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
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.

* * * * *

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.

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Delegation of Authority: The Secretary of Education has
delegated authority to
Daniel T. Madzelen, 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. Madzelan,
Director, Forecasting and Policy Analysis.

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.