

**PART 199—[AMENDED]**

1. The authority citation for Part 199 continues to read as follows:

**Authority:** 5 U.S.C. 301; 10 U.S.C. chapter 55.

2. Section 199.4 is amended by revising paragraph (e)(19)(v) to read as follows:

**§ 199.4 Basic program benefits**

\* \* \* \* \*

(e) \* \* \*  
(19) \* \* \*

(v) Periods of care. Hospice care is divided into distinct periods of care. The periods of care that may be elected by the terminally ill CHAMPUS beneficiary shall be as the Director, TRICARE determines to be appropriate, but shall not be less than those offered under Medicare's Hospice Program.

\* \* \* \* \*

3. Section 199.14 is amended by revising paragraphs (a)(1)(ii)(C)(3), (a)(1)(iii)(A)(2), and (j)(1)(ix) to read as follows:

**§ 199.14 Provider reimbursement methods**

\* \* \* \* \*

(a) \* \* \*  
(1) \* \* \*  
(ii) \* \* \*  
(C) \* \* \*

(3) All services related to heart and liver transplantation for admissions prior to October 1, 1998, which would otherwise be paid under the respective DRG.

\* \* \* \* \*

(iii) \* \* \*  
(A) \* \* \*

(2) Remove DRGs. Those DRGs that represent discharges with invalid data or diagnoses insufficient for DRG assignment purposes are removed from the database.

\* \* \* \* \*

(j) \* \* \*  
(1) \* \* \*

(ix) The allowable charge for physician assistant services other than assistant-at-surgery shall be at the same percentage, used by Medicare, of the allowable charge for a comparable service rendered by a physician performing the service in a similar location. For cases in which the physician assistant and the physician perform component services of a procedure other than assistant-at-surgery (e.g., home, office or hospital visit), the combined allowable charge for the procedure may not exceed the allowable charge for the procedure rendered by a physician alone. The allowable charge for physician assistant services performed as an assistant-at-

surgery shall be at the same percentage, used by Medicare, of the allowable charge for a physician serving as an assistant surgeon when authorized as CHAMPUS benefits in accordance with the provisions of § 199.4(c)(3)(iii).

Physician assistant services must be billed through the employing physician who must be an authorized CHAMPUS provider.

\* \* \* \* \*

Dated: January 5, 2011.

**Patricia L. Toppings,**

*OSD Federal Register Liaison Officer,  
Department of Defense.*

[FR Doc. 2011-624 Filed 1-12-11; 8:45 am]

**BILLING CODE 5001-06-P**

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[EPA-R05-OAR-2010-0675; FRL-9250-9]

**Approval and Promulgation of Air Quality Implementation Plans; Minnesota; Gopher Resource, LLC**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve a request submitted by the Minnesota Pollution Control Agency (MPCA) on July 29, 2010, to revise the Minnesota State Implementation Plan (SIP) for lead (Pb) under the Clean Air Act (CAA). The State has submitted a joint Title I/Title V document (joint document) in the form of Air Emission Permit No. 03700016-003, and has requested that the conditions laid out with the citation "Title I Condition: SIP for Lead NAAQS" replace an existing Administrative Order (Order) as the enforceable SIP conditions for Gopher Resource, LLC. EPA approved the existing Order on October 18, 1994. MPCA's July 29, 2010, revisions were meant to satisfy the maintenance requirements for the 1978 Pb National Ambient Air Quality Standard (NAAQS), promulgated at 1.5 micrograms per cubic meter, or 1.5 µg/m<sup>3</sup>.

**DATES:** Comments must be received on or before February 14, 2011.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R05-OAR-2010-0675, by one of the following methods:

1. <http://www.regulations.gov>: Follow the on-line instructions for submitting comments.
2. *E-mail:* [mooney.john@epa.gov](mailto:mooney.john@epa.gov).
3. *Fax:* (312) 692-2551.

4. *Mail:* John M. Mooney, Chief, Attainment Planning and Maintenance Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

5. *Hand Delivery:* John M. Mooney, Chief, Attainment Planning and Maintenance Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Such deliveries are only accepted during the Regional Office normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

Please see the direct final rule which is located in the Final Rules section of this **Federal Register** for detailed instructions on how to submit comments.

**FOR FURTHER INFORMATION CONTACT:**

Andy Chang, Environmental Engineer, Attainment Planning and Maintenance Section, Air Programs Branch (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-0258, [chang.andy@epa.gov](mailto:chang.andy@epa.gov).

**SUPPLEMENTARY INFORMATION:** In the Final Rules section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If we do not receive any adverse comments in response to this rule, we do not contemplate taking any further action. If EPA receives adverse comments, we will withdraw the direct final rule, and will address all public comments in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. For additional information, see the direct final rule, which is located in the Final Rules section of this **Federal Register**.

Dated: December 29, 2010.

**Susan Hedman,**

*Regional Administrator, Region 5.*

[FR Doc. 2011-342 Filed 1-12-11; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R09-OAR-2010-1078; FRL-9252-7]

#### Revision to the South Coast Portion of the California State Implementation Plan, CPV Sentinel Energy Project AB 1318 Tracking System

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed Rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve a source-specific State Implementation Plan (SIP) revision for the South Coast Air Quality Management District (District) portion of the California SIP. This source-specific SIP revision is known as the CPV Sentinel Energy Project AB 1318 Tracking System. The submitted SIP revision, which consists of enabling language and the AB 1318 Tracking System, supplements the District's SIP approved New Source Review (NSR) program to allow the District to transfer offsetting emission reductions for particulate matter less than 10 microns in diameter (PM<sub>10</sub>) and one of its precursors, sulfur oxides (SO<sub>x</sub>), to the CPV Sentinel Energy Project. The District's SIP approved NSR program currently allows the District to provide offsetting emission reductions for certain exempt sources and sources that qualify as essential public services. The Sentinel Energy Project, which will be a natural gas fired power plant, does not qualify under either of these SIP approved exceptions. This proposed action supplements the District's SIP to allow the District to transfer offsetting emission reductions to the Sentinel Energy Project. In this action, EPA is proposing to incorporate the District's enabling language, which in turn incorporates the AB 1318 Tracking System by reference into the SIP. EPA's proposal to approve this source-specific SIP revision is based on finding that the offsetting emission reductions the District has transferred to the AB 1318 Tracking System meet the requirements of the Clean Air Act (CAA).

**DATES:** Comments on this Notice of Proposed Rulemaking (NPR) must be submitted no later than February 14, 2011.

**ADDRESSES:** Submit comments, identified by docket number EPA-R09-OAR-2010-1078, by one of the following methods:

1. *Federal eRulemaking Portal:*

<http://www.regulations.gov>. Follow the on-line instructions.

2. *E-mail:* [r9airpermits@epa.gov](mailto:r9airpermits@epa.gov).

3. *Mail or deliver:* Gerardo Rios (Air-3), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

**Instructions:** All comments will be included in the public docket without change and may be made available online at [www.regulations.gov](http://www.regulations.gov), including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through <http://www.regulations.gov> or e-mail. <http://www.regulations.gov> is an "anonymous access" system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send e-mail directly to EPA, your e-mail address will be automatically captured and included as part of the public comment. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

**Docket:** The index to the docket for this action is available electronically at <http://www.regulations.gov> and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (e.g., copyrighted material), and some may not be publicly available in either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

**FOR FURTHER INFORMATION CONTACT:** Laura Yannayon, EPA Region IX, (415) 972-3524, [yannayon.laura@epa.gov](mailto:yannayon.laura@epa.gov).

**SUPPLEMENTARY INFORMATION:**

Throughout this document, "we", "us", and "our" refer to EPA.

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## I. Background

### A. Facility Description and Background

The proposed Sentinel Energy Project is designed to be a nominally rated 850 megawatt electrical generating facility covering approximately 37 acres within Riverside County, adjacent to Palm Springs, California. The Sentinel Energy Project will emit air pollutants from eight General Electric LMS100 combustion turbine generators equipped with oxidation catalyst and selective catalytic reduction equipment, eight single cell mechanical draft cooling towers, and a 240 brake horsepower Tier III diesel emergency fire pump engine.

The California Energy Commission (CEC) approved the application for certification for Sentinel on December 1, 2010. The District issued a Final Determination of Compliance (FDOC) and an Addendum to the FDOC, known as Appendix N, on March 2, 2010. Appendix N to the FDOC has evolved into the AB 1318 Tracking System submitted as part of this SIP revision. The CEC certification and the District's FDOC require the Sentinel Energy Project to install and operate stringent emissions controls to reduce emissions of NO<sub>x</sub>, VOC, CO and PM<sub>10</sub> to the lowest achievable emissions rates.

### B. Emission Offsets

Pursuant to section 173 of the CAA, new major stationary sources are required to provide offsetting emission reductions for any non-attainment pollutants that continue to be emitted after operation of the most stringent emissions controls, if those levels exceed certain thresholds. 42 U.S.C. 7503(a)(1)(A). The District implements these requirements through its NSR program in Regulation XIII, which EPA approved into the SIP in 1996 as