equal or exceed ten acres, (3) are located outside of the Big River Flood Plain Ecoregion and (4) are not listed as having site-specific criteria in Table M of the State’s WQS.

(b) Combined Criterion for Missouri lakes and reservoirs. In all instances, nutrient protection values are maximum ambient concentrations expressed as seasonal (April through September) geometric mean values on a three-year rolling average basis.

<table>
<thead>
<tr>
<th>Lake Ecoregion</th>
<th>TP</th>
<th>TN</th>
<th>Chl-a</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plains</td>
<td>44</td>
<td>817</td>
<td>14</td>
</tr>
<tr>
<td>Ozarks</td>
<td>23</td>
<td>500</td>
<td>7.1</td>
</tr>
</tbody>
</table>

*Table 1 also applies to tributary arms Grand Glaize, Gravois, and Nianga to the Lake of the Ozarks, and tributary arms James River, Kings River, and Long Creek to Table Rock Lake.

(1) Lake and reservoir water quality must not exceed nutrient protection values for chlorophyll a.

(2) Lake and reservoir water quality must also not exceed nutrient protection values for total nitrogen and total phosphorus unless each of the following eutrophication impacts are evaluated and none occur within the same three-year rolling average period: (I) Eutrophication-related mortality or morbidity events for fish and other aquatic organisms, (II) An excursion from the DO or pH criteria in Missouri water quality standards applicable for Clean Water Act purposes, (III) Cyanobacteria counts equal to or greater than 100,000 cells per ml, (IV) Observed shifts in aquatic diversity directly attributable to eutrophication, or (V) Excessive levels of mineral turbidity that consistently limit algal productivity during the period May 1—September 30, or Secchi disk measurements of turbidity equal to or less than EPA’s 30, or Secchi disk measurements of that consistently limit algal productivity.

(c) Applicability

(1) The combined criterion in paragraph (b) of this section applies to waters discussed in paragraph (a) of this section and applies concurrently with other applicable water quality criteria.

(2) The combined criterion established in this section is subject to Missouri’s general rules of applicability in the same way and to the same extent as state-adopted and EPA-approved water quality criteria when applied to the waters discussed in paragraph (a).

(d) Effective date. Section 131.47 will be in effect [date 60 days after publication of final rule].
and willfully offer, pay, solicit, or receive remuneration to induce or
reward business reimbursable under Federal health care programs. The
offense is classified as a felony and is punishable by fines of up to $25,000
and imprisonment for up to 5 years. OIG may also impose civil money penalties, in
accordance with section 1128A(a)(7) of the Act (42 U.S.C. 1320a–7(a)(7)), or exclusion from Federal health care
programs, in accordance with section 1128(b)(7) of the Act (42 U.S.C. 1320a–7(b)(7)). Because the statute, on its face, is so
broad, concern has been expressed for many years that some relatively
innocuous commercial arrangements may be subject to criminal prosecution or
administrative sanction. In response to the above concern, section 14 of the Medicare and Medicaid Patient and
Program Protection Act of 1987, Public Law 100–93 § 14, specifically required the development and promulgation of
regulations, the so-called “safe harbor” provisions, specifying various payment and business practices that, although
potentially capable of inducing referrals of business reimbursable under Federal health care programs, would not be
treated as criminal offenses under the anti-kickback statute and would not serve as a basis for administrative sanctions. OIG safe harbor provisions have been developed “to limit the reach of the statute somewhat by permitting
certain non-abusive arrangements, while encouraging beneficial and innocuous arrangements” (56 FR 35952, July 29,
1991). Health care providers and others may voluntarily seek to comply with these provisions so that they have the assurance that their business practices will not be subject to liability under the
anti-kickback statute or related administrative authorities. OIG safe harbor regulations are found at 42 CFR part 1001.
B. OIG Special Fraud Alerts

OIG periodically issues Special Fraud Alerts to give continuing guidance to health care providers with respect to
practices OIG considers to be suspect or of particular concern. The Special Fraud Alerts encourage industry compliance
by giving providers guidance that can be applied to their own practices. OIG Special Fraud Alerts are published in the
Federal Register and on our website and are intended for extensive distribution.

In developing Special Fraud Alerts, OIG relies on a number of sources and consults directly with experts in the
subject field, including those within OIG, other agencies of the U.S. Department of Health and Human Services (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 notification 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 thoroughly reviews 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 U.S. 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 Federal health care programs and their beneficiaries from
abusive practices.

II. Solicitation of Additional New

In accordance with the requirements of section 205 of HIPAA, OIG last published a Federal Register
solicitation notification for developing new safe harbors and Special Fraud Alerts on December 28, 2016 (81 FR
95551). As required under section 205 of the Act, a status report of the proposals OIG received for new and
modified safe harbors in response to that solicitation notification is set forth in Appendix F of OIG’s Fall 2017
Semiannual Report to Congress. OIG is not seeking additional public comment on the proposals listed in Appendix F at this time. Rather, this notification 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 the justifications for, or empirical data supporting, a suggestion for a safe
harbor or Special Fraud Alert would be helpful and should, if possible, be

1 The OIG Semiannual Report to Congress can be accessed through the OIG website at http://
oig.hhs.gov/publications/semiannual.asp.

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[DOCKET No. FWS–HQ–ES–2017–0047; 4500090024]

RIN 1018–BC83

Endangered and Threatened Wildlife and Plants; Listing the Yangtze Sturgeon as an Endangered Species

AGENCY: Fish and Wildlife Service, Interior.