved equivalent attachment bolts. When the standard was reissued on January 4, 1969, however, paragraph S4.1(f) exempted attachment bolts from the hardware items that could be approved equivalents (34 F.R. 115). It is now proposed to revise paragraph S4.1(f) to make it clear that approved equivalent attachment bolts may be included in conforming seatbelt assemblies.

The proposed rule would delete the requirement that attachment bolts be supplied as part of a seatbelt assembly if the assembly is designed only to replace another seatbelt assembly that conforms to Standard No. 209 and that is installed in anchorages conforming to Motor Vehicle Safety Standard No. 210. It would also allow attachment bolts to be omitted from seatbelt assemblies designed for installation only in the center position of bench seats which are equipped with outboard seatbelt assemblies that conform to Standard No. 209 and that are installed in anchorages conforming to Standard No. 210.

Under the proposal, each Type 1 or Type 2 seatbelt assembly would have to be adjustable to fit occupants whose dimensions and weight range from those of a fifth percentile adult female to those of a 95th percentile adult male.

The Administrator also proposes to issue upgraded performance requirements in the following areas:

1. Under the proposal, paragraph S4.1(b) of the standard would be amended to require that hardware located on the pelvic restraint must be designed, constructed, and located on the seatbelt assembly to minimize the possibility of injury to the occupant. Some new designs of seatbelts incorporate attachment of the upper torso restraint into a hardware item located on the lap belt. The Administrator wants to ensure that this piece of hardware, when worn, is not located on the bony structure of the wearer's hip or at any other vulnerable location where it could cause an unnecessary bruise or laceration.

2. The standard would be amended to reduce the buckle release force from 30 to 22.5 pounds and to require that, when pushbutton buckles are tested, the release force is to be applied at a minimum of 0.125 inch from the edge of the pushbutton access opening. The purpose of the proposed reduction of the buckle release force is to make it easier to extricate an occupant in an emergency when he is suspended by the belt. Under the present procedure for testing the buckle release force of a pushbutton type of buckle, there is no restriction against applying the force at the extreme edge of the access opening. The proposed change seeks to eliminate this unrealistic locus for application of the release force.

3. The Administrator proposes to amend the test procedure relating to the crush forces buckles must withstand without releasing by (a) requiring application of the test load to areas of the buckle other than the area directly over the pushbutton; and (b) extending the standard's crush release requirements to all Type 1 and Type 2 seatbelt buckles. In tests conducted by the National Bureau of Standards on pushbutton-type buckles, buckle release or malfunction occurred when a compressive force as low as 275 pounds was applied to a surface area other than the area directly over the pushbutton. The proposed new test is intended to eliminate buckle designs that are prone to accidental damage which reduces their load-carrying capability or interferes with the

buckle release. The test is also designed to reduce the possibility that the buckle will release during the initial phase of an accident.

4. The proposal would add a new buckle latch test procedure, requiring application of a tensile load at a 30° angle to the belt direction in the plane of the belt tongue. Tests have shown that the strength of some buckle latch arrangements was reduced by as much as 50 percent when the tensile force was applied in the manner specified in the proposed new test procedure. This is a serious deficiency that could result in premature belt failure during a critical crash situation.

5. The proposed amendments would change the requirements for emergency-locking retractors by (a) increasing the maximum acceleration level at which a retractor must lock from 0.5 to 2.0 gravity; (b) establishing a lower acceleration level of 1.0 gravity at which the retractor must not lock; and (c) specifying that both the upper and lower levels apply only to webbing extensions that are encountered when the seatbelt assembly is being worn. While the present 0.5 gravity acceleration level at which retractors must lock may provide some protection against minor bruises in a "panic" braking stop, it also tends to cause annoyance and inconvenience to an occupant when he attempts to don the seatbelt assembly. It also restricts freedom of normal movement. As a result, many people may be discouraged from using safety belts equipped with emergency-locking retractors. To make seatbelts so equipped more comfortable and convenient to use, the Administrator is considering increasing the acceleration level at which locking is mandatory and establishing a lower level at which the retractor must not lock. In addition, the Administrator wishes to permit a salutary recent design innovation which permits withdrawal of the first few feet of webbing before the retractor locks.

6. The Administrator is proposing to amend the standard by revising the static strength test procedure for Type 2 seatbelt assemblies. Under the revised procedure, the prescribed tensile forces would be applied simultaneously to both the pelvic and upper torso components of the assembly. Since Type 2 seatbelt assemblies perform their function as a unit, it seems reasonable to test both components simultaneously by subjecting the pelvic and upper torso restraints to the prescribed loads, particularly in the case of Type 2 assemblies having components that are common to both the pelvic and upper torso restraints.

7. The Administrator is proposing to add a new test procedure for webbing. Under the new procedure the webbing would be abraded by passing it through the buckle or other manual adjusting device. Experience has indicated that the present hex-bar test may not adequately simulate the rather severe webbing abrasion caused by some buckles.

8. Minor editorial changes are also proposed.

The Administrator proposes to make the amendments effective on April 1,

1971. On that date and thereafter, the requirement of the amended standard would apply to both seatbelt assemblies and motor vehicles equipped with seatbelt assemblies. In other words, (1) a seatbelt assembly manufactured on or after April 1, 1971, would have to conform to the standard as amended, and (2) original equipment seatbelts in a motor vehicle manufactured on or after April 1, 1971, would also have to conform to the amended standard, regardless of when those seatbelts were manufactured.

Interested persons are invited to submit written data, views, or arguments pertaining to the proposed rule. Comments on the cost of, and lead time required for, compliance are particularly invited. Comments must identify the docket (No. 69-23) and must be submitted in 10 copies to:

Docket Section, Federal Highway Administration, Room 4223, 400 Seventh Street SW., Washington, D.C. 20591.

All comments received before the close of business on June 1, 1970, will be considered by the Administrator. All comments will be available for examination in the Rules Docket at the above address before and after the closing date for comments.

In consideration of the foregoing, the Administrator proposes to amend Motor Vehicle Safety Standard No. 209 as set forth below, effective April 1, 1971.

This notice of proposed rule making is issued under the authority of sections 103, 112, and 119 of the National Traffic and Motor Vehicle Safety Act of 1966, 15 U.S.C. 1392, 1401, 1407, and the delegation of authority at 49 CFR 1.4(c).

Issued on March 10, 1970.

F. C. TURNER,
Federal Highway Administrator.

I. Subparagraphs (b), (f), and (g) of paragraph S4.1 would be revised as follows:

(b) *Pelvic restraint.* A seatbelt assembly shall provide pelvic restraint whether or not upper torso restraint is provided, and the pelvic restraint shall be designed to remain on the pelvis under all conditions, including collision or rollover of the motor vehicle. Hardware located on the pelvic restraint shall be designed, constructed, and located on the seatbelt assembly to minimize the possibility of injury to the occupant. Pelvic restraint of a Type 2 seatbelt assembly that can be used without upper torso restraint shall comply with the requirements for a Type 1 seatbelt assembly in section S4.

(f) *Attachment hardware.* A seatbelt assembly shall include all hardware necessary for installation in a motor vehicle in accordance with SAE Recommended Practice, Motor Vehicle Seat Belt Installations—SAE J800b, September 1965, published by the Society of Automotive Engineers, 2 Pennsylvania Plaza, New York, N.Y. 10001, except that: (1) seatbelt assemblies designed for installation in motor vehicles

equipped with seatbelt assembly anchorages that conform to Federal Motor Vehicle Safety Standard No. 210 need not have anchorage hardware but must have 7/16-20 UNF-2A, 1/2-13 UNC-2A, or approved equivalent, hardware; (2) attachment bolts may be omitted from seatbelt assemblies that are designed solely as replacements for assemblies conforming to this Standard and installed in seatbelt assembly anchorages conforming to Motor Vehicle Safety Standard No. 210, if those replacement seatbelt assemblies are designed to use existing attachment bolts and are labeled as being for replacement use only; and (3) attachment bolts may be omitted from seatbelt assemblies that are designed solely for installation in the center position of bench seats, using the inside attachment bolt of each of two outboard seatbelt assemblies that conform to this Standard and that are installed in seatbelt assembly anchorages conforming to Motor Vehicle Safety Standard No. 210, if those center position seatbelt assemblies are labeled to indicate the use for which they are designed. The hardware shall be designed to prevent attachment bolts and other parts from becoming disengaged from the vehicle in service. Reinforcing plates or washers furnished for universal floor installations shall be of steel, free from burrs and sharp edges on the peripheral edges adjacent to the vehicle, not less than 0.06 inch or 1.5 millimeters in thickness or less than 4 square inches or 25 square centimeters in projected area. The distance between any edge of the plate and the edge of the bolt hole shall be at least 0.06 inch or 15 millimeters, and any corner shall be rounded to a radius of not less than 0.25 inch or 6 millimeters, or cut at a 45° angle along a hypotenuse not less than 0.25 inch or 6 millimeters in length.

(g) *Adjustment.* (1) A Type 1 or Type 2 seatbelt assembly shall be capable of snug adjustment to fit an occupant with the dimensions and weight of a fifth percentile adult female and to fit an occupant with the dimensions and weight of a 95th percentile adult male. The seatbelt assembly shall have either an adjusting device which is within the reach of the occupant and is easily operable without appreciable interference with the driving process or an automatic-locking or emergency-locking retractor. A Type 3 seatbelt assembly shall be capable of snug adjustment to fit any child capable of sitting upright and weighing not more than 50 pounds or 23 kilograms, unless it is specifically labeled for use on a child in a smaller weight range.

(2) A Type 1 or Type 2 seatbelt assembly for use in a vehicle having seats that are adjustable shall conform to the requirements of S4.1(g)(1) regardless of seat position, except that if a seat has a back that is adjustable for occupant comfort only, the test for demonstrating compliance with S4.1(g)(1) shall be conducted with the seat back in its full upright design position.

II. Subparagraphs (d), (g), and (j) of paragraph S4.3 would be revised as follows:

(d) *Buckle release.* (1) The buckle of a Type 1 or Type 2 seatbelt assembly shall release when a force of not more than 22.5 pounds or 10.2 kilograms is applied as prescribed in paragraph S5.2(d), and the buckle of a Type 3 seatbelt assembly shall release when a force of not more than 20 pounds or 9 kilograms is applied as prescribed in paragraph S5.2(d).

(3) The buckle of a Type 1 or Type 2 seatbelt assembly shall not release under a compressive force of 400 pounds or 180 kilograms applied as prescribed in paragraph S5.2(d)(3). The buckle shall be operable and shall meet the applicable requirements of paragraph S4.4 after the compressive force has been removed.

(g) *Buckle latch.* (1) When tested in accordance with the procedure specified in paragraph S5.2(g)(1), the buckle latch of a seatbelt assembly shall not fail, gall, or wear to an extent that normal latching and unlatching is impaired, and a metal-to-metal buckle shall separate by a force of not more than 5 pounds or 2.2 kilograms when it is in any position of partial engagement.

(2) When tested in accordance with the procedure specified in paragraph S5.2(g)(2) —

(i) the buckle of a Type 1 seatbelt assembly shall not fail and shall meet the applicable requirements of paragraph S4.3(d)(1) after removal of a tensile force of 2,000 pounds or 910 kilograms upon the seatbelt assembly; and

(ii) the buckle of a Type 2 seatbelt assembly shall not fail and shall meet the applicable requirements of paragraph S4.3(d)(1) after removal of a tensile force of 1,250 pounds or 570 kilograms upon the seatbelt assembly.

(j) *Emergency-locking retractor.* (1) Except as provided in subparagraph (2), an emergency-locking retractor of a Type 1 or Type 2 seatbelt assembly, when tested in accordance with the procedures specified in paragraph S5.2(j) —

(i) Shall lock before the webbing extends 1 inch or 2.5 centimeters when the retractor is subjected to an acceleration of 2.0 gravity or 20 meters per second per second;

(ii) Shall exert a retractive force of at least 1.5 pounds or 0.7 kilogram under zero acceleration when attached to a pelvic restraint;

(iii) Shall exert a retractive force of not less than 0.45 pound or 0.2 kilogram and not more than 1.1 pounds or 0.5 kilogram under zero acceleration upon any strap or webbing that contacts the shoulder when the retractor is attached to an upper torso restraint; and

(iv) Shall not lock when the retractor is subjected to an acceleration of 1.0 gravity or 10 meters per second per second or less.

(2) The requirements of subdivisions (i) through (iii) of subparagraph (1) must be met when the webbing or strap to which the retractor is attached is extended at or beyond the amount necessary to fit a fifth percentile adult female.

III. Paragraph 4.4 would be amended by adding the following new subparagraph:

(d) *Resistance to buckle abrasion.* After being subjected to abrasion as specified in paragraph S5.3(d), the webbing of a seatbelt assembly shall have a breaking strength not less than 75 percent of its strength before the abrasion. Breaking strength, both before and after abrasion, shall be determined in accordance with the procedure specified in paragraph S5.1(b). After the abrasion cycling is completed, the seatbelt assembly must meet the requirements of paragraphs S4.3(e) and S4.3(f).

IV. Subsections (1) and (3) of subparagraph (d) and subparagraphs (g) and (j) of paragraph S5.2 would be revised as follows:

(d) *Buckle release.* (1) Three seatbelt assemblies shall be tested to determine compliance with the maximum buckle release force requirements, following the assembly test in S5.3. After subjection to the force applicable for the assembly being tested, the force shall be reduced and maintained at 150 ± 10 pounds or 68 ± 4 kilograms on the assembly loop of a Type 1 seatbelt assembly, 75 ± 5 pounds or 34 ± 2 kilograms on the components of a Type 2 seatbelt assembly, or 45 ± 5 pounds or 20 ± 2 kilograms on a Type 3 seatbelt assembly. The buckle release force shall be measured by applying a force on the buckle in a manner and direction typical of those which would be employed by a seatbelt occupant. For pushbutton release buckles, the force shall be applied at least 0.125 inch or 3.2 millimeters from the edge of the pushbutton access opening of the buckle in a direction that produces maximum releasing effect. For lever release buckles, the force shall be applied on the centerline of the buckle lever or finger tab in a direction that produces maximum releasing effect. A hole 0.1 inch or 2.5 millimeters in diameter may be drilled through the buckle tab or lever on the centerline of the lever between 0.12 and 0.13 inch or 3.0 and 3.3 millimeters from its edge, and a small loop of soft wire may be used as the connecting link between the buckle tab or lever and the force measuring device.

(3) The buckle of a Type 1 or Type 2 seatbelt assembly shall be subjected to a compressive force of 400 pounds or 180 kilograms applied anywhere on a line which is coincident with the centerline of the belt extended through the buckle or on any line which extends over the center of the release mechanism and intersects the extended centerline of the belt at an angle of $60^\circ \pm 5^\circ$. The load shall be applied by using a cylindrical bar having a diameter of 0.75 inch or 2 centimeters and a radius of curvature of 6 inches or 15 centimeters placed with its longitudinal centerline along the test line and its center directly above the point on the buckle to which the load will be applied. The buckle shall be latched, and a tensile force of 75 pounds or 34 kilograms shall be applied to the webbing which is connected to it while the compressive force is applied. The buckles of three seatbelt assemblies shall be tested

to determine whether the assembly complies with paragraph S4.3(d)(3).

(g) **Buckle latch.** (1) The buckles of three seatbelt assemblies shall be opened fully and closed at least 10 times. Then the buckles shall be clamped or firmly held against a flat surface so as to permit normal movement of buckle parts, but with the metal mating plate (metal-to-metal buckles) or webbing (metal-to-webbing buckles) withdrawn from the buckle. The release mechanism shall be moved 200 times through the maximum possible travel against its stop with a force of 30 ± 3 pounds or 14 ± 1 kilograms at a rate which does not exceed 30 cycles per minute. The buckle shall be examined to determine compliance with the performance requirements of paragraph S4.3(g). A metal-to-metal buckle shall be examined to determine whether partial engagement is possible by means of any technique representative of actual use. If partial engagement is possible, the maximum force of separation when in such partial engagement shall comply with the requirements of paragraph S4.3(g)(1).

(2) The buckles and webbing of three seatbelt assemblies shall be tested, using a testing machine that conforms to the requirements of paragraph S5.1(b), as follows:

(i) Grip the webbing of the buckle with a split drum grip (illustrated in Figure 1) in one head of the machine.

(ii) Hold the tongue of the seatbelt assembly to the other head of the machine, using a gripping device (illustrated in Figure 9) so that the buckle is loaded at 30° to the direction of the belt and in the same plane as the belt tongue when it is latched in the buckle.

(iii) At a rate of grip separation not less than 2 inches or 5 centimeters per minute and not more than 4 inches or 10 centimeters per minute, load the seatbelt assembly until the values specified in paragraph S4.3(g)(2) are applied to it.

(j) **Emergency-locking retractor.** Three retractors shall be tested in a manner which permits the retractive force to be determined exclusive of the gravitational forces on hardware of webbing being retracted. The webbing shall be fully extended from the retractor, passing over or through any hardware or other material specified in the installation instructions. While the webbing is being retracted, the lowest force of retraction within plus or minus 2 inches or 5 centimeters of 75 percent extension (25 percent retraction) shall be determined. The retractor shall be subjected to an acceleration of 1.0 gravity or 10 meters per second per second while the webbing is at 25 percent extension (75 percent retraction) to determine compliance with S4.3(j)(iv). The retractor shall be subjected to an acceleration of 2.0 gravity or 20 meters per second per second within a period of 50 milliseconds, while the webbing is at 75 percent extension, and the webbing movement before locking shall be measured under the following conditions: For a retractor sensitive to webbing withdrawal, the retractor shall be accelerated in the direction of webbing withdrawal while oriented horizontally and at angles of 45° , 90° , 135° , and 180° to the horizontal plane; for a retractor sensitive to vehicle acceleration, the retractor shall be accelerated in three directions normal to each other while oriented horizontally and at angles of 45° , 90° , 135° , and 180° to the horizontal plane, unless the retractor locks by gravitational force when tilted in any direction to an angle of 45° or more.

V. The introductory clause and subsection (2) of paragraph S5.3(b) would be revised as follows:

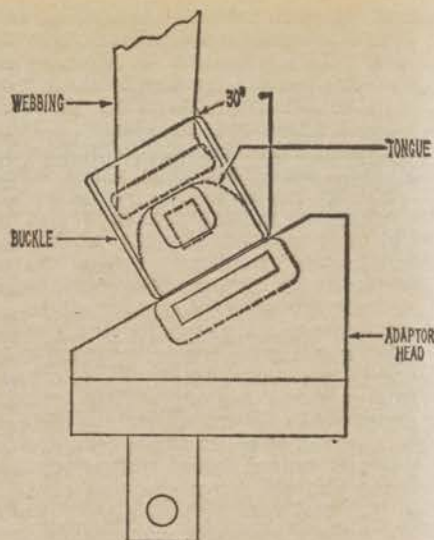
(b) **Type 2 seatbelt assembly.** Components of three seatbelt assemblies shall be tested by applying loads simultaneously to the pelvic and upper torso restraints in the following manner:

(2) The components of the upper torso restraint shall be subjected to a tensile force of $1,500 \pm 15$ pounds or 680 ± 5 kilograms, following the procedure prescribed above for testing pelvic restraints, and the extension between anchorages under this force shall be measured. The force shall be reduced to 75 ± 5 pounds or 34 ± 2 kilograms, and the buckle release force shall be measured as prescribed in S5.2(d).

VI. Paragraph S5.3 would be amended by adding the following new subparagraph:

(d) **Resistance to buckle abrasion.** Three seatbelt assemblies shall be tested for resistance to abrasion at each buckle or manual adjusting device normally used to adjust the size of the assembly. The webbing of the assembly to be used in this test shall be exposed, for at least 4 hours, to an atmosphere having relative humidity of 65 ± 2 percent and temperature of $21 \pm 2^\circ$ Celsius or $70 \pm 3^\circ$ Fahrenheit. The webbing shall be cycled through the buckle or manual adjusting device as shown schematically in Figure 10. The anchor end of the webbing (A) shall be attached to a weight (B) of 3.0 ± 0.1 pounds or 1.4 ± 0.05 kilograms. The webbing shall pass through the buckle (C), and the other end (D) shall be attached to a reciprocating device so that the webbing forms an angle of $8^\circ \pm 2^\circ$ with the hinge stop (E). The reciprocating device shall be operated for 2,500 cycles at a rate of 18 ± 2 cycles per minute with a minimum stroke length of 6 inches and a maximum stroke length of 8 inches. The abraded webbing shall be tested for breaking strength by the procedure described in paragraph S5.1(b). Each value shall be not less than 75 percent of the breaking strength specified in S4.2(b) for the applicable belt being tested, but the median value shall be used to calculate the percentage of breaking strength retained.

VII. The following new Figures 9 and 10 would be added at the end of the standard:



BUCKLE TEST FIXTURE

FIGURE 9

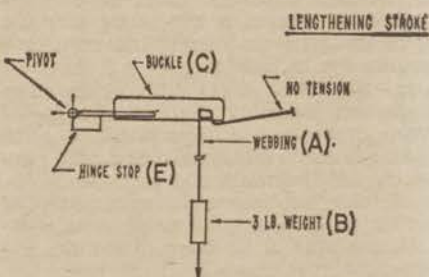
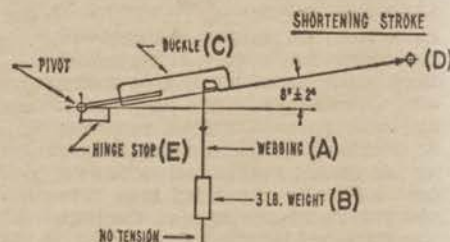


FIGURE 10

[F.R. Doc. 70-3113; Filed, Mar. 16, 1970; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

[12 CFR Parts 290, 292]

FEDERAL RESERVE SYSTEM LABOR RELATIONS PANEL

Charges of Unfair Labor Practices

Notice is hereby given that the Federal Reserve System Labor Relations Panel, pursuant to the authority conferred by § 269.6(d) of the Board of Governors' Policy on Unionization and Collective Bargaining for the Federal Reserve