In that case, the Court noted that some questions are best put to rest by a fixed regulation and others are so "specialized and varying in nature as to be impossible of capture within the boundaries of a general rule," but that the decision as to which method is appropriate in any particular case must be made by the agency involved. Id.

18. A number of subsidiary points raised in the comments also require mention. Southwestern Improvement and Investment Company has submitted comments urging the Commission to clarify and/or modify the definition of "ownership interest" for purposes of the July 1, 1970, grandfather date. It would have established that the announced intention of a franchising authority to grant a franchise to a particular party is sufficient to create the required ownership interest as of that date, even if the actual franchise was not effective until some time later. In Sequoia Cablevision, FCC 75-346, 52 FCC 2d 356 (1975), reconsideration denied, FCC 75-916,—— FCC 2d——(1975), we ruled on this point, holding that, for purposes of determining whether an ownership interest was in effect on July 1, 1970, we would look to the effective date of the local authorization. We see no public interest reason to reverse that decision or to amend the rules as Southwestern has suggested.

19. Central California Communications Corporation and others seek clarification as to the Commission's position on allowing grandfathered combinations to expand their cable operations to new and nearby communities. Because the rules prohibit the formation of new cross-ownership interests with a station's Grade B contour, it is clear that the expansion of a system into a new community within a cross-owned station's Grade B contour could not take place without a waiver of the rules. In other areas of cable regulation, such as signal carriage and access requirements, we have granted such waivers where we have found them to be in the public interest. We believe it appropriate to follow that policy here as well as allowing such expansion where technical or economic factors mandate that the new areas be served by the existing cross-owned system rather than by the creation of a new independent system or the extension of a non-cross-owned system.

20. KID Broadcasting and The Post Company have questioned whether divestiture would be required under the new proposed divestiture standard if the cable system in question is within the principal city contours of only two commercial television broadcast stations, both of which have an interest in the cable system. Because there remains in such a situation at least two independent video voices (the two broadcast stations), we would not interpret this ownership situation to be subject to the divestiture requirement.

21. South Dakota Cable Inc. has raised the question of whether a satellite station which places the only principal community contour over a commonly owned cable television system would be subject to divestiture and, if so, whether the existence of another principal community signal from a non-cross-owned satellite station would remove such a situation from the divestiture category. We believe that some separate treatment of satellite stations is necessary here, as it was in Docket 18110. Satellite stations are typically passive, broadcasting programing from a parent station, and thus do not program specifically for the needs of their community of license or for their service area. They are, in effect, an extension of the service area of the parent station and should, we believe, be treated as such for purpose of the divestiture requirement of the rules. That is, we will not require a separation of ownership between satellite stations and cable television systems within their principal community contours even if no other principal community contour is placed over the community. Similarly, in those situations where a station is cross-owned with a cable system within its principal community contour, we will not regard the presence of a second principal community contour, from a satellite station, as providing sufficient local service to take the cable community out of the egregious case category where divestiture is required.[1]

22. Finally, with respect to those cross-interests where divestiture is to be required, some time must be provided for the required separation of interests to be accomplished and for the consideration of waiver petitions. In Docket 18110, we provided for divestiture within five years and indicated that, with respect to those situations where divestiture was required, we would consider either temporary or permanent waiver requests. Here, in view of the prior history of this proceeding which placed the affected interests on notice some five years ago that divestiture might be required, we believe an additional two year period should provide adequate time for the required separation of interests to be accomplished and for any possible waiver requests to be considered. In connection with any such waiver proceedings, we indicated in Docket 18110 a number of factors which might lead to the granting of waivers including the absence of buyers for the facilities in question, the economic integration of the two operations in question such that they could not operate separately, and any other reason tending to indicate that the purposes of the rules would not be served by divestiture. We intend to follow the same guidelines set forth in Docket 18110 in considering any waiver petitions received as a result of the decision here adopted. Parties with waiver petitions pending may, on or before September 29, 1975, supplement their petitions. All petitions which are not supplemented to indicate their continued relevance will be dismissed as moot.

Authority for the rule amendment adopted herein is contained in Section 2, 3, 4(c) and (j), 301, 303, 307, 308, and 309 of the Communications Act of 1934, as amended.

Accordingly, *It is ordered*, That effective October 30, 1975, Part 76 of the Commission's rules and regulations is amended as set forth below.

It is further ordered, That this proceeding is terminated.

(Secs. 2, 3, 4, 301, 303, 307, 308, 48 Stat. as amended, 1064, 1065, 1066, 1081, 1082, 1083, 1084, 1085; (47 U.S.C. 152, 153, 301, 303, 307, 308))

Adopted: September 17, 1975.

Released: September 29, 1975.

FEDERAL COMMUNICATIONS COMMISSION,*

[SEAL] VINCENT J. MULLINS, *Secretary.*

Section 76.501 of Part 76, Chapter I, Title 47, of the Code of Federal Regulations is amended as follows:

§ 76.501 Cross-ownership.

* * * * *

(b) *Effective date.* (1) The provisions of subparagraphs (1) and (3) of paragraph (a) of this section are not effective until August 10, 1975, as to ownership interests proscribed herein if such interests were in existence on or before July 1, 1970 (*e.g.*, if a franchise were in existence on or before July 1, 1970): *Provided, however*, That the provisions of paragraph (a) of this section are effective on August 10, 1970, as to such interests acquired after July 1, 1970.

(2) The provisions of subparagraph (2) of paragraph (a) of this section are not effective until August 10, 1977, as to ownership interests proscribed herein if such interests were in existence on or before July 1, 1970 (e.g., if a franchise were in existence on or before July 1, 1970), and will be applied to cause divestiture as to ownership interests proscribed herein only where the cable system is, directly or indirectly, owned, operated, controlled by, or has an interest in a non-satellite television broadcast station which places a principal community contour encompassing the entire community and there is no other commercial non-satellite television broadcast station placing a principal community contour encompassing the entire community.

[FR Doc.75-25875 Filed 9-26-75;8:45 am]

[1] If the satellite station has a local studio from which public affairs and news programs originate, however, we are prepared to consider that this demonstrates sufficient diversity to remove the situation from the divestiture category. Compare Second Report and Order in Docket 18110, FCC 74-104, 50 FCC 2d 1046, footnote 35 (1975), and Memorandum Opinion and Order in Docket 18110, FCC 75-627, 53 FCC 2d 589, paragraphs 3 and 4 (1975).

* Dissenting statement by Commissioner Robinson filed as a part of the original document.

Title 49—Transportation

CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Notice No. 75-20]

FEDERAL MOTOR CARRIER SAFETY REGULATIONS

• Purpose. The purpose of this notice is to include a new placard "Combustible (cargo tanks only)" to the regulation requiring certain vehicles to stop at railroad grade crossings; to eliminate references to an obsolete Form MCS-89, "Notice of Driver Declared 'Out of Service'," and reference the new Form MCS-63A which includes "Notice of Driver 'Declared Out of Service'," and to change the addresses for Regions 1, 7, and 9, due to relocation of those offices. •

Technical, non-substantive amendments are being made to the Federal Motor Carrier Safety Regulations. The amendments consist of (1) changing the addresses for the Regional Motor Carrier Safety Offices in Regions 1, 7, and 9, as listed in § 390.40; (2) adding "combustible (cargo tanks only)" to subparagraph (3) of § 392.10(a) which identifies vehicles transporting hazardous materials that are required to stop at railroad grade crossings and revising subparagraphs (4), and (5), thereof, and (3) changing all references to "Form MCS-89" in § 395.13 to read "Form MCS-63A."

The table in § 390.40, Locations for filing accident reports and notifications, is being amended to reflect new locations of Regional Motor Carrier Safety Offices in Regions 1, 7, and 9.

The amendment adding "Combustible (cargo tanks only)" to the list of placarded vehicles in § 392.10(a)(3) which are required to stop at railroad grade crossings, changes this section to conform with Hazardous Materials Docket No. HM-102, (40 FR 22263). This docket established a new combustible liquid classification defined as those liquids having a flash point at or above 100°F (37.8°c.), and below 200°F (93.3°c.) (closed cup test). Section 392.10 presently requires those vehicles transporting liquids with a flash point below 200° stop at railroad grade crossings. Therefore, this is not a new requirement for those commodities falling within the new definition of combustible liquids.

Section 392.10(a) (4) and (5) are being revised to reference current test methods for determining flash points as reflected in the Hazardous Materials Regulations rather than repeating those test methods.

References to "Form MCS-89" are being changed to read "Form MCS-63A," a new form which includes "Notice of Drivers Declared 'Out of Service'."

In consideration of the foregoing, Parts 390, 392, and 395, in Subchapter B of Chapter III in Title 49, CFR, are amended as follows:

PART 390—FEDERAL MOTOR CARRIER SAFETY REGULATIONS

1. The addresses for Regions 1, 7, and 9, as shown in the table in § 390.40 in Part 390 are amended as follows:

§ 390.40 Locations for filing accident reports and notifications.

• • • • •

Region No.	Territory included	Location of regional office
1	* * *	Leo W. O'Brien, Federal Office Bldg., Room 729, Albany, N.Y. 12207.
•	•	• • •
7	* * *	6301 Rockhill Rd., P.O. Box 19715, Kansas City, Mo. 64141.
•	•	• • •
9	* * *	Suite 530, 2 Embarcadero Center, San Francisco, Calif. 94111.

• • • • •

PART 392—DRIVING OF MOTOR VEHICLES

2. Section 392.10(a) is amended by revising paragraphs (3), (4), and (5) as follows:

§ 392.10 Railroad grade crossings; stopping required.

(a) * * *

(3) * * *

(xi) Combustible (cargo tanks only).

(4) Every cargo tank motor vehicle, whether loaded or empty, used for the transportation of any hazardous material as defined in the Hazardous Materials Regulations of the Department of Transportation, Parts 170-189 of this title.

(5) Every cargo tank motor vehicle transporting a commodity which at the time of loading has a temperature above its flash point as determined by § 173.115 of this title.

• • • • •

PART 395—HOURS OF SERVICE OF DRIVERS

§ 395.13 [Amended]

3. Section 395.13 of Part 395 is amended by substituting "Form MCS-63A" for "Form MCS-89," wherever it appears.

These amendments are issued under the authority of section 204 of the Interstate Commerce Act, 49 U.S.C. 304, section 6 of the Department of Transportation Act, 49 U.S.C. 1655, and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 389.4, respectively.

Effective date. Since these amendments are non-substantive in character and do not impose an additional burden on any person, notice and public procedure thereon are unnecessary, and they are effective on the date of issuance set forth below.

Issued on September 24, 1975.

KENNETH L. PIERSON,
Acting Director,
Bureau of Motor Carrier Safety.

[FR Doc.75-25882 Filed 9-26-75;8:45 am]

[Docket No. MC-56, Notice No. 75-19]

PART 393—PROHIBITION AGAINST OPERATING WITH OVERLOADED OR UNDERINFLATED TIRES

Deferral of Effective Date of Certain Provisions

• Purpose. The purpose of this order is to defer certain of the requirements of the amendments contained in the order amending the § 393.75 of the Federal Motor Carrier Safety Regulations pertaining to tires published in the Federal Register on July 11, 1975 (40 FR 29292). •

The Federal Highway Administration (FHWA) is making certain changes to the amendments to § 393.75 of the Federal Motor Carrier Safety Regulations as a result of petitions received for reconsideration.

Petitions for reconsideration have been filed with FHWA by American Trucking Associations, Inc., (ATA), Consolidated Freight Ways (CF), the Firestone Tire and Rubber Company (Firestone), the Goodyear Tire and Rubber Company (Goodyear), Heavy Specialized Carrier Conference (HSCC), Kelly-Springfield Tire Company (Kelly), Michelin Tire Corporation (Michelin), National Automobile Transporters Association (NATA), Rubber Manufacturers Association (RMA), Transport Trailers, and Truck Trailer Manufacturers Association (TTMA). The petitioners state that the regulation does not promote safety and will disrupt normal operations and be costly to implement.

The petitioners feel that the following areas should be reconsidered: (1) Increased loadings for reduced speed operations. (2) Tire pressures higher than those labeled on the tire's sidewalls should be permitted. (3) The tire pressure gauge correction factor for hot tires should be changed. (4) Inadequate time was given for compliance with the regulation and will result in inordinate costs. (5) The rule will cause confusion with users of European tires which are labeled differently from their American counterpart. (6) Consideration should be given to changing the metric tire pressure unit to kilopascals. (7) A 4-year delay in implementation of the rule to allow specialized equipment to be brought into compliance with the regulations. (8) Several of the petitioners want the rule to apply only to the steering axle.

All of the petitions have been studied in detail. We must agree there is some merit to the problem raised by the petitioners. We do not agree that in the interest of safety of operation of commercial motor vehicles over the highway that the rule should be abrogated in its entirety and the petitions granted as requested.

Considering the problems of front axle tires, the entire subject of axle loadings and accident statistics have been reviewed. In the recent Department of Transportation (DOT) report entitled, "1973 Accidents of Motor Carriers of Property," published in July 1975, front-

tire failures was discussed in detail. Pages 62 and 63 of the subject report indicates that front-tire failures accounted for 1.3 percent of the total number of accidents reported to the FHWA's Bureau of Motor Carrier Safety (BMCS) for 1973. In this case, a total of 395 front-tire failures occurred. Review of the 1974 accident reports submitted to BMCS indicated a total of 364 front-tire failures.

In view of the above, it is apparent that front-tire failures do occur with considerable frequency and there is a need for requirements to ensure that such tires are not overloaded or underinflated.

During Congressional hearings on truck size and weights held in 1974, there was considerable emphasis given to the fact that a front axle should be limited to a gross weight of 10,000 pounds. The FHWA does not believe that such design requirements should be specified in legislation and was basically opposed to such a requirement. The FHWA does believe that front axle loadings should be such that the tires can safely carry the load. In this regard, the FHWA determined that the load on front tires should not exceed that specified by the manufacturers for the appropriate load range of tire.

The amendment issued on July 3 specified that on and after October 1, 1975, all tires on all motor vehicles would have to comply with the requirements of FMVSS No. 119. In order to comply with the requirements of FMVSS No. 119, the tire would have to have marked on its sidewall the maximum load at a corresponding inflation pressure. The petitioners have stated there will not be enough FMVSS No. 119 tires available to completely equip all of the vehicles being operated under the Bureau's safety jurisdiction. Also, the petitioners stated that time would be needed to retrofit all of the vehicles.

The FHWA agrees there does appear to be a problem with the retrofit requirement and the availability of FMVSS No. 119 tires.

Some of the petitioners also stated that many of the Eastern States permitted axle loadings greater than that specified in section 127 of Title 23, United States Code. This is true, and the heavier axle weights have been permitted for many years. However, it does not, in itself, mean that the vehicles are safe to operate, especially with axle loadings on front axles greater than the tires are rated for.

In view of the above, the FHWA believes the load requirements for front axles should not be increased over that for which the tires are rated. The FHWA does believe there should be some relaxation since the data available on 1975 truck tire production seems to indicate there are not enough FMVSS No. 119 tires available to entirely equip the present commercial vehicles operating under its safety jurisdiction. The FHWA has determined that the problem can be solved by allowing the continued use of tires which are not marked to indicate that they meet FMVSS No. 119, provided they do not exceed the load limit for the specific load range tire and its corresponding inflation pressure. We believe this is necessary to ensure that safety of operation is continued and to avoid additional petitions for change of the regulations to limit the front axle weights to a total of 10,000 pounds.

The subject of maximum inflation pressure has been given considerable study. Review of all the data seems to indicate that in all cases the tire manufacturers and the users do inflate tires above the corresponding pressure for a specific load. The increase in tire pressure is intended to reduce heat buildup and to increase tire life. Review of the data does tend to support the petitioners point of view that there have been no problems or failures resulting from overinflation of tires if the load rating is kept constant. Therefore, the rule will be amended to indicate that tire pressures may be increased above that specified on the tire's sidewall.

It must be pointed out that while the rule is being amended to allow pressures greater than specified on the tire's sidewall, the load and cold inflation pressure imposed on the rim and wheel must not exceed the rim and wheel manufacturer's recommendations even though the tire may be approved for a higher load or inflation. Rims and wheels may be identified (stamped) with a maximum load and maximum cold inflation rating.

The FHWA has considered the request for increased tire loading with reduced speed. The data available does indicate that the tire manufacturer's recommend, or permit, increased tire loadings if vehicles are operated at reduced speeds. The problem here is the enforceability of such a requirement, since the FHWA is not a policing agency and does not have stopping or arresting powers. The FHWA does agree that there is a need for increasing the load rating of tires which are operated at reduced speeds. The rule will be amended to allow increased loadings at reduced speeds but it will specify that the increased loadings will only be applicable in those cases where the vehicle is being operated in compliance with a special permit which specifies the speed limitation. We believe this is the only way the FHWA will be able to enforce such a requirement.

One of the petitioners stated that the rule will cause confusion with users of European tires which are labeled differently from their American counterpart. The Bureau agrees that there are different methods of marking tire load ratings and pressures on tires. A comparison was made of the loading rating specified in the Tire and Rim Association's manual and those of the European Tyre and Rim Technical Organization, the Japanese Industrial Standards and the Scandinavian Tire and Rim Organization. This comparison indicates that there is negligible difference in the load ratings and pressures specified. In view of this fact, the FHWA does not believe there will be any significant confusion with users of European tires and American-made tires. As stated in § 393.75(f)(1) the chart showing the tire loads and pressures for the most common size of tires used by interstate motor carriers was reproduced for convenience. Also, the regulation states that if there is a conflict among the manufacturer, standards-organization, or the Table I, the FMVSS No. 119 is to govern. We believe this still should be the case and, therefore, are making no changes in the load limitations in the Table. If problems arise, then the FHWA will take administrative steps to solve them.

One of the petitioner's for reconsideration stated that the metric tire pressure unit of "bars" should be changed to "kilopascals" as used by the International Standards Organization (ISO). Review of the subject does indicate that in some places kilopascals are used as pressure in the metric system. However, it has not been adopted as the official metric units for pressure. Also, the metric units were included in § 393.75, in view of the probability of the United States adopting the metric system in the future. The FHWA used the dual dimensioning concept to bring into focus the problem of metric conversions and to follow the practice of various standards setting organizations in the United States.

The HSCC petitioned for a 4-year delay in implementation of the requirements of § 393.75 to allow carriers time to modify vehicles and manufacturers to redesign vehicles. This request was based on the fact that the amendments prohibited tires from being loaded to a capacity greater than that marked on the sidewall without regard to speed limitations. The FHWA agrees that the rule would create hardships on carriers who transport extra heavy equipment and loads on specialized vehicles when being operated at reduced speeds. We do not believe there is a need for a 4-year delay in implementation of the rules if tires are allowed to be loaded to a greater capacity when being operated under a special permit to specify speeds below the national speed limit of 55-mph. The rule will be amended to show this change.

Several of the petitioners want the requirements of § 393.75 to apply only to the steering axle. The petitioners state that the FHWA does not have justification for making the tire load limitation applicable to any other axle except the steering axle. Review of the data in the accident reports submitted to FHWA does indicate that there are tire failures on axles other than the steering axle. It is true that front-tire failures have occurred more frequently in the 1973 and 1974 truck accident data. The FHWA believes that load limitations should be specified for all axles on all vehicles. Therefore, the petition to have the load requirements apply only to the steering axle is denied.

In arriving at the decision to deny the petition to have the tire load requirements apply only to the front axle, the

FHWA considered the time needed for compliance.

The FHWA does agree that it would not be in the best interest of the Nation's economy to require all tires on all axles, other than front axles, to meet the proposed load limitation requirements by October 1, 1975. We have taken into consideration new truck tire production figures and the first hand knowledge of the tire operating practices of the motor carrier industry. We believe that one year should be sufficient time for motor carriers to use up their present supply of tires and for the tire industry to have enough FMVSS No. 119 tires available to meet the needs of those carriers under the safety jurisdiction of FHWA. Therefore, the effective date for compliance for axles other than front axles has been extended to October 1, 1976.

Several of the petitioners made the statement that the hot tire inflation pressure correction factor specified in Table No. III was misleading and could lead to improper bleeding of tires. The entire subject has been reviewed and it is felt that since the FHWA proposes to allow higher pressures than printed on the tire's sidewalls to be used, that the correction factor specified should be adequate. Many of the petitioners also stated that pressure buildup varies with tire size and load, vehicle speed, ambient temperature and environmental conditions such as rain. Also they stated it would be extremely difficult, if not impossible, to accurately predict the pressure buildup in a tire when it can be influenced by so many variables and that a single figure for estimating cold inflation pressure could not be used for regulating both overinflation and underinflation.

The RMA recommended that FHWA regulate only minimum tire inflation pressure. This organization further stated that tires which are operated underinflated or overloaded for the actual cold service inflation pressure can fail resulting in an unsafe vehicle condition. They also stated that a tire which has been operated long enough to reach equilibrium temperature will have a pressure buildup of at least 15 psi over its cold inflation pressure and that a tire which has been in sustained operation for at least 1 hour should be considered underinflated if its hot inflation pressure is not at least 15 psi higher than the specified cold pressure for the load carried. The RMA also said that for less than 1 hour operation if the tire pressure seems to be marginal, the operator should be encouraged to recheck tire pressure at the next opportunity.

The FHWA believes the correction factors set forth in Table No. II are reasonable and they are retained in the rule.

In consideration of the foregoing, § 393.75 is amended by changing paragraph (f) as set forth below.

1. Paragraph (f) of § 393.75 is revised to read as follows:

§ 393.75 Tires.

* * * * *

(f) *Tire load rating.*[1] (1) Front wheels: No motor vehicle shall be operated with tires on the front wheels which carry a greater weight than that specified for the tire in any of the publications of the standardizing bodies listed in FMVSS No. 119 (49 CFR 571.119) and marked on the tire's sidewall, except that tires which do not have the load rating marked on them in accordance with FMVSS No. 119 may be continued in use until April 1, 1976: *Provided*, The load on the tire does not exceed that allowed by Standard No. 119 for the same size tire.

(2) Other than front wheels: On and after October 1, 1976, no motor vehicle shall be operated with tires on wheels other than the front wheels which carry a greater weight than that specified for the tire in any of the publications of the standardizing bodies listed in FMVSS No. 119 (49 CFR 571.119) and marked on the tire's sidewall, except for those vehicles being operated at reduced speed under the terms of a special permit issued by one of the several States and specifying reduced speeds.

(3) A chart showing tire loads and pressures for the most common sizes of tires used by interstate motor carriers is reproduced as Table No. I for convenience. In the case of conflict among the manufacturer, a standards organization, or Table No. I in this section, FMVSS No. 119 shall govern.

(4) Tire pressure: No motor vehicle shall be operated on a tire which has a cold inflation pressure less than that specified for the load being carried.

(5) If the inflation pressure of the tire has been increased by heat because of the recent operation of the vehicle, the cold inflation pressure shall be estimated by subtracting the inflation buildup factor shown in Table No. II from the measured inflation pressure.

(Sec. 204, Interstate Commerce Act (49 U.S.C. 304); sec. 6, Department of Transportation Act, (49 U.S.C. 1655), and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 49 CFR 389.4, respectively.)

Effective date. This amendment is effective on October 1, 1975, except as provided in the rule.

Issued on September 23, 1975.

KENNETH L. PIERSON,
Acting Director,
Bureau of Motor Carrier Safety.

[FR Doc.75-25808 Filed 9-26-75;8:45 am]

[1] The load and cold inflation pressure imposed on the rim and wheel must not exceed the rim and wheel manufacturer's recommendations even though the tire may be approved for a higher load or inflation. Rims and wheels may be identified (stamped) with a maximum load and maximum cold inflation rating.

[Notice No. 75-18]

PART 398—TRANSPORTATION OF MIGRANT WORKERS

Miscellaneous Amendments

● Purpose. These amendments make technical changes in the regulations governing migrant worker transportation, to reflect the change in safety jurisdiction from the Interstate Commerce Commission to the Department of Transportation. ●

A number of technical, nonsubstantive amendments are being made to the Federal Motor Carrier Safety Regulation's Part 398—Transportation of Migrant Workers. The amendments consist of (1) changing the term "Motor Carrier Safety Regulations" to read "Federal Motor Carrier Safety Regulations" wherever it appears; (2) changing the terms "Interstate Commerce Commission" and "Administration" wherever they appear; (3) changing § 398.8, Commission inspection of motor vehicles in operation, to reflect current authority vested in persons appointed as special agents of the Federal Highway Administration as detailed in Appendix B—Special Agents, and (4) deleting reference to the District Director of the Bureau of Motor Carriers in § 398.8(d)(2).

The objective of these amendments is to make technical changes in the Regulations governing migrant worker transportation, to reflect the change in safety jurisdiction from the Interstate Commerce Commission to the Department of Transportation. The purpose of adding the word "Federal" before the term "Motor Carrier Safety Regulations" is to avoid confusion between rules issued by Federal agencies and rules issued by the States.

In consideration of the foregoing, Part 398 in Subchapter B of Chapter III in title 49, CFR is amended as follows:

§§ 398.1–398.8 [Amended]

1. By changing "Motor Carrier Safety Regulations" to read "Federal Motor Carrier Safety Regulations" wherever it appears.

2. By changing "Interstate Commerce Commission" and "Commission" to read "Federal Highway Administration" and "Administration" respectively.

3. Section 398.8, paragraphs (a) and (d)(2) are revised to read as follows:

§ 398.8 Administration inspection of motor vehicles in operation.

(a) Administration personnel authorized to perform inspections. All persons designated as Special Agents of the Federal Highway Administration, as detailed in Appendix B of Chapter III of this title, are authorized to enter upon and perform inspections of motor carrier's vehicles in operation.

* * * * *

(d) * * *

(2) Motor carriers shall complete the "Motor Carrier Certification of Action Taken" on Form MCS 63 in accordance