Authority: Sec. 3, 63 Stat. 222, as amended; 22 U.S.C. 211a; 214, 2651, 2651a; 2921; 4219; 31 U.S.C. 9701; E.O. 10718, 22 FR 4632, 3 CFR, 1954–1958 Comp., p. 382; E.O. 11295, 31 FR 10603, 3 CFR, 1966–1970 Comp., p 570; sec. 636, Pub. L. 104–208, 110 Stat. 3009–703–704; 8 U.S.C. 1351; sec. 140(a), Pub. L. 103–236, 108 Stat. 399, as amended.

2. Section 22.1 is amended by revising the phrase ''(Item Nos. 15 through 19 vacant.)'' immediately following item 14 to read ''(Item Nos. 15 through 18 vacant.)'' and by inserting a new item 19 under the header ''Visa Services for Aliens'' to read as follows:

§ 22.1 Schedule of fees.

Item No.	Fee
* * * * *	
Visa Services for Aliens	
19. Immigrant visa application surcharge for Diversity Visa Lottery	$75.00
* * * * *	

Dated: June 2, 1997.

Patrick F. Kennedy,

Under Secretary for Management.

[FR Doc. 97–15555 Filed 6–13–97; 8:45 am]

BILLING CODE 4710–06–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[SC 33–1–9714b; FRL–5840–4]

Approval and Promulgation of State Implementation Plan, South Carolina: Adoption of General Conformity Rules

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: On November 8, 1996, the South Carolina Department of Health and Environmental Control submitted revisions to the South Carolina State Implementation Plan (SIP) concerning the adoption of criteria and procedures for demonstrating and assuring the ''Conformity of General Federal Actions.'' In the final rules section of this **Federal Register**, the EPA is approving the State of South Carolina's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to that direct final rule, no further activity is contemplated in relation to this proposed rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

DATES: To be considered, comments on this proposed action must be received by July 16, 1997.

ADDRESSES: Written comments on this action should be addressed to Mr. Gregory Crawford at the EPA Regional Office listed below.

Copies of the documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW, Washington DC 20460.

Environmental Protection Agency, Region 4 Air Planning Branch 61 Forsyth Street, SW, Atlanta, Georgia 30303.

South Carolina Department of Health and Environmental Control, 600 Bull Street, Columbia, South Carolina 29201–1708.

FOR FURTHER INFORMATION CONTACT: Mr. Gregory Crawford, Regulatory Planning Section, Air Planning Branch, Air, Pesticides, and Toxics Management Division, Region 4, Environmental Protection Agency, 61 Forsyth Street SW, Atlanta, Georgia 30303. The telephone number is 404/562–9042.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule which is published in the rules section of this **Federal Register**.

Dated: May 19, 1997.

A. Stanley Meiburg,

Acting Regional Administrator

[FR Doc. 97–15731 Filed 6–13–97; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 97–40; Notice 1]

RIN 2127–AF87, 2127–AF88

Federal Motor Vehicle Safety Standards; Windshield Defrosting and Defogging Systems; Windshield Wiping and Washing Systems

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Terminations of rulemaking.

SUMMARY: In April 1996, NHTSA set forth alternative proposals for amending the Federal Motor Vehicle Safety Standards on windshield defrosting and defogging systems and on windshield washing and wiping. The proposals (61 FR 15446 and 15449, April 8, 1996) were undertaken as part of NHTSA's efforts to implement the President's Regulatory Reinvention Initiative to eliminate unnecessary Federal Regulations. In this notice, NHTSA terminates rulemaking on both Standards because the comments show that the current regulatory requirements are not imposing needless regulatory burdens.

FOR FURTHER INFORMATION CONTACT: For technical issues: Mr. Richard Van Iderstine, Office of Vehicle Safety Standards, NPS–21, telephone (202) 366–5280, FAX (202) 366–4329.

For legal issues: Ms. Dorothy Nakama, Office of Chief Counsel, NCC–20, telephone (202) 366–2992, FAX (202) 366–3820.

Both may be reached at the National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590.

SUPPLEMENTARY INFORMATION:

Requirements of Standard No. 103

Standard No. 103's basic requirement, applicable to passenger cars, multipurpose passenger vehicles (MPVs), trucks, and buses, specifies that each vehicle shall have a windshield defrosting and defogging system.

Standard No. 103 also specifies performance requirements for the windshield defrosting and defogging systems, but only those in passenger cars. S4.2 of Standard No. 103 specifies that each passenger car windshield defrosting and defogging system shall meet specified provisions of SAE Recommended Practice J902 (SAE J902), ''Passenger Car Windshield Defrosting Systems,'' August 1964.

SAE J902 establishes uniform test procedures and minimum performance requirements for the ''critical area'' of the windshield and for the ''entire windshield.'' SAE J902 prescribes a laboratory evaluation of defroster systems during which a known quantity of water is sprayed on the windshield, forming an ice coating, to provide uniform and repeatable test results. However, while Standard No. 103 incorporates the test procedures and performance requirements of SAE J902, it does not incorporate the SAE J902's definition of ''critical area'' and ''entire windshield.'' Instead, Standard No. 103 substitutes areas of the windshield determined in accordance with Standard No. 104, ''Windshield Wiping and Washing Systems.'' It substitutes Area C from Standard No. 104 for the ''critical area'' and Area A for the ''entire windshield.''

Requirements of Standard No. 104

Standard No. 104 applies to passenger cars, multipurpose passenger vehicles (MPVs), trucks, and buses. Standard No. 104 specifies that each vehicle shall have a power-driven windshield wiping system that meets S4.1.1's requirement that each system shall have at least two speeds, each of which wipes at a different number of cycles per minute.

Standard No. 104 specifies additional wiping requirements for passenger cars, but not for the other vehicle types subject to the standard. The passenger car windshield areas to be wiped are specified in paragraphs S4.1.2 and S4.1.2.1 of the standard. S4.1.2 specifies three areas for passenger car windshields, designated as areas ''A'', ''B'', and ''C.'' A specified percentage of the glazing in each area is required to be wiped, as shown in Figures 1 and 2 of SAE Recommended Practice J903a, May 1966, which the standard incorporates by reference. The location of those areas is determined using the angles specified in Tables I, II, III, and IV of Standard No. 104, as applicable. Those tables apply to passenger cars of varying overall widths, namely, from less than 60 inches to more than 68 inches. The angles set forth in the tables vary according to the overall width of the vehicle. Finally, paragraph S4.1.2 provides that all of the glazing counted toward meeting the percentage of each area required to be wiped must lie within the area bounded by a perimeter line on the glazing surface one inch from the edge of the daylight opening.

Standard No. 104 also specifies requirements for windshield washing systems on passenger cars, MPVs, trucks, and buses. Each of those vehicles is required in S4.2.1 or S4.2.2 to have a windshield washing system that meets the requirements of SAE Recommended Practice J942 (SAE J942), ''Passenger Car Windshield Washing Systems,'' November 1965, with a few modifications.

NHTSA's Review of Standards No. 103 and 104 and Proposals for Change

Based on its review of Standards Nos. 103 and 104 under the President's Regulatory Reinvention Initiative, NHTSA sought public comments on three proposals for changes to each Standard. The proposals were: (1) rescinding each Standard; (2) upgrading the light truck and MPV requirements in each Standard to make them equivalent to the passenger car requirements; and (3) combining Standards Nos. 103 and 104 into a single safety standard and titling it ''*Windshield clearance systems*.'' NHTSA stated that since each proposal was relatively simple, it was not setting forth precise regulatory language for implementing the proposals. In addition to seeking comments on each of the three proposals, NHTSA also sought comment on the option of making no changes to each Standard.

The discussion for the three options for each of the Standards is summarized below.

1. Proposal One—Rescind Each Standard

NHTSA indicated in the NPRM that if it were to adopt this proposal, it would likely conclude that even if the Standard should be rescinded, manufacturers would continue to provide the equipment and performance specified by the Standard.

NHTSA noted that if Standard No. 103 or 104 were rescinded, the States could adopt regulations requiring windshield defrosting and defogging and/or wiping and washing systems or even regulate their performance. The States would be free to do so because the absence of a Standard would mean that there would no longer be any express preemption under 49 U.S.C. section 30103(b), Preemption, of State requirements different from those currently in Standards Nos. 103 or 104.

2. Proposal Two—Upgrade the MPV and Light Truck Requirements in Each Standard To Make Them Equivalent to the Passenger Car Requirements

NHTSA noted that it has amended some of its Standards to ensure that the public is afforded the same level of protection regardless of whether they ride in a passenger car, light truck, or MPV. For example, by model year 1998, the requirements for key Standards such as Standard No. 208, *Occupant crash protection*, and Standard No. 214, *Side impact protection*, will be virtually identical for passenger cars, light trucks, and MPVs.

In keeping with the trend to make Standard requirements uniform for all three of these types of vehicles, NHTSA would specify performance requirements in Standards No. 103 and 104 for light trucks and MPVs. As noted above, Standard No. 103 presently specifies no requirements for light trucks and MPVs, other than that they have a windshield defrosting and defogging system. Standard No. 104 presently specifies no windshield wiping requirements for light trucks and MPVs other than that they have a power driven windshield wiping and washing system, with at least two speeds, each wiping at a different rate.

For each proposal, NHTSA would establish minimum performance requirements for windshield defrosting and defogging systems or wiping and washing systems in light trucks and MPVs, including minimum requirements regarding the portions of the windshield that must be cleared. The proposal for each Standard was as follows:

Standard No. 103—The agency proposed to extend passenger car requirements in S4.3 to light trucks and MPVs. However, the minimum windshield areas to be defrosted for light trucks and MPVs might differ somewhat than those for passenger cars, since the windshields of these various vehicle types differ, and the driver views different windshield areas of each vehicle type while viewing the road ahead. Because of potential differences in windshield viewing areas between the passenger cars and other vehicle types, NHTSA sought public comment on extending S.4.3 to light trucks and MPVs.

NHTSA stated any minimum requirements for windshield defrosting in light trucks and MPVs would likely be based on the defrosted areas specified in SAE Recommended Practice J382 (SAE J382) ''Windshield Defrosting Systems Performance Requirements—Trucks, Buses, and Multipurpose Vehicle'' (January 1971). Paragraph 3.1 of SAE J382 describes the portions of the windshield that must be defrosted as follows: Area A (the largest area, encompassing both the driver's and front passenger's view), Area B (an area somewhat smaller than Area A) and Area C (the smallest area, in front of the driver), described in Table 1 of SAE J382.

NHTSA did not propose to extend Standard No. 103 to heavier trucks and

buses because it is not aware of an SAE or other standard for windshield defrosting and defogging systems on heavier trucks and buses. NHTSA therefore requested information whether there are any industry (or other) standards for windshield defrosting and defogging systems on trucks and buses with a gross vehicle weight rating (GVWR) over 10,000 lbs. NHTSA asked whether, if such a standard exists, the standard should be included in Standard No. 103, making Standard No. 103 apply to trucks and buses with a GVWR over 10,000 lbs.

Standard No. 104—To adopt equivalent requirements for light trucks and MPVs, whose windshields and driver seating positions may differ from those of passenger cars, NHTSA proposed to incorporate a different set of SAE recommended practices than those applicable to passenger cars.

For minimum windshield wiped area requirements for light trucks and MPVs, NHTSA proposed to incorporate relevant provisions of SAE Recommended Practice J198 (SAE J198) ''Windshield Wiper Systems—Trucks, Buses, and Multipurpose Vehicles'' January 1971. In Paragraph 3.1.1, SAE J198 describes the portions of the exterior windshield glazing surface that must be wiped as follows: area A (the largest area, encompassing both the driver's and front passenger's view), area B (an area somewhat smaller than area A) and area C (the smallest area, in front of the driver's view). Each area is established using angles in Table 1 of SAE J198 applied as shown in Figure 1 of SAE J198.

3. Proposal Three—Combining Standards Nos. 103 and 104

NHTSA's third proposal was to combine Standards Nos. 103 and 104 since they are already substantially interconnected. Standard No. 103 references tables in Standard No. 104 to establish the angles used in locating the defrosted areas. If the two standards were combined, the single standard would be titled ''windshield clearance systems.''

Summary of Public Comments

NHTSA received comments from fifteen commenters. The following commented on both Standards: Advocates for Highway and Auto Safety (Advocates), the American Automobile Manufacturers Assn., the Center for Auto Safety (CAS), Chrysler Corporation, the Coalition of Small Volume Automobile Manufacturers (COSVAM), The Flxible Corporation, the Houston Texas Transit Authority, National Association of State Directors of Pupil Transportation Services (NASDPTS), Subaru, Truck Manufacturers Assn. (TMA), Volkswagen, and Volvo. In addition, Mr. Bob Morrow, and Standard Motor Products, Inc. provided comments regarding Standard No. 103.

Advocates and CAS suggested that the NPRMs were in fact advance notices of proposed rulemaking because no proposed regulatory text for either Standard No. 103 or 104 was provided.

On the issue of whether the Standards should be rescinded, most commenters' views were similar to TMA's. TMA stated that although there would be no degradation of safety if Standards Nos. 103 or 104 were rescinded, the Standards should be retained in order to preempt the States from regulating windshields. NASDPTS, Subaru, and Volkswagen favored rescinding both Standards.

Advocates and the CAS opposed rescinding either Standard No. 103 or 104. Houston opposed rescinding Standard No. 103, commenting that the Standard ''rank(s) high on the list of important safety items.''

Advocates and CAS favored Proposal Two, i.e., upgrading the requirements for light trucks and MPVs so that they were equivalent to those for passenger cars. CAS further stated that Standards Nos. 103 and 104 should be amended to regulate rear windows. Flxible favored Proposal Two for both Standards Nos. 103 and 104 insofar as they would apply to over 10,000 lb. gross vehicle weight rating vehicles. Houston recommended that both Standards be extended to ''heavier trucks and buses.'' Although Subaru produces no MPVs or light trucks, it had no objection to upgrading MPV and light truck requirements to make them equivalent to the passenger car requirements. AAMA did not support extending the performance requirements of either Standard to other vehicles. NASDPTS stated that there was ''no justification'' to upgrade either Standard 103 or 104.

NHTSA received mixed comments on Proposal Three, i.e., combining Standards Nos. 103 and 104. For different reasons, NASDPTS, TMA, Flxible and Volkswagen opposed combining the two standards. NASDPTS stated that there would be no ''value added'' in combining the standards. TMA stated that combining the two standards would result in differences with the Canadian Motor Vehicle Safety Standards, and ''require some totally unnecessary paperwork changes.'' Flxible did not favor combining the two standards because it contracts out testing for the two standards and keeping the two standards separate would ''remove the potential for any confusion between the contracting parties.'' Volkswagen stated that combining the two standards would involve NHTSA and industry time and effort without any safety benefit.

CAS stated that whether it favors combining Standards Nos. 103 and 104 would depend on NHTSA's draft language in combining the two. The following commenters either favored or did not oppose combining the two Standards: Houston, Standard Motor Products, Advocates, AAMA, Subaru (''. . . as long as no additional requirements are added''), and Chrysler (''combining the two Standards appears to offer the best overall approach because the focus of these two standards is so common.'')

Finally, some commenters suggested that NHTSA should have raised the issue of harmonizing Standards Nos. 103 or 104 with international regulatory requirements. Volvo suggested changes to Standards Nos. 103 and 104's regulatory texts that would make each Standard harmonize with international standards. AAMA, Volkswagen and COSVAM expressly favored harmonizing Standards Nos. 103 and 104 with international standards. AAMA cited the European and Japanese standards that are the counterparts of Standards Nos. 103 and 104. Chrysler noted its disappointment that NHTSA did not offer international harmonization as an option for Standards Nos. 103 and 104.

NHTSA's Decision To Terminate Standards No. 103 and 104 Rulemakings

The purpose of the President's Regulatory Reinvention Initiative was to have the Federal government take a careful look at its regulations to identify and remove any unnecessary provisions. In response to that Initiative, NHTSA examined Standards No. 103 and 104. NHTSA was concerned that these standards might be imposing a needless regulatory burden on the public either by regulating in an area where no regulation was needed or by being needlessly complicated. To explore these concerns further, the agency proposed rescinding the standards or simplifying them, either by combining the two standards into one or by specifying performance requirements for multipurpose passenger vehicles and light trucks that are equivalent to those currently specified for passenger cars.

The public comments on the proposal indicate that the current requirements are not imposing unnecessary regulatory burdens. Further, there was no broad consensus, even among the vehicle manufacturers, in support of any of the

proposals. Some commenters expressed disappointment that the agency had not raised the issue of harmonizing Standards No. 103 and 104 with the counterpart requirements in the European and Japanese standards. NHTSA wants to make clear that the agency is committed to exploring the possibilities of harmonizing its regulatory requirements with the regulatory requirements of other nations, provided that such harmonization does not reduce the safety protection afforded to the American public. As evidence of that commitment, the agency has held a public meeting on July 10 and July 11, 1996 and a public workshop on January 16, 1997 on the subject of harmonizing the requirements of the Federal motor vehicle safety standards with the counterpart requirements in other countries' safety standards. The agency used the meeting and workshop to explain to the public what factors the agency would consider in deciding whether the U.S. safety standard and some other nation's safety standard are ''functionally equivalent,'' and to get public comments on the process the agency proposes to use to make functional equivalence determinations.

NHTSA believes it is more appropriate for the agency to establish a comprehensive approach and process for considering functional equivalence of the Federal motor vehicle safety standards and other nations' standards before the agency considers the functional equivalence of any standard or group of standards. Once the agency's comprehensive approach and process are in place for functional equivalence decisions, NHTSA will consider any requests for functional equivalence determinations of Standards No. 103 and 104 that are made according to the established process. Thus, the absence of a proposal for harmonization of Standards No. 103 and 104 with other national standards should be understood as an agency desire to avoid dealing with ''functional equivalence'' harmonization issues on an ad hoc, case by case basis, not as an absence of agency interest in pursuing international harmonization of motor vehicle safety standards.

For these reasons, the proposed rulemaking to change Standards No. 103 and 104 is hereby terminated.

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

Issued on: June 10, 1997.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 97–15747 Filed 6–13–97; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 95–56, Notice 02]

RIN 2127–AF77

Federal Motor Vehicle Safety Standards; Warning Devices

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Termination of rulemaking.

SUMMARY: In this document, NHTSA terminates rulemaking to rescind the Federal Motor Vehicle Safety Standard on triangular warning devices intended to be placed on the roadway behind disabled buses and trucks that have a gross vehicle weight rating (GVWR) greater than 10,000 lbs. Terminating this rulemaking relieves the Federal Highway Administration (FHWA) of the necessity for conducting a rulemaking proceeding to adopt its own requirements on triangular warning devices. Further, terminating this rulemaking will give the Department more effective enforcement authority regarding the performance of those devices. This rulemaking (61 FR 29337, June 10, 1996) was initiated as part of the agency's efforts to implement the President's Regulatory Reinvention Initiative.

FOR FURTHER INFORMATION CONTACT: For technical issues: Mr. Richard Van Iderstine, Office of Vehicle Safety Standards, NPS–21, telephone (202) 366–5280, FAX (202) 366–4329.

For legal issues: Ms. Dorothy Nakama, Office of Chief Counsel, NCC–20, telephone (202) 366–2992, FAX (202) 366–3820.

Both may be reached at NHTSA, 400 Seventh Street, SW, Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

President's Regulatory Reinvention Initiative

Pursuant to the March 4, 1995 directive ''Regulatory Reinvention Initiative'' from the President to the heads of departments and agencies, NHTSA undertook a review of its regulations and directives. During the course of this review, NHTSA identified regulations that it could propose to rescind as unnecessary or to amend to improve their comprehensibility, application, or appropriateness. Among the regulations identified for potential rescission is Federal Motor Vehicle Safety Standard No. 125, *Warning devices* (49 CFR § 571.125).

Background of Standard No. 125

Federal Motor Vehicle Safety Standard (FMVSS) No. 125, *Warning devices,* specifies requirements for warning devices that do not have self-contained energy sources (unpowered warning devices) and that are designed to be carried in buses and trucks that have a gross vehicle weight rating (GVWR) greater than 10,000 lbs. The unpowered warning devices are intended to be placed on the roadway behind a disabled vehicle to warn approaching traffic of the vehicle's presence. The Standard does not apply to unpowered warning devices designed to be permanently affixed to the vehicle. The purpose of the Standard is to reduce deaths and injuries due to rear-end collisions between moving traffic and stopped vehicles.

The standard requires that the unpowered warning devices be triangular, covered with orange fluorescent and red reflex reflective material, and open in the center. These characteristics are intended to assure that the warning device has a standardized shape for quick message recognition, can be readily observed during both daytime and nighttime, and provides limited wind resistance so that it does not blow over when deployed.

NHTSA has never required that any new vehicle be equipped with the Standard No. 125 warning device or any other warning device. However, as explained below, FHWA, which has authority to regulate interstate commercial vehicles-in-use, mandates that operators of those vehicles carry and use unpowered warning devices meeting Standard No. 125, fusees or flares.

Previous Changes to Standard No. 125

Before 1994, Standard No. 125 applied to unpowered warning devices that are designed to be carried in any type of motor vehicle. On May 10, 1993 (58 FR 27314), NHTSA issued a notice of proposed rulemaking (NPRM) to amend Standard No. 125 so that the Standard applied only to warning devices that are designed to be carried in buses and trucks that have a gross vehicle weight rating (GVWR) greater than 10,000 lbs.