

S5.3.6.2, each truck tractor manufactured on or after March 1, 1997 shall stop at least three times within the 12-foot lane, without any part of the vehicle leaving the roadway.

S5.3.6.1 Using a full-treadle brake application for the duration of the stop, stop the vehicle from 30 mph or 75 percent of the maximum drive-through speed, whichever is less, on a 500-foot radius curved roadway with a wet level surface having a peak friction coefficient of 0.5 when measured on a straight or curved section of the curved roadway using an American Society for Testing and Materials (ASTM) E1136 standard reference tire, in accordance with ASTM Method E1337-90, at a speed of 40 mph, with water delivery.

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S5.7.1 *Emergency brake system performance.* When stopped six times for each combination of weight and speed specified in S5.3.1.1, except for a loaded truck tractor with an unbraked control trailer, on a road surface having a PFC of 0.9, with a single failure in the service brake system of a part designed to contain compressed air or brake fluid (except failure of a common valve, manifold, brake fluid housing, or brake chamber housing), the vehicle shall stop at least once in not more than the distance specified in Column 5 of Table II, measured from the point at which movement of the service brake control begins, except that a truck-tractor tested at its unloaded vehicle weight plus up to 500 pounds shall stop at least once in not more than the distance specified in Column 6 of Table II. The stop shall be made without any part of the vehicle leaving the roadway, and with unlimited wheel lockup permitted at any speed.

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Issued on: December 8, 1995.

Ricardo Martinez,
Administrator.

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INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1043 and 1160

[Ex Parte No. 55 (Sub-No. 96)]

Freight Operations by Mexican Motor Carriers—Implementation of North American Free Trade Agreement

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: This action amends Interstate Commerce Commission (ICC) regulations relating to motor carrier operating authority and insurance, in order to implement the second phase of the North American Free Trade Agreement (NAFTA) relating to land transportation. The amendments will establish procedures under which Mexican motor carriers may apply for operating authority to provide service across the United States-Mexico international boundary line to and from points in California, Arizona, New Mexico, and Texas. They will also establish procedures under which persons of Mexico who establish enterprises in the United States to distribute international cargo in this country may apply for operating authority.

EFFECTIVE DATE: December 18, 1995.

FOR FURTHER INFORMATION CONTACT: Applications for operating authority may be obtained by calling the ICC's Automated Response Capability (ARC) telephone system at (202) 927-7600 and selecting the option for how to file an application. For additional information, contact either Bernard Gaillard, (202) 927-5500 or Stanley M. Braverman, (202) 927-6316. [TDD for the hearing impaired: (202) 927-5721.] To obtain a copy of the Commission's full decision in this matter, contact D.C. News & Data Inc., ICC Building, 1201 Constitution Avenue NW., Room 2229, Washington, DC 20423.

SUPPLEMENTARY INFORMATION: The Commission published a notice of proposed rulemaking in the Federal Register on October 18, 1995 (60 FR 53894). This notice proposed changes to ICC licensing and insurance regulations, and it sought comments on a new application form created to assist in the implementation of the second phase of NAFTA. After reviewing the comments submitted, we have decided to adopt the proposed rules. We have made some changes to Form OP-1MX, "Application for Operating Authority by Mexican Carriers," to correct inadvertent oversights and to address points made in the comments.

Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, we have examined the impact of our action on small businesses and small organizations. We conclude that our action will not have a substantial impact upon a significant number of small entities, and that any impact it may have will be beneficial. We expect that the new application form designated for Mexican applicants (Form OP-1MX), and the corresponding

regulations, will simplify and clarify the application process. Use of the existing Form OP-1 for these new applications, by contrast, could cause confusion and require more work on the part of Mexican carrier applicants.

Environmental and Energy Considerations

We conclude that our rules will not significantly affect either the quality of the human environment or the conservation of energy resources.

List of Subjects

49 CFR Part 1043

Insurance, Motor Carriers, Surety Bonds.

49 CFR Part 1160

Administrative practice and procedure, Brokers, Buses, Freight forwarders, Maritime carriers, Motor carriers, Moving of household goods.

Decided: November 30, 1995.

By the Commission, Chairman Morgan, Vice Chairman Owen and Commissioner Simmons.

Vernon A. Williams,
Secretary.

For the reasons set forth in the preamble, title 49, chapter X, parts 1043 and 1160 are amended as set forth below:

PART 1043—SURETY BONDS AND POLICIES OF INSURANCE

1. The authority citation for part 1043 continues to read as follows:

Authority: 49 U.S.C. 10101, 10321, 11701, 10927; 5 U.S.C. 553.

§ 1043.1 [Amended]

2. Section 1043.1, paragraphs (a)(1) and (b) are amended as follows:

a. In paragraph (a)(1) in the first sentence add the words "or foreign (Mexican) motor private carrier or foreign motor carrier transporting exempt commodities" after the words "No common or contract carrier".

b. In paragraph (b) in the first sentence add the words "nor any foreign (Mexican) common carrier of exempt commodities" after the words "title 49 of the U.S. Code".

PART 1160—RULES GOVERNING APPLICATIONS FOR OPERATING AUTHORITY

3. The authority citation for part 1160 continues to read as follows:

Authority: 5 U.S.C 553 and 559; 16 U.S.C. 1456; 49 U.S.C. 10101, 10305, 10321, 10921, 10922, 10923, 10924, 10928 and 11102.

4. In § 1160.1 a new paragraph (h) is added to read as follows:

§ 1160.1 Applications governed by these rules.

* * * * *

(h) Applications for Mexican carriers to operate in foreign commerce as common, contract or private motor carriers of property (including exempt items) between the U.S./Mexico border, and points in California, Arizona, New Mexico and Texas.

§ 1160.3 [Amended]

5. In § 1160.3, paragraph (a), remove the word "and" after the words "of household goods;"; add the words "and Form OP-1MX for Mexican motor

property carriers" after the words "for water carriers".

§ 1160.4 [Amended]

6. Section 1160.4, paragraphs (a)(1) and (d) are amended as follows:

a. In paragraph (a)(1) add the words ", Mexican motor property carriers that perform private carriage and transport exempt items," after the words "(except household goods)".

b. In paragraph (d) introductory text, add the words ", including Mexican carrier applicants" after the words "household goods applications".

c. In the Note at the end of § 1160.4 add the words "Form OP-1MX for Mexican property carriers," after the words "OP-1 for motor property carriers,".

7. In § 1160.5 a new paragraph (a)(8) is added to read as follows:

§ 1160.5 Commission review of the applications.

(a) * * *

(8) All applications must be completed in English.

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