

under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.*, specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies. This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this rule under Commandant Instruction M16475.1D and Department of Homeland Security Management Directive 5100.1, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (32)(e) of the Instruction, from further environmental documentation.

Under figure 2–1, paragraph (32)(e), of the Instruction, an environmental analysis checklist and a categorical exclusion determination are not required for this rule.

List of Subjects in 33 CFR Part 117

Bridges.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

■ 2. In § 117.255 revise paragraph (a)(2)(i) to read as follows:

§ 117.255 Potomac River.

* * * * *

(a) * * *

(2) * * *

(i) From Monday through Friday (except Federal holidays), 5 a.m. to 8 p.m.

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Dated: June 25, 2009.

Fred M. Rosa, Jr.,

*Rear Admiral, United States Coast Guard
Commander, Fifth Coast Guard District.*

[FR Doc. E9–15559 Filed 6–26–09; 4:15 pm]

BILLING CODE 4910–15–P

DEPARTMENT OF EDUCATION

34 CFR Parts 668, 686, 690, and 691

[Docket ID ED–2009–OPE–0001]

RIN 1840–AC96

Student Assistance General Provisions; Teacher Education Assistance for College and Higher Education (TEACH) Grant Program; Federal Pell Grant Program; Academic Competitiveness Grant Program and National Science and Mathematics Access To Retain Talent Grant Program

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Interim final rule; correction.

SUMMARY: The Department of Education is correcting an interim final regulation that was published in the **Federal Register** on May 1, 2009. These interim final regulations implemented provisions of the Higher Education Act of 1965 (HEA), as amended by the Ensuring Continued Access to Student Loans Act of 2008 (ECASLA) and the Higher Education Opportunity Act of 2008 (HEOA), related to the Academic Competitiveness Grant (ACG) and National Science and Mathematics Access to Retain Talent Grant (National SMART Grant) Programs.

DATES: Effective July 1, 2009.

FOR FURTHER INFORMATION CONTACT:

Sophia McArdle, Office of Postsecondary Education, U.S. Department of Education, 1990 K Street, NW., Room 8019, Washington, DC 20006–8544. Telephone: (202) 219–7078.

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1–800–877–8339.

Individuals with disabilities can obtain this document in an accessible format (*e.g.*, braille, large print, audiotape, or computer diskette) on request to the contact person listed under this section.

SUPPLEMENTARY INFORMATION:

Electronic Access to This Document: You can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: <http://www.ed.gov/news/fedregister>.

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at <http://www.gpoaccess.gov/nara/index.html>.

Delegation of Authority: The Secretary of Education has delegated authority to Daniel T. Madzellan, Director, Forecasting and Policy Analysis for the Office of Postsecondary Education, to perform the functions of the Assistant Secretary for Postsecondary Education.

■ In FR Doc. E9–10094, appearing on page 20210 in the **Federal Register** on May 1, 2009, the following corrections are made:

§ 691.63 [Corrected]

■ 1. On page 20224, in the second column, in § 691.63, in amendment 19, instruction G is corrected to read as follows: “Revising paragraph (c)(3).”

■ 2. On page 20224, in the second column, the regulatory text of § 691.63 is corrected by setting out the revised paragraph (c)(3) as follows:

§ 691.63 Calculation of a grant for a payment period.

* * * * *

(c) * * *

(3) Multiplying his or her ACG or National SMART Grant annual award determined under paragraph (c)(2) of this section by the following fraction as applicable: or

In a program using semesters or trimesters—

The number of weeks of instructional time offered in the program in the fall and spring semesters or trimesters

The number of weeks of instructional time in the program's academic year

; or

In a program using quarters—

The number of weeks of instructional time offered in the program in the fall, winter, and spring quarters

The number of weeks of instructional time in the program's academic year

; and

* * * * *

Dated: June 24, 2009.

Daniel T. Madzellan,

Director, Forecasting and Policy Analysis.

[FR Doc. E9-15369 Filed 6-29-09; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Parts 431, 433, 440 and 441

[CMS-2287-F2; CMS-2213-F2; CMS 2237-F]

RIN 0938-AP75

Medicaid Program: Rescission of School-Based Administration/Transportation Final Rule, Outpatient Hospital Services Final Rule, and Partial Rescission of Case Management Interim Final Rule

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Final rule.

SUMMARY: This rule finalizes our proposal to rescind the December 28, 2007 final rule entitled, "Elimination of Reimbursement under Medicaid for School Administration Expenditures and Costs Related to Transportation of School-Age Children Between Home and School;" the November 7, 2008 final rule entitled, "Clarification of Outpatient Hospital Facility (Including Outpatient Hospital Clinic) Services Definition;" and certain provisions of the December 4, 2007 interim final rule entitled, "Optional State Plan Case Management Services." These regulations have been the subject of Congressional moratoria and have not yet been implemented (or, with respect to the case management interim final rule, have only been partially implemented) by CMS. In light of

concerns raised about the adverse effects that could result from these regulations, in particular, the potential restrictions on services available to beneficiaries and the lack of clear evidence demonstrating that the approaches taken in the regulations are warranted, CMS is rescinding the two final rules in full, and partially rescinding the interim final rule. Rescinding these provisions will permit further opportunity to determine the best approach to further the objectives of the Medicaid program in providing necessary health benefits coverage to needy individuals.

DATES: *Effective Date:* These regulations are effective on July 1, 2009.

FOR FURTHER INFORMATION CONTACT:

Sharon Brown (410) 786-0673 or Judi Wallace (410) 786-3197, for issues related to the School-Based Administration/Transportation final rule.

Jeremy Silanskis (410) 786-1592, for issues related to the Outpatient Hospital Services final rule.

Jean Close (410) 786-2804 or Melissa Harris (410) 786-3397, for issues related to the Case Management interim final rule.

SUPPLEMENTARY INFORMATION:

I. Background

A. Elimination of Reimbursement Under Medicaid for School Administration Expenditures and Costs Related to Transportation of School-Age Children Between Home and School

Under the Medicaid program, Federal payment is available for the costs of administrative activities as found necessary by the Secretary for the proper and efficient administration of the State plan. On December 28, 2007, we published a final rule entitled, "Elimination of Reimbursement under Medicaid for School Administration Expenditures and Costs Related to Transportation of School-Age Children Between Home and School" (hereinafter referred to as the School-Based

Administration/Transportation final rule (72 FR 73635)), to eliminate Federal Medicaid payment for the costs of certain school-based administrative and transportation activities based on a Secretarial finding that these activities are not necessary for the proper and efficient administration of the Medicaid State plan and are not within the definition of the optional transportation benefit. Under the final rule, Federal Medicaid payments were not available for administrative activities performed by school employees or contractors, or anyone under the control of a public or private educational institution, or for transportation between home and school. Federal financial participation (FFP) remained available for covered services furnished at or through a school that are included in a child's individualized education program (IEP), and for transportation from school to a provider in the community for a covered service. FFP also remained available for the costs of school-based Medicaid administrative activities conducted by employees of the State or local Medicaid agency, and for transportation to and from a school for children who are not yet school age but are receiving covered direct medical services at the school.

The December 28, 2007, School-Based Administration/Transportation final rule became effective on February 26, 2008. Subsequent to publication of the final rule, section 206 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Pub. L. 110-173) imposed a moratorium until June 30, 2008, that precluded CMS from imposing any restrictions contained in the rule that are more stringent than those applied as of July 1, 2007. Section 7001(a)(2) of the Supplemental Appropriations Act of 2008 (Pub. L. 110-252) extended this moratorium until April 1, 2009; and section 5003(b) of the American Recovery and Reinvestment Act of 2009 (the Recovery Act) (Pub. L. 111-5) further extended the moratorium until July 1, 2009.