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[FR Doc. 2010-30104 Filed 11-29-10; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 261**

[EPA-R06-RCRA-2009-0312; SW FRL-9231-3]

**Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Removal of Direct Final Exclusion****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Removal of Direct Final Exclusion.**SUMMARY:** Because EPA received adverse comment, we are removing the direct final exclusion for Eastman Chemical Company—Texas Operations, published on September 24, 2010.**DATES:** Effective November 30, 2010.**FOR FURTHER INFORMATION CONTACT:** Michelle Peace, Environmental Protection Agency, Multimedia Planning and Permitting Division, RCRA Branch, Mail Code: 6PD-C, 1445 Ross Avenue, Dallas, TX 75202, by calling (214) 665-7430 or by e-mail at [peace.michelle@epa.gov](mailto:peace.michelle@epa.gov).**SUPPLEMENTARY INFORMATION:** Because EPA received adverse comment, we are removing the direct final exclusion for Eastman Chemical Company—Texas Operations, published on September 24, 2010, 75 FR 58315. We stated in that direct final rule that if we received adverse comment by October 25, 2010, the direct final rule would not take effect and we would publish a timely removal in the **Federal Register**. We subsequently received adverse comment on that direct final rule. We will address the comments submitted in a subsequent final action which will be based on the parallel proposed rule also published on September 24, 2010, 75 FR 58346. As stated in the direct final rule and the parallel proposed rule, we will not institute a second comment period on this action.**Lists of Subjects in 40 CFR Part 261**

Environmental Protection, Hazardous waste, Recycling, Reporting and recordkeeping requirements.

**Authority:** Sec. 3001(f) RCRA, 42 U.S.C. 6921(f).

Dated: November 16, 2010.

**Bill Luthans,***Acting Director, Multimedia Planning and Permitting Division.*

■ 40 CFR part 261 is amended as follows:

**PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE**

■ 1. The authority citation for part 261 continues to read as follows:

**Authority:** 42 U.S.C. 6905, 6912(a), 6921, 6922, and 6938.

■ 2. In Tables 1, 2 and 3 of Appendix IX of part 261 remove the following facility's waste streams: for Facility: Eastman Chemical Company—Texas Operations, Address: Longview, TX; Waste Description: RKI bottom ash, RKI fly ash and RKI scrubber water blowdown.

[FR Doc. 2010-30109 Filed 11-29-10; 8:45 am]

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**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Centers for Medicare & Medicaid Services****42 CFR Parts 433, 447, and 457**

[CMS-2361-F]

RIN 0938-AQ40

**Medicaid Program; Cost Limit for Providers Operated by Units of Government and Provisions To Ensure the Integrity of Federal-State Financial Partnership****AGENCY:** Centers for Medicare & Medicaid Services (CMS), HHS.**ACTION:** Final rule; implementation of court orders.**SUMMARY:** This final rule amends Medicaid regulations to conform with the decision by the United States District Court for the District of Columbia on May 23, 2008 in *Alameda County Medical Center, et al. v. Michael O. Leavitt, Secretary, U.S. Department of Health and Human Services, et al.*, 559 F. Supp. 2d (2008) that vacated a final rule with comment period published in the **Federal Register** in May 29, 2007. This regulatory action takes ministerial steps to remove the vacated provisions from the Code of Federal Regulations and reinstate the prior regulatory language impacted by the May 29, 2007 final rule with comment period.**DATES:** *Effective Date:* This regulation is effective immediately on date of publication November 30, 2010.**FOR FURTHER INFORMATION CONTACT:** Rob Weaver, (410) 786-5914.**SUPPLEMENTARY INFORMATION:****I. Background****A. Introduction**

Title XIX of the Social Security Act (the Act) authorizes Federal grants to States for Medicaid programs that provide medical assistance to low-income families, the elderly and persons with disabilities. Each State administers the Medicaid program in accordance with an approved Medicaid State plan. States have considerable flexibility in designing their programs, but must comply with Federal requirements specified in the Medicaid statute, regulations, and program guidance. Sections 1902(a)(2), 1903(a), and 1905(b) of the Act set forth requirements that describe how the responsibility to fund the Medicaid program will be shared between the Federal and State governments. Section 1905(b) of the Act delineates a percentage referred to as the Federal medical assistance percentage (FMAP) that determines on a State-by-State basis the Federal and non-Federal share of program expenditures. Section 1903(a) of the Act requires Federal reimbursement to the State of the Federal share. Section 1902(a)(2) of the Act and implementing regulations at 42 CFR 433.50(a)(1) permit a State to delegate some responsibility for the non-Federal share of medical assistance expenditures to local units of government sources under some circumstances.

The U.S. Troop Readiness, Veterans Care, Katrina Recovery and Iraq Accountability Appropriations Act of 2007 prohibited the Secretary of Health and Human Services from finalizing or otherwise implement the provisions contained in a proposed rule published on January 18, 2007, titled "Medicaid Program; Cost Limit for Providers Operated by Units of Government and Provisions To Ensure the Integrity of Federal-State Financial Partnership" (72 FR 2236 through 2248).

**B. Final Rule With Comment Period Published May 29, 2007**

On May 29, 2007, the Department of Human and Human Services (DHHS) published a final rule with comment period titled, "Medicaid Program; Cost Limit for Providers Operated by Units of Government and Provisions To Ensure the Integrity of Federal-State Financial Partnership" in the **Federal Register** (72 FR 29747 through 29836).

That final rule eliminated, modified, or implemented regulatory requirements pertaining to the financial relationship