

2. Section 302.34 is revised to read as follows:

§ 302.34 Cooperative arrangements.

(a) The State plan shall provide that the State will enter into written agreements for cooperative arrangements with appropriate courts and law enforcement officials. Such arrangements may be entered into with a single official covering more than one court, official, or agency, if the single official has the legal authority to enter into arrangements on behalf of the courts, officials, or agencies. Such arrangements shall contain provisions for providing courts and law enforcement officials with pertinent information needed in locating absent parents, establishing paternity and securing support, including the immediate transfer of the information obtained under § 235.70 of this title to the court or law enforcement official, to the extent that such information is relevant to the duties to be performed pursuant to the arrangement. They shall also provide for assistance to the IV-D agency in carrying out the program, and may relate to any other matters of common concern. Under matters of common concern, such arrangements may include provisions for the investigation and prosecution of fraud directly related to paternity and child and spousal support, and provisions to reimburse courts and law enforcement officials for their assistance.

(b) Cooperative arrangements must meet the criteria prescribed under § 303.107 of this chapter.

PART 303—[AMENDED]

3. The authority citation for Part 303 continues to read as follows:

Authority: 42 U.S.C. 651 through 658, 660, 663, 664, 666, 667, 1302, 1396a(a)(25), 1396b(d)(2), 1396b(o), 1396b(p), and 1396(k).

4. Part 303 is amended by adding § 303.107 to read as follows:

§ 303.107 Requirements for cooperative arrangements.

The State must ensure that all cooperative arrangements:

(a) Contain a clear description of the specific duties, functions and responsibilities of each party;

(b) Specify clear and definite standards of performance which meet Federal requirements;

(c) Specify that the parties will comply with title IV-D of the Act, implementing Federal regulations and any other applicable Federal regulations and requirements;

(d) Specify the financial arrangements including budget estimates, covered expenditures, methods of determining costs, procedures for billing the State or local IV-D agency, and any relevant Federal and State reimbursement requirements and limitations;

(e) Specify the kind of records that must be maintained and the appropriate Federal, State, and local reporting and safeguarding requirements; and

(f) Specify the dates on which the arrangement begins and ends, any conditions for renewal and the circumstances under which the arrangement may be terminated.

PART 304—[AMENDED]

5. The authority citation for Part 304 continues to read as follows:

Authority: 42 U.S.C. 651 through 654, 657, 660, 1302, 1396a(a)(25), 1396b(d)(2), 1396b(o), 1396b(p), and 1396(k).

6. Section 304.21 is amended by revising the section heading, replacing the period at the end of paragraph (b)(5) with “; and” and adding a new paragraph (b)(6) to read as follows:

§ 304.21 Federal financial participation in the costs of cooperative arrangements with courts and law enforcement officials.

* * * * *

(b) * * *

(6) Costs of cooperative arrangements that do not meet the requirements of § 303.107 of this chapter.

* * * * *

PART 305—[AMENDED]

8. The authority citation for Part 305 continues to read as follows:

Authority: 42 U.S.C. 603(h), 604(d), 652(a)(1) and (4), and 1302.

9. Section 305.34 is revised to read as follows:

§ 305.34 Cooperative arrangements.

For the purpose of this part, in order to be found in compliance with the State plan requirement for cooperative arrangements (45 CFR 302.34), a State must enter into written cooperative arrangements with appropriate courts and law enforcement officials when necessary to establish and enforce support obligations, collect support and cooperate with other States in these functions. The cooperative arrangements must meet the requirements at § 303.107 of this chapter.

[FR Doc. 88-22830 Filed 10-4-88; 8:45 am]

BILLING CODE 4150-04-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

[PR Docket No. 88-373]

Amendment of the Commission's Rules To Permit Business Radio Use of Certain Channels in the 150 MHz Band

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; order extending comment period.

SUMMARY: The Chief, Private Radio Bureau has adopted an *Order* extending the time period in which to file comments and reply comments to the *Notice of Proposed Rule Making* in this proceeding. The new dates are October 14, 1988, for comments and October 31, 1988, for reply comments. This action is necessary because the previous deadlines did not provide interested parties with 30 days after the publication date to prepare formal comments.

DATES: Comments due October 14, 1988, reply comments due October 31, 1988.

FOR FURTHER INFORMATION CONTACT: Michael Lewis, Rules Branch, Land Mobile and Microwave Division, Private Radio Bureau, (202) 634-2443.

SUPPLEMENTARY INFORMATION: The summary of the *Notice of Proposed Rule Making* in this proceeding was printed in the *Federal Register* on September 13, 1988, at 53 FR 35359.

Federal Communications Commission.

Ralph A. Haller,

Chief, Private Radio Bureau.

[FR Doc. 88-22859 Filed 10-4-88; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 177

[Docket HM-203, Advance Notice No. 88-3]

Highway Routing Standards for Hazardous Materials; Extension of Comment Period

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Extension of time to file comments.

SUMMARY: On April 7, 1988, RSPA published an advance notice of proposed rulemaking (ANPRM) in the

Federal Register (53 FR 11618); Docket HM-203, (Notice No. 88-3) which invited public comment on the possible need to establish routing criteria, requirements, and methodologies for analyzing alternative routes for the highway transportation of non-radioactive hazardous materials. RSPA has received petitions from the Chemical Manufacturers Association (CMA) and the Institute of Makers of Explosives (IME) requesting extension of the comment period in order to evaluate the proposals contained in the ANPRM. RSPA concurs with their request and this notice extends that comment period.

DATE: The date for filing the comments is extended from October 11, 1988 to December 13, 1988.

ADDRESS: Address comments to Docket Unit (DHM-30), Office of Hazardous Materials Transportation, RSPA, U.S. Department of Transportation, Washington, DC 20590. Comments should identify the docket and notice number and be submitted, when possible, in five copies. Persons wishing to receive confirmation of receipt of their comments should include a self-addressed stamped postcard. The Dockets Unit is located in Room 8421 of the Nassif Building, 400 Seventh Street SW., Washington, DC 20590. Office hours are 8:30 am to 5:00 pm Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Joseph Nalevanko, Policy Development and Information Systems Division, (202) 366-4484, or Beth Romo, Standards Division, (202) 366-4488, Office of Hazardous Materials Transportation, 400 Seventh Street SW., Washington, DC 20590.

Issued in Washington, DC on September 29, 1988 under authority delegated in 49 CFR Part 106, Appendix A.

Alan I. Roberts,

Director, Office of Hazardous Materials Transportation.

[FR Doc. 88-22952 Filed 10-4-88; 8:45 am]

BILLING CODE 4910-60-M

National Highway Traffic Safety Administration

49 CFR Part 531

[Docket No. FE-87-02; Notice No. 2]

Fuel Economy Standards; Petition Denied

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

ACTION: Denial of petition.

SUMMARY: This notice denies a petition from General Motors (GM) to amend retroactively the 1985 passenger car fuel

economy standard. NHTSA denied two similar petitions: one from GM and one from Mercedes-Benz (Mercedes) in April 1988. GM asked the agency to reconsider its denial, providing some new arguments and new information. After careful consideration of the new material, the agency has denied the new request for the reasons described below.

FOR FURTHER INFORMATION CONTACT: Stephen P. Wood, Assistant Chief Counsel, NHTSA, 400 Seventh Street SW., Washington, DC 20590, (202) 366-2992.

SUPPLEMENTARY INFORMATION:

Background

On April 28, 1988, NHTSA published a denial of two petitions for rulemaking filed by GM and Mercedes seeking retroactive reductions in passenger car fuel economy standards. Mercedes had asked the agency to reduce the model year 1984 and 1985 standards to 26.0 miles per gallon or lower. GM asked the agency to reduce the model year 1985 standard to 26.0 miles per gallon or lower.

NHTSA based its denial on several grounds, all of which can be summarized as a determination that retroactive amendment would be inconsistent with the statutory scheme of the Federal fuel economy law, Title V of the Motor Vehicle Information and Cost Savings Act. 53 FR 15241, at 15243. (April 28, 1988). As NHTSA explained in the denial notice, Title V provides full discretion to the agency to amend the fuel economy standards; however, this discretion must not be abused nor can it be exercised in such a way that would disturb the statutory scheme.

The Petition

On May 27, 1988, GM filed a petition, which it characterized as a petition for reconsideration of the agency's denial. The petition presents two alternative bases for reconsideration. The first basis suggested by GM is that the agency was fundamentally in error in finding that the statutory scheme precludes retroactive amendment of a fuel economy standard. The second basis, which the petition calls "the major focus of [the] request for reconsideration," itself contains two alternative theories, both of which would accommodate the agency's general interpretation that CAFE amendments should be prospective only. The first theory is that NHTSA's announcement of its view regarding retroactive amendment was made too late to permit timely petitions by the industry for model year 1985, and thus, should not be applied retroactively to preclude amendments to the standard

for that model year. Under this theory, GM argues that the agency should agree to a "one-time-only" retroactive amendment of the 1985 standard. GM's second theory is related to the recent (but now vacated) *en banc* decision of the U.S. Court of Appeals for the District of Columbia Circuit in *Center for Auto Safety v. Thomas*, which would have had the effect of ordering the Environmental Protection Agency (EPA) to conduct retroactive rulemaking to amend a fuel economy test procedure rule. (Case No. 85-1515, D.C. Cir., May 17, 1988). GM states that the *en banc* decision "affirmatively contemplates that NHTSA will exercise its discretion to redress what the Court evidently recognized as an unfair result." The first *en banc* decision was released after the NHTSA petition denial was announced. Subsequently, on September 16, 1988, the full court vacated that decision. *Center for Auto Safety v. Thomas*, No. 85-1515 (D.C. Cir. September 16, 1988). This, of course, occurred after the new GM petition was filed with NHTSA.

Summary and Rationale of Agency Decision

The agency has decided to deny the GM petition for rulemaking. At the outset, the agency notes that its rulemaking procedural rules do not contemplate a petition for reconsideration of a rulemaking petition denial. See generally 49 CFR Part 552; compare with 49 CFR 553.35. The denial of such petitions is a final agency action. Therefore, the agency has treated the GM request as a new petition for rulemaking. In that context, the agency has considered the arguments put forth by GM and will explain why it is not opening a rulemaking proceeding to amend the 1985 CAFE standard. We note that the new GM petition does not address the petition filed by Mercedes (which was denied together with the first GM petition in April). The Mercedes petition raised substantially different issues than the grounds for the first GM petition, and covered an additional model year. Since Mercedes did not file a new petition, nor did it join in the GM petition, today's decision does not include any discussion of issues addressed in the denial of the Mercedes petition, except to the extent that identical issues were raised in the new GM petition.

A. Reconsideration of the Basis of the Original Decision

GM's first position is that the agency should reevaluate the legal theory underlying the original petition denial. GM states that NHTSA's original