ENVIRONMENTAL PROTECTION AGENCY

EPA and Army Corps of Engineers Guidance Regarding Clean Water Act Jurisdiction After Rapanos

AGENCIES: U.S. Army Corps of Engineers, DoD; and U.S. Environmental Protection Agency (EPA).

ACTION: Notice; extension of comment period.

SUMMARY: On June 5, 2007, the U.S. Environmental Protection Agency and U.S. Army Corps of Engineers announced agency guidance regarding Clean Water Act (CWA) jurisdiction following the U.S. Supreme Court’s decision in the consolidated cases Rapanos v. United States and Carabell v. United States (“Rapanos”). The agencies issued this guidance to ensure that jurisdictional determinations, administrative enforcement actions, and other relevant agency actions being conducted under CWA section 404 are consistent with the Rapanos decision and provide effective protection for public health and the environment. A six-month public comment period to solicit input on early experience with implementing the guidance began on June 8, 2007. The agencies are extending the public comment period by 45 days.

DATES: Public comments are now due by January 21, 2008.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OW–2007–0282, by one of the following methods:

- E-mail: OW-Docket@epa.gov. Include the docket number, EPA–HQ–OW–2007–0282 in the subject line of the message.
- Hand Delivery: 1301 Constitution Ave., NW., Room 3334, Washington, DC 20460. Such deliveries are only accepted during the Docket’s normal hours of operations, and special arrangements should be made for deliveries of boxed information.
- Instructions: Instructions for submitting comments are provided in the notice published on June 8, 2007 (72 FR 31824). Consideration will be given to all comments received by January 21, 2008.

FOR FURTHER INFORMATION CONTACT: Russell Kaiser, Regulatory Community of Practice (CECW–CO), U.S. Army Corps of Engineers, Headquarters, 441 G Street, NW., Washington, DC 20314; telephone number: (202) 761–7763; fax number: (202) 761–5096; e-mail address: Rapanos.Comments@usace.army.mil. Donna M. Downing, Office of Water (4502T), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 566–1783; e-mail address: CWAwaters@epa.gov.

SUPPLEMENTARY INFORMATION: In the June 8, 2007, issue of the Federal Register (72 FR 31824), the U.S. Environmental Protection Agency and U.S. Army Corps of Engineers announced the issuance of agency guidance, which took effect on that date, regarding Clean Water Act (CWA) jurisdiction following the U.S. Supreme Court’s decision in the consolidated cases Rapanos v. Carabell v. United States (126 S. Ct. 2208 (2006)) (“Rapanos”).

The agencies invited public comment and case studies during the first six months implementing the guidance, only early experience with implementing the guidance. Several entities have requested an extension of the comment period for the guidance. The EPA and the Corps find that a 45-day extension of the comment period is warranted. Therefore, the comment period is extended until January 21, 2008.

The agencies, within nine months after the Rapanos guidance was issued, intend to either reissue, revise, or suspend the guidance. The agencies, following the June 8, 2007, announcement of the guidance, will consider the public comments received and field experience with implementing the guidance. A copy of the guidance can be found on EPA’s Web site at http://www.epa.gov/owow/wetlands/guidance/CWAwaters.html and on the Corps’ Web site at http://www.usace.army.mil/cw/ccecw/reg/.


Benjamin H. Grumbles,
Assistant Administrator for Water, U.S. Environmental Protection Agency.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Federal Financial Participation in State Assistance Expenditures; Federal Matching Shares for Medicaid, the State Children’s Health Insurance Program, and Aid to Needy Aged, Blind, or Disabled Persons for October 1, 2008 Through September 30, 2009

AGENCY: Office the Secretary, DHHS.

ACTION: Notice.

SUMMARY: The Advisory committee was established by Public Law 98–181, November 30, 1983, to advise the Export-Import Bank on its programs and to provide comments for inclusion in the reports of the Export-Import Bank of the United States to Congress.

FOR FURTHER INFORMATION CONTACT: Susan Houser, 202–565–3232.

Correction

In the Federal Register of November 19, 2007, in FR Doc. 07–5717, on page 65021, in the middle column, in line 21, correct the “Time and Place” caption to read:

Time and Place: Thursday, December 6, 2007, from 9:30 a.m. to 12 p.m. The meeting will be held at Ex-Im Bank in the Main Conference Room 1143, 811 Vermont Avenue, NW., Washington, DC 20571.


Kami P. Cook,
Deputy General Counsel.

BILLING CODE 6560–01–M

EXPORT-IMPORT BANK OF THE UNITED STATES

Notice of Open Special Meeting of the Advisory Committee of the Export-Import Bank of the United States (Ex-IM Bank): Correction

AGENCY: Export-Import Bank of the United States.

ACTION: Notice; correction.

SUMMARY: The Advisory committee was established by Public Law 98–181, November 30, 1983, to advise the Export-Import Bank on its programs and to provide comments for inclusion in the reports of the Export-Import Bank of the United States to Congress.
The “Federal Medical Assistance Percentages” are for Medicaid. Section 1905(b) of the Act specifies the formula for calculating Federal Medical Assistance Percentages as follows:

“Federal medical assistance percentage” for any State shall be 100 per centum less the State percentage; and the State percentage shall be that percentage which bears the same ratio to 45 per centum as the square of the per capita income of such State bears to the square of the per capita income of the continental United States (including Alaska) and Hawaii; except that (1) the Federal medical assistance percentage shall in no case be less than 50 per centum or more than 85 per centum. (2) the Federal medical assistance percentage for Puerto Rico, the Virgin Islands; Guam, the Northern Mariana Islands, and American Samoa shall be 50 per centum.

Section 4725(b) of the Balanced Budget Act of 1997 amended section 1905(b) to provide that the Federal Medical Assistance Percentage for the District of Columbia for purposes of titles XIX, and for the purpose of calculating the enhanced FMAP under title XXI, shall be 70 percent. For the District of Columbia, we note under the table of Federal Medical Assistance Percentages the rate that applies in certain other programs calculated using the formula otherwise applicable, and the rate that applies in certain other programs pursuant to section 1118 of the Social Security Act.

Section 2105(b) of the Act specifies the formula for calculating the Enhanced Federal Medical Assistance Percentages as follows:

The “enhanced FMAP”, for a State for a fiscal year, is equal to the Federal medical assistance percentage (as defined in the first sentence of section 1905(b)) for the State increased by a number of percentage points equal to 30 percent of the number of percentage points by which (1) such Federal medical assistance percentage for the State, is less than (2) 100 percent; but in no case shall the enhanced FMAP for a State exceed 85 percent.

The “Enhanced Federal Medical Assistance Percentages” are for use in the State Children’s Health Insurance Program under Title XXI, and in the Medicaid program for certain children for expenditures for medical assistance described in sections 1905(u)(2) and 1905(u)(3) of the Act. There is no specific requirement to publish the Enhanced Federal Medical Assistance Percentages. We include them in this notice for the convenience of the States.

DATES: Effective Dates: The percentages listed will be effective for each of the 4 quarter-year periods in the period beginning October 1, 2008 and ending September 30, 2009.

FOR FURTHER INFORMATION CONTACT: Thomas Musco or Carrie Shelton, Office of Health Policy, Office of the Assistant Secretary for Planning and Evaluation, Room 447-D, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201, (202) 690-6870.

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Assistant Secretary for Administration and Management; Program Support Center; Statement of Organization, Functions, and Delegations of Authority

Part P, Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services, Office of the Assistant Secretary for Administration and Management (AJ), Program Support Center (P), as last amended at 68 FR 69411–12, dated December 12, 2003 is being amended to reflect changes in Chapter PG, “Federal Occupational Health Service (FOHS).” This amendment realigns FOHS functions to increase efficiency, effectiveness, and management controls.

1. Under Chapter PG, “Federal Occupational Health Service” (PG), delete the functions entirely and replace with the following:

   **Section PEK.00 Mission.** The mission of the Federal Occupational Health Service (FOHS) is to improve the health, safety, and productivity of the Federal workforce through the provision of comprehensive, high-quality, customer-focused occupational health services in strategic partnership with Federal agencies nation-wide. The services provided include health and wellness programs, employee assistance, work-life, and environmental health and safety services. The services that FOHS provided include consultations to agency management, program design to meet customer needs, service provider selection, direct provision of services, and program oversight and evaluation.

   Section PEK.10 Organization. FOHS is headed by a Director who reports to the Deputy Assistant Secretary for Program Support, and includes the following components:

   1. Office of the Director (PGA).
   2. Division of Clinical Services (PGB).
   3. Division of Employee Assistance Program Services (PGC).
   4. Division of Environmental Health Services (PGE).
   5. Division of Administration and Resource Management (PGF).
   6. Division of Business Development (PGD).

### Table

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<th>Enhanced federal medical assistance percentage</th>
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**Federal Medical Assistance Percentages and Enhanced Federal Medical Assistance Percentages, Effective October 1, 2008—September 30, 2009 (Fiscal Year 2009)—Continued**