

are intended for extensive distribution directly to the health care provider community, as well as to those charged with administering the Federal health care programs.

In developing Special Fraud Alerts, OIG has relied on a number of sources and has consulted directly with experts in the subject field, including those within OIG, other agencies of the Department, other Federal and State agencies, and those in the health care industry.

### *C. Section 205 of the Health Insurance Portability and Accountability Act of 1996*

Section 205 of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104–191 § 205, the Act, § 1128D, 42 U.S.C. 1320a–7d, requires the Department to develop and publish an annual notice in the **Federal Register** formally soliciting proposals for modifying existing safe harbors to the anti-kickback statute and for developing new safe harbors and Special Fraud Alerts.

In developing safe harbors for a criminal statute, OIG is required to engage in a thorough review of the range of factual circumstances that may fall within the proposed safe harbor subject area so as to uncover potential opportunities for fraud and abuse. Only then can OIG determine, in consultation with the Department of Justice, whether it can effectively develop regulatory limitations and controls that will permit beneficial and innocuous arrangements within a subject area while, at the same time, protecting the Federal health care programs and their beneficiaries from abusive practices.

## **II. Solicitation of Additional New Recommendations and Proposals**

In accordance with the requirements of section 205 of HIPAA, OIG last published a **Federal Register** solicitation notice for developing new safe harbors and Special Fraud Alerts on December 28, 2012 (77 FR 76434). As required under section 205, a status report of the public comments related to safe harbors received in response to that notice is set forth in Appendix F to the OIG's Semiannual Report to Congress covering the period April 1, 2013, through September 30, 2013.<sup>1</sup> OIG is not seeking additional public comment on the proposals listed in Appendix F at this time. Rather, this notice seeks additional recommendations regarding the development of new or modified

safe harbor regulations and new Special Fraud Alerts beyond those summarized in Appendix F.

A detailed explanation of justifications for, or empirical data supporting, a suggestion for a safe harbor or Special Fraud Alert would be helpful and should, if possible, be included in any response to this solicitation.

### *A. Criteria for Modifying and Establishing Safe Harbor Provisions*

In accordance with section 205 of HIPAA, we will consider a number of factors in reviewing proposals for new or modified safe harbor provisions, such as the extent to which the proposals would affect an increase or decrease in:

- Access to health care services,
- the quality of health care services,
- patient freedom of choice among health care providers,
- competition among health care providers,
- the cost to Federal health care programs,
- the potential overutilization of health care services, and
- the ability of health care facilities to provide services in medically underserved areas or to medically underserved populations.

In addition, we will also take into consideration other factors, including, for example, the existence (or nonexistence) of any potential financial benefit to health care professionals or providers that may be taken into account in their decisions whether to (1) order a health care item or service or (2) arrange for a referral of health care items or services to a particular practitioner or provider.

### *B. Criteria for Developing Special Fraud Alerts*

In determining whether to issue additional Special Fraud Alerts, we will consider whether, and to what extent, the practices that would be identified in a new Special Fraud Alert may result in any of the consequences set forth above, as well as the volume and frequency of the conduct that would be identified in the Special Fraud Alert.

Dated: December 17, 2013.

**Daniel R. Levinson,**

*Inspector General.*

[FR Doc. 2013–30429 Filed 12–26–13; 8:45 am]

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## **DEPARTMENT OF HOMELAND SECURITY**

### **Federal Emergency Management Agency**

#### **44 CFR Part 67**

[Docket ID FEMA–2013–0002; Internal Agency Docket No. FEMA–B–7748]

### **Proposed Flood Elevation Determinations for Pierce County, Washington, and Incorporated Areas**

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** The Federal Emergency Management Agency (FEMA) is withdrawing its proposed rule concerning proposed flood elevation determinations for Pierce County, Washington, and Incorporated Areas.

**DATES:** The proposed rule published December 6, 2007, at 72 FR 68784, corrected April 16, 2012, at 77 FR 22551, is withdrawn effective December 27, 2013.

**ADDRESSES:** You may submit comments, identified by Docket No. FEMA–B–7748, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) [Luis.Rodriguez3@fema.dhs.gov](mailto:Luis.Rodriguez3@fema.dhs.gov).

**FOR FURTHER INFORMATION CONTACT:** Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) [Luis.Rodriguez3@fema.dhs.gov](mailto:Luis.Rodriguez3@fema.dhs.gov).

**SUPPLEMENTARY INFORMATION:** On December 6, 2007, FEMA published a proposed rulemaking at 72 FR 68784, proposing flood elevation determinations along one or more flooding sources in Pierce County, Washington. On April 16, 2012, FEMA published a proposed rulemaking at 77 FR 22551, proposing corrected flood elevation determinations along one or more flooding sources in Pierce County, Washington. Because FEMA has or will be issuing a Revised Preliminary Flood Insurance Rate Map, and if necessary a Flood Insurance Study report, featuring updated flood hazard information, the proposed rulemaking is being withdrawn. A Notice of Proposed Flood Hazard Determinations will be published in the **Federal Register** and in

<sup>1</sup> The OIG *Semiannual Report to Congress* can be accessed through the OIG Web site at <http://oig.hhs.gov/publications/semiannual.asp>.

the affected community's local newspaper.

**Authority:** 42 U.S.C. 4104; 44 CFR 67.4.

Dated: November 22, 2013.

**Roy E. Wright,**

*Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.*

[FR Doc. 2013-30952 Filed 12-26-13; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 64

[WC Docket No. 12-375; DA 13-2379]

#### Rates for Interstate Inmate Calling Services

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule; extension of comment period.

**SUMMARY:** In this document, the Wireline Competition Bureau grants in part the Motion for Extension of Time to File Comments and Reply Comments filed on December 6, 2013 by the Ohio Department of Rehabilitation and Correction in WC Docket No. 12-375. Specifically, the Bureau agreed that a modest extension of time will facilitate a more complete record in this proceeding.

**DATES:** Comments are due on or before December 20, 2013; reply comments are due on or before January 13, 2014.

**ADDRESSES:** You may submit comments, identified by WC Docket No. 12-375, by any of the following methods:

- *Federal Communications Commission's Web site:* <http://fjallfoss.fcc.gov/ecfs2/>. Follow the instructions for submitting comments.
- *Mail:* Commercial overnight mail (other than U.S. Postal Service Express

Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street SW., Washington, DC 20554.
- *People with Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: [FCC504@fcc.gov](mailto:FCC504@fcc.gov) or phone: 202-418-0530 or TTY: 202-418-0432.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

#### FOR FURTHER INFORMATION CONTACT:

Lynne Engledow, Wireline Competition Bureau, Pricing Policy Division, (202) 418-1520 or [lynne.engledow@fcc.gov](mailto:lynne.engledow@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Order, in WC Docket No. 12-375, DA 13-2379, adopted and released December 12, 2013. The complete text of this document is available for public inspection during regular business hours in the FCC Reference Information Center, Room CY-A257, 445 12th Street SW., Washington, DC 20554. It is also available on the Commission's Web site at <http://www.fcc.gov>.

1. On September 26, 2013, the Federal Communications Commission (Commission) released the Inmate Calling Report and Order and Further Notice of Proposed Rulemaking (R&O and FNPRM). See 78 FR 68005, November 13, 2013. In that item, the Commission adopted reforms of interstate inmate calling service rates, requiring that all providers' rates and charges be cost-based. In the FNPRM portion of the item, the Commission sought comment on a number of outstanding issues. The FNPRM set dates for comments and reply comments

as December 13 and December 30, 2013 respectively.

2. The Ohio DRC requests that parties be allowed an extension of time to file comments to those questions raised in the FNPRM portion of the item: January 13, 2014 for initial comments and until February 12, 2014 for reply comments. The Ohio DRC asserts that an additional grant of time would allow for "a more complete factual and legal record in this proceeding." Three parties filed comments in support of the Ohio DRC motion, and none opposed it.

3. Section 1.46 of the Commission's rules provides that "[i]t is the policy of the Commission that extensions of time shall not be routinely granted." Upon review, however, we agree with the commenters that a modest time extension will more fully allow parties to provide us with more fulsome comments that will facilitate the compilation of a complete record in this proceeding, without causing undue delay to the Commission's consideration of these issues.

4. Accordingly, *it is ordered*, pursuant to sections 4(i), 4(j), and 303(r) of the Communications Act, as amended, 47 U.S.C. 154(i), 154(j), and 303(r); and §§ 0.91, 0.291, 1.45, and 1.415 of the Commission's rules, 47 CFR 0.91, 0.291, 1.45, and 1.415 that the Motion for Extension of Time to File Comments and Reply Comments filed by the Ohio Department of Rehabilitation and Correction on December 6, 2013 *is granted in part* to the extent described herein and *is otherwise denied*, and the deadline for filing comments to the FNPRM *is* December 20, 2013 and reply comments *is* January 13, 2014.

Federal Communications Commission.

**Lynne H. Engledow,**

*Assistant Division Chief, Wireline Competition Bureau.*

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**BILLING CODE 6712-01-P**