

**ENVIRONMENTAL PROTECTION AGENCY**

[EPA-HQ-OW-2007-0282; FRL-8499-8]

**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:

- *http://www.regulations.gov*: Follow the on-line instructions for submitting comments.

- *E-mail: OW-Docket@epa.gov*. Include the docket number, EPA-HQ-OW-2007-0282 in the subject line of the message.

- *Mail:* Water Docket, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

- *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 after carefully considering 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/cecwo/reg/*.

Dated: November 21, 2007.

**Benjamin H. Grumbles,**

*Assistant Administrator for Water, U.S. Environmental Protection Agency.*

[FR Doc. 07-5867 Filed 11-27-07; 8:45 am]

**BILLING CODE 6560-50-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.

**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.

Dated: November 21, 2007.

**Kamil P. Cook,**

*Deputy General Counsel.*

[FR Doc. 07-5854 Filed 11-27-07; 8:45 am]

**BILLING CODE 6690-01-M**

**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 Federal Medical Assistance Percentages and Enhanced Federal Medical Assistance Percentages for Fiscal Year 2009 have been calculated pursuant to the Social Security Act (the Act). These percentages will be effective from October 1, 2008 through September 30, 2009. This notice announces the calculated "Federal Medical Assistance Percentages" and "Enhanced Federal Medical Assistance Percentages" that The U.S. Department of Health and Human Services (HHS) will use in determining the amount of Federal matching for State medical assistance (Medicaid) and State Children's Health Insurance Program (CHIP) expenditures, and Temporary Assistance for needy Families (TANF) Contingency Funds, the federal share of Child Support Enforcement collections, Child Care Mandatory and Matching Funds of the Child Care and

Development Funds, Foster Care Title IV–E Maintenance payments, and Adoption Assistance payments. The table gives figures for each of the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands. Programs under title XIX of the Act existing each jurisdiction. Programs under titles I, X, and XIV operate only in Guam and the Virgin Islands, while a program under the title XVI (Aid to the Aged, Blind, or Disabled) operates only in Puerto Rico.

Programs under title XXI began operating in fiscal year 1998. The percentages in this notice apply to State expenditures for most medical services and medical insurance services, and assistance payments for certain social services. The statute provides separately for Federal matching of administrative costs.

Sections 1905(b) and 1101(a)(8)(B) of the Act require the Secretary, HHS to publish the Federal Medical Assistance Percentages each year. The Secretary is to calculate the percentages, using formulas in sections 1905(b) and 1101(a)(8)(B), from the Department of Commerce’s statistics of average income per person in each State and for the Nation as a whole. The percentages are within the upper and lower limits given in section 1905(b) of the Act. The percentages to be applied to the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands are specified in statute, and thus are not based on the statutory formula that determines the percentages for the 50 states.

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 83 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 447D-Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201, (202) 690–6870.

(Catalog of Federal Domestic Assistance Program Nos. 93.558: TANF Contingency Funds; 93.563: Child Support Enforcement; 93–596: Child Care Mandatory and Matching Funds of the Child Care and Development Fund; 93.658: Foster Care Title IV–E; 93.659: Adoption Assistance; 93.769: Ticket-to-Work and Work Incentives Improvement Act (TWWIIA) Demonstrations to Maintain Independence and Employment; 93.778: Medical Assistance Program; 93.767: State Children’s Health Insurance Program)

Dated: November 19, 2007.

**Michael O. Leavitt,**  
*Secretary of Health and Human Services.*

FEDERAL MEDICAL ASSISTANCE PERCENTAGES AND ENHANCED FEDERAL MEDICAL ASSISTANCE PERCENTAGES, EFFECTIVE OCTOBER 1, 2008–SEPTEMBER 30, 2009 (FISCAL YEAR 2009)

State	Federal medical assistance percentages	Enhanced federal medical assistance percentages
Alabama .....	67.98	77.59
Alaska .....	50.53	65.37
American Samoa* .....	50.00	65.00
Arizona .....	65.77	76.04
Arkansas .....	72.81	80.97
California .....	50.00	65.00
Colorado .....	50.00	65.00
Connecticut .....	50.00	65.00
Delaware .....	50.00	65.00
District of Columbia** .....	70.00	79.00
Florida .....	55.40	68.78
Georgia .....	64.49	75.14
Guam* .....	50.00	65.00
Hawaii .....	55.11	68.58
Idaho .....	69.77	78.84
Illinois .....	50.32	65.22
Indiana .....	64.26	74.98

FEDERAL MEDICAL ASSISTANCE PERCENTAGES AND ENHANCED FEDERAL MEDICAL ASSISTANCE PERCENTAGES, EFFECTIVE OCTOBER 1, 2008—SEPTEMBER 30, 2009 (FISCAL YEAR 2009)—Continued

State	Federal medical assistance percentages	Enhanced federal medical assistance percentages
Iowa	62.62	73.83
Kansas	60.08	72.06
Kentucky	70.13	79.09
Louisiana	71.31	79.92
Maine	64.41	75.09
Maryland	50.00	65.00
Massachusetts	50.00	65.00
Michigan	60.27	72.19
Minnesota	50.00	65.00
Mississippi	75.84	83.09
Missouri	63.19	74.23
Montana	68.04	77.63
Nebraska	59.54	71.68
Nevada	50.00	65.00
New Hampshire	50.00	65.00
New Jersey	50.00	65.00
New Mexico	70.88	79.62
New York	50.00	65.00
North Carolina	64.00	75.22
North Dakota	63.15	74.21
Northern Mariana Islands*	50.00	65.00
Ohio	62.14	73.50
Oklahoma	65.90	76.13
Oregon	62.45	73.72
Pennsylvania	54.52	68.16
Puerto Rico*	50.00	65.00
Rhode Island	52.59	66.81
South Carolina	70.07	79.05
South Dakota	62.55	73.79
Tennessee	64.28	75.00
Texas	59.44	71.61
Utah	70.71	79.50
Vermont	59.45	71.62
Virgin Islands*	50.00	65.00
Virginia	50.00	65.00
Washington	50.94	65.66
West Virginia	73.73	81.61
Wisconsin	59.38	71.57
Wyoming	50.00	65.00

\* For purposes of section 1118 of the Social Security Act, the percentage used under titles I, X, XIV, and XVI will be 75 per centum.

\*\* The values for the District of Columbia in the table were set for the state plan under titles XIX and XXI and for capitation payments and DSH allotments under those titles. For other purposes, including program remaining in Title IV of the Act, the percentage for D.C. is 50.00.

[FR Doc. 07-5847 Filed 11-27-07; 8:45 am]  
 BILLING CODE 4150-24-M

**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 (A), 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.

I. 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 (PGG).

Section PEK.20 Functions.