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# PENNSYLVANIA BULLETIN

Volume 27

Number 21

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Pages 2519—2624

**Agencies in this issue:**

The General Assembly  
The Courts  
Commission on Crime and Delinquency  
Delaware River Basin Commission  
Department of Agriculture  
Department of Banking  
Department of Community and Economic  
Development  
Department of Education  
Department of Environmental Protection  
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State Board of Cosmetology  
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State Board of Optometry  
State Board of Pharmacy  
State Ethics Commission  
State Registration Board for Professional  
Engineers, Land Surveyors and Geologists  
Turnpike Commission

**Detailed list of contents appears inside.**

**PRINTED ON 100% RECYCLED PAPER**

**Latest Pennsylvania Code Reporter  
(Master Transmittal Sheet):**

**No. 269, May 1997**

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# READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

## ***Pennsylvania Bulletin***

The *Pennsylvania Bulletin* is the official gazette of the Commonwealth of Pennsylvania. It is published every week and includes a table of contents. A cumulative subject matter index is published quarterly.

The *Pennsylvania Bulletin* serves several purposes. First, it is the temporary supplement to the *Pennsylvania Code*, which is the official codification of agency rules and regulations and other statutorily authorized documents. Changes in the codified text, whether by adoption, amendment, repeal or emergency action must be published in the *Pennsylvania Bulletin*. Further, agencies proposing changes to the codified text do so in the *Pennsylvania Bulletin*.

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the Public Utility Commission; Applications and Actions before the Department of Environmental Protection; Orders of the Independent Regulatory Review Commission; and other documents authorized by law.

The text of certain documents published in the *Pennsylvania Bulletin* is the only valid and enforceable text. Courts are required to take judicial notice of the *Pennsylvania Bulletin*.

There are no restrictions on the republication of official documents appearing in the *Pennsylvania Bulletin*.

## **Adoption, Amendment or Repeal of Regulations**

Generally an agency wishing to adopt, amend or repeal regulations must first publish in the *Pennsylvania Bulletin* a Notice of Proposed Rulemaking. There are limited instances where the agency may omit the proposal step; they still must publish the adopted version.

The Notice of Proposed Rulemaking contains the full text of the change, the agency contact person, a fiscal note required by law and background for the action.

The agency then allows sufficient time for public comment before taking final action. An adopted

proposal must be published in the *Pennsylvania Bulletin* before it can take effect. If the agency wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, they must re-propose.

## **Citation to the *Pennsylvania Bulletin***

Cite material in the *Pennsylvania Bulletin* by volume number and page number. Example: Volume 1, *Pennsylvania Bulletin*, page 801 (short form: 1 Pa.B. 801).

## ***Pennsylvania Code***

The *Pennsylvania Code* is the official codification of rules and regulations issued by Commonwealth agencies and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes as soon as they occur. These changes are then permanently codified by the *Pennsylvania Code Reporter*, a monthly, loose-leaf supplement.

The *Pennsylvania Code* is cited by title number and section number. Example: Title 10 *Pennsylvania Code*, § 1.1 (short form: 10 Pa.Code § 1.1).

Under the *Pennsylvania Code* codification system, each regulation is assigned a unique number by title and section. Titles roughly parallel the organization of Commonwealth government. Title 1 *Pennsylvania Code* lists every agency and its corresponding *Code* title location.

## **How to Find Documents**

Search for your area of interest in the *Pennsylvania Code*.

The *Pennsylvania Code* contains, as Finding Aids, subject indexes for the complete *Code* and for each individual title, a list of Statutes Used As Authority for Adopting Rules and a list of annotated cases. Source Notes give you the history of the documents. To see if there have been recent changes, not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

The *Pennsylvania Bulletin* also publishes a quarterly List of Pennsylvania Code Sections Affected which lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred.

**SUBSCRIPTION INFORMATION: (717) 766-0211**  
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**Printing Format**

Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from such a rule or regulation is enclosed in brackets [ ] and printed in **bold face**. Asterisks indicate ellipsis of *Pennsylvania Code* text retained without change. Proposed new or additional regulations are printed in ordinary style face.

**Fiscal Notes**

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires that the Office of Budget prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions or authorities receiving money from the State Treasury stating whether the proposed action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions; that the fiscal note be published in the *Pennsylvania Bulletin* at the same time as the proposed change is advertised; and that the fiscal note shall provide the following information: (1) the designation of the fund out of which the appropriation providing for expenditures under the action or procedure shall be made; (2) the probable cost for the fiscal year the program is implemented; (3) projected cost estimate of the program for each of the five succeeding fiscal years; (4) fiscal history of the program for which expenditures are to be made; (5) probable loss of revenue for the fiscal year of its implementation; (6) projected loss of revenue from the program for each of the five succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

The required information is published in the foregoing order immediately following the proposed change to which it relates; the omission of an item indicates that the agency text of the fiscal note states that there is no information available with respect thereto. In items (3) and (6) information is set forth for the first through fifth fiscal years; in that order, following the year the program is implemented, which is stated. In item (4) information is set forth for the current and two immediately preceding years, in that order. In item (8) the recommendation, if any, made by the Secretary of Budget is published with the fiscal note. See 4 Pa. Code § 7.231 *et seq.* Where "no fiscal impact" is published, the statement means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended.

## List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 1997.

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# THE GENERAL ASSEMBLY

## Recent Actions During the 1997 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 1997 Regular Session.

### 1997 ACTS—Acts 7 through 10 (numerical)

<i>Act No.</i>	<i>Enactment Date</i>	<i>Bill No.</i>	<i>Printer's No.</i>	<i>Effective Date</i>	<i>Subject Matter</i>
1997-07	May 7	HB134	PN1706	Immediately*	Tax Reform Code of 1971—omnibus amendments
1997-08	May 9	HB152	PN1345	60 days	Crimes Code (18 Pa.C.S.)—drug trafficking and providing certain stimulants to minors, sentencing and penalties
1997-09	May 9	HB844	PN1199	Immediately	The CPA Law—education requirements and reinstatement
1997-10	May 9	SB299	PN293	Immediately	Conveyance—Commonwealth property in Mercer County

### 1997 APPROPRIATIONS—Acts 4A through 40A (numerical)

<i>Act No.</i>	<i>Enactment Date</i>	<i>Bill No.</i>	<i>Printer's No.</i>	<i>Effective Date</i>	<i>Subject Matter</i>
1997-04A	May 6	HB847	PN1725	Immediately*	General Appropriation Act of 1997—enactment
1997-05A	May 12	HB856	PN958	July 1, 1997	University of Pennsylvania—museum maintenance, operation and purchases
1997-06A	May 12	HB857	PN1724	July 1, 1997	Carnegie Museum of Natural History and Carnegie Science Center—operation, maintenance and purchases
1997-07A	May 12	HB858	PN960	July 1, 1997	Franklin Institute Science Museum—maintenance
1997-08A	May 12	HB859	PN961	July 1, 1997	Academy of Natural Sciences—maintenance
1997-09A	May 12	HB860	PN962	July 1, 1997	Afro-American Historical and Cultural Museum—operation, maintenance and purchases
1997-10A	May 12	HB861	PN1723	July 1, 1997	Everhart Museum—operation, maintenance and purchases
1997-11A	May 12	HB862	PN1708	July 1, 1997	Mercer Museum—operation, maintenance and purchases
1997-12A	May 12	HB863	PN1709	July 1, 1997	Museum of Scientific Discovery—operation, maintenance and purchases
1997-13A	May 12	HB864	PN966	July 1, 1997	Arsenal Family and Children's Center—operation
1997-14A	May 12	HB865	PN967	July 1, 1997	Beacon Lodge Camp—services to the blind
1997-15A	May 12	HB866	PN1710	July 1, 1997	Wistar Institute-Research—operation, maintenance and AIDS research
1997-16A	May 12	HB867	PN969	July 1, 1997	St. Francis Hospital—cardiovascular studies
1997-17A	May 12	HB868	PN970	July 1, 1997	Jefferson Medical College and Hospital—Tay-Sachs disease program
1997-18A	May 12	HB869	PN971	July 1, 1997	Burn Foundation—treatment
1997-19A	May 12	HB870	PN972	July 1, 1997	Rehabilitation Institute of Pittsburgh—operation
1997-20A	May 12	HB871	PN973	July 1, 1997	Lancaster Cleft Palate—treatment
1997-21A	May 12	HB872	PN974	July 1, 1997	St. Christopher's Hospital—operation, maintenance, treatment and handicapped children's clinic

<i>Act No.</i>	<i>Enactment Date</i>	<i>Bill No.</i>	<i>Printer's No.</i>	<i>Effective Date</i>	<i>Subject Matter</i>
1997-22A	May 12	HB873	PN975	July 1, 1997	University of Pennsylvania—cardiovascular studies
1997-23A	May 12	HB874	PN976	July 1, 1997	Fox Chase Institute for Cancer Research—operation and maintenance
1997-24A	May 12	HB875	PN977	July 1, 1997	Pittsburgh Cleft Palate—treatment
1997-25A	May 12	HB876	PN978	July 1, 1997	Central Penn Oncology Group—operation
1997-26A	May 12	HB877	PN979	July 1, 1997	Johnson Technical Institute—operation and maintenance
1997-27A	May 12	HB878	PN1711	July 1, 1997	Pennsylvania College of Optometry—instruction
1997-28A	May 12	HB879	PN1712	July 1, 1997	Berean Training and Industrial School—operation, maintenance and debt service
1997-29A	May 12	HB880	PN1713	July 1, 1997	Pennsylvania College of Podiatric Medicine—instruction
1997-30A	May 12	HB881	PN983	July 1, 1997	Williamson Free School of Mechanical Trades—operation and maintenance
1997-31A	May 12	HB882	PN1714	July 1, 1997	Philadelphia College of Osteopathic Medicine—instruction
1997-32A	May 12	HB883	PN1715	July 1, 1997	University of Pennsylvania—operation and instruction
1997-33A	May 12	HB884	PN1716	July 1, 1997	University of the Arts—instruction and student aid
1997-34A	May 12	HB885	PN987	July 1, 1997	Drexel University—instruction and student aid
1997-35A	May 12	HB886	PN1717	July 1, 1997	Allegheny University of the Health Sciences—instruction, student aid, maintenance, minority education and recruitment and cardiovascular and heart failure/transplant studies
1997-36A	May 12	HB887	PN1718	July 1, 1997	Thomas Jefferson University—maintenance, instruction, student aid and Children's Heart Hospital
1997-37A	May 12	HB888	PN1719	July 1, 1997	Lincoln University—operation and instruction, etc.
1997-38A	May 12	HB889	PN1720	July 1, 1997	University of Pittsburgh—operation and instruction, etc.
1997-39A	May 12	HB890	PN1721	July 1, 1997	Temple University—operation and instruction, etc.
1997-40A	May 12	HB891	PN1722	July 1, 1997	Pennsylvania State University—operation, instruction and research

\* with exceptions

#### Effective Dates of Statutes

The effective dates specified above for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified or where the effective date specified is prior to the date of enactment, the effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective dates of statutes).

#### Advance Copies of Statutes

Section 1106 of Title 1 of the Pennsylvania Consolidated Statutes provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the Laws of Pennsylvania are generally available. Section 2406(h) of The Administrative Code of 1929 provides that the Department of General Services shall distribute advance sheets of the Laws of Pennsylvania to each law judge of the courts, to every county and public library of this Commonwealth, and to each member of the General Assembly. These copies shall be furnished without charge. The Department shall also mail one copy of each law enacted during any legislative session to any person who pays to it the sum of \$20.

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore, State Records Center Building, 1825 Stanley Drive, Harrisburg, PA 17103, accompanied by a check or money order in the sum of \$20, payable to the "Commonwealth of Pennsylvania."

**Legislative Bills and Documents**

Copies of Senate Bills and Documents may be obtained from: Document Room, Senate of Pennsylvania, Room 34A, Main Capitol Building, Harrisburg, PA 17120, (717) 787-6732.

Copies of House Bills and Documents may be obtained from: Document Room, House of Representatives, 35 Main Capitol Building, Harrisburg, PA 17120, (717) 787-5320.

CARL MEASE,  
*Director*  
*Legislative Reference Bureau*

[Pa.B. Doc. No. 97-810. Filed for public inspection May 23, 1997, 9:00 a.m.]

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# THE COURTS

## Title 204—JUDICIAL SYSTEMS GENERAL PROVISIONS

### PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 83]

#### Amendment of Rule 503(a) of the Pennsylvania Rules of Disciplinary Enforcement; No. 335 Disciplinary Doc. No. 3

##### Order

*Per Curiam:*

And Now, this 8th day of May, 1997, Rule 503(a) of the Pennsylvania Rules of Disciplinary Enforcement is amended to read as follows.

To the extent that notice of proposed rulemaking would be required by Rule 103 of the Pennsylvania Rules of Judicial Administration or otherwise, the immediate amendment of such rule is hereby found to be required in the interest of justice and efficient administration.

This Order shall be processed in accordance with Rule 103(b) of the Pennsylvania Rules of Judicial Administration and the amendment shall be effective immediately.

##### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART V. PROFESSIONAL ETHICS AND CONDUCT

##### Subpart B. DISCIPLINARY ENFORCEMENT

#### CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

##### Subchapter E. CLIENT SECURITY FUND

#### GENERAL PROVISIONS

#### Rule 503. Pennsylvania Lawyers Fund for Client Security Board

(a) *General Rule.* The Supreme Court shall appoint a board to be known as the "Pennsylvania Lawyers Fund for Client Security Board" which shall consist of five members of the bar of this Commonwealth[, **one of whom shall be designated by the Supreme Court as Chairman and another as Vice-Chairman,** ] and two non-lawyer public members. **One of the members shall be designated by the Court as Chair and another as Vice-Chair.**

\* \* \* \* \*

[Pa.B. Doc. No. 97-811. Filed for public inspection May 23, 1997, 9:00 a.m.]

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

[231 PA. CODE CHS. 1910, 1915, 1920, 1930 AND 4000]

#### Amendment of the Rules Relating to Discovery in Domestic Relations Matters; No. 280; Doc. No. 5

##### Order

*Per Curiam:*

And Now, this 5th day of May, 1997, Pennsylvania Rules of Civil Procedure 1910.9, 1910.11, 1910.12, 1915.5, 1920.22, 1920.91, and 4001 are amended, and new Rule 1930.5 is promulgated as follows hereto.

This order shall be processed in accordance with Pennsylvania Rule of Judicial Administration 103(b) and shall be effective July 1, 1997.

##### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 1910. ACTIONS FOR SUPPORT

##### Rule 1910.9. Discovery.

(a) There shall be no discovery in an action for support unless authorized by special order of court, except as provided in Rule 1910.11(j) and Rule 1910.12(c).

*Official Note: The rule relating to discovery in domestic relations matters generally is Rule 1930.5.*

\* \* \* \* \*

##### Rule 1910.11. Office Conference. Subsequent Proceedings. Order.

\* \* \* \* \*

(j)(1) Promptly after receipt of the notice of the scheduled hearing, a party may move the court for a separate listing where

- (i) there are complex questions of law, fact or both, or
- (ii) the hearing will be protracted, or
- (iii) the orderly administration of justice requires that the hearing be listed separately.

(2) [ **The motion may include a request for discovery. If granted, the order may specify the scope of discovery.** ] If the motion for separate listing is granted, discovery shall be available in accordance with Rule 4001 et seq.

*Official Note: The rule relating to discovery in domestic relations matters generally is Rule 1930.5.*

\* \* \* \* \*

**Rule 1910.12. Office Conference. Hearing. Record. Exceptions. Order.**

\* \* \* \* \*

(c)(1) Except as [ set forth ] provided in subdivision (c)(2), promptly after conclusion of the conference, a party may move the court for a separate listing of the hearing where

- (i) there are complex questions of law, fact or both, or
- (ii) the hearing will be protracted, or
- (iii) the orderly administration of justice requires that the hearing be listed separately.

\* \* \* \* \*

(3) [ The motion may include a request for discovery. If granted, the order may specify the scope of discovery. ] If the motion for separate listing is granted, discovery shall be available in accordance with Rule 4001 et seq.

*Official Note:* The rule relating to discovery in domestic relations matters generally is Rule 1930.5.

\* \* \* \* \*

**CHAPTER 1915. ACTIONS FOR CUSTODY PARTIAL CUSTODY AND VISITATION OF MINOR CHILDREN**

**Rule 1915.5. Question of Jurisdiction or Venue. No Responsive Pleading by Defendant Required. Counterclaim. Discovery.**

\* \* \* \* \*

(c) There shall be no discovery unless authorized by special order of court.

*Official Note:* The rule relating to discovery in domestic relations matters generally is Rule 1930.5.

**CHAPTER 1920. ACTIONS OF DIVORCE OR FOR ANNULMENT OF MARRIAGE**

**Rule 1920.22. Discovery.**

[ (a) Except as provided by subdivision (b), there shall be no discovery in an action of divorce or for annulment or a claim which has been joined as permitted under the Divorce Code unless authorized by special order of court.

**Note:** Rule 1920.91 suspends § 3505(c) of the Divorce Code which provides for discovery in actions of divorce or for annulment of marriage.

(b) When a claim is made for alimony or the determination and distribution of property rights, any party may serve upon any other party as of course within such time as not to delay the trial interrogatories limited to those claims. The practice and procedure shall be governed by the rules of civil procedure governing depositions and discovery. ]

**Rescinded.**

*Official Note:* The rule relating to discovery in domestic relations matters generally is Rule 1930.5.

**Rule 1920.91. Suspension of Acts of Assembly.**

The following Acts of Assembly are suspended insofar as they apply to the practice and procedure in actions for divorce or annulment of marriage to the extent hereinafter set forth:

\* \* \* \* \*

[ (2) Section 3505(c) of the Domestic Relations Code, 23 Pa.C.S. § 3505(c), absolutely;

*Official Note:* Suspended Section 3505(c) of the Divorce Code provides for discovery in actions of divorce or for annulment of marriage. Discovery in such actions is prescribed by Rule of Civil Procedure 1920.22.

(3) ] (2) \*\*\*

[ (4) ] (3) \*\*\*

[ (5) ] (4) \*\*\*

**CHAPTER 1930. RULES RELATING TO DOMESTIC RELATIONS MATTERS GENERALLY**

**Rule 1930.5. Discovery in Domestic Relations Matters.**

(a) There shall be no discovery in a simple support, custody or Protection from Abuse proceeding unless authorized by order of court.

(b) Discovery shall be available without leave of court in accordance with R.C.P. 4001 et seq. in complex support, alimony, equitable distribution, counsel fee and expense applications.

**CHAPTER 4000. DEPOSITIONS AND DISCOVERY**

**Rule 4001. Scope. Definitions.**

(a) [ (1) ] The rules of this chapter apply to any civil action or proceeding at law or in equity brought in or appealed to any court which is subject to these rules including any action pursuant to the Eminent Domain Code of 1964 or the Municipal Claims Act of 1923.

\* \* \* \* \*

[ (2) These rules shall not apply to an action of divorce or for annulment of marriage, an action for support, or an action for custody of minor children except to the extent prescribed by the rules governing those actions. ]

All existing explanatory notes and comments pertaining to the rules listed below are replaced by the following:

**Explanatory Comment—Rule 1910.9**

Subdivision (a) is amended to permit discovery in accordance with R.C.P. 4001 et seq. in any support matter which has been designated complex. In all other support matters discovery is permitted only by leave of court. Cases should not be designated complex in order to obtain discovery, nor should a support hearing be used to conduct discovery. Instead, the court should grant leave to engage in discovery in the few simple support cases in which it is warranted.

Subdivision (b) authorizes the court to obtain earnings and health insurance information from the employer of either party to a support action, using the forms provided in Rule 1910.27.

**Explanatory Comment—Rule 1920.22**

Rescinded.

**Explanatory Comment—Rule 1930.5**

Whether a support case is complex is to be determined by motion before the court pursuant to Rules 1910.11(j)(1) and 1910.12(c)(1). It is not necessary to have a case designated complex in order to engage in discovery. If



discovery is needed in a case which does not require a complex designation, the court should grant leave to engage in it.

[Pa.B. Doc. No. 97-812. Filed for public inspection May 23, 1997, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### LEHIGH COUNTY

#### New and Revised Local Rules 1920.2—1920.55— Procedural Rules for Actions of Divorce or for Annulment of Marriage; 97-J-9

##### Order

*And Now*, this 11th day of April, 1997, *It Is Ordered* that the following rules for Actions of Divorce or for Annulment of Marriage in the 31st Judicial District composed of Lehigh County be, and the same is, promulgated herewith, to become effective thirty (30) days after the publication of the rules in the *Pennsylvania Bulletin*; that the present Lehigh County Rules 1920.13 through 1920.55 are revoked, effective at the same time; that seven (7) certified copies shall be filed with the Administrative Office of Pennsylvania Courts; that two (2) certified copies shall be filed with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; that one (1) certified copy shall be filed with the Civil Procedural Rules Committee; and that one (1) copy shall be filed with the Clerk of Courts of Common Pleas of Lehigh County.

*By the Court*

JAMES KNOLL GARDNER,  
*President Judge*

#### LEHIGH COUNTY RULES FOR ACTIONS OF DIVORCE OR FOR ANNULMENT OF MARRIAGE

##### **L. C. Rule 1920.2. Venue.**

A party who enters an appearance in order to file preliminary objections to venue in an action of divorce or an action for annulment of marriage shall not be deemed to be participating in the proceeding for purposes of Pa.R.C.P. 1920.2(a)(2)(ii).

##### **L. C. Rule 1920.3. Commencement of Action.**

(a) An action shall be commenced by filing a complaint with the Clerk of Courts, Lehigh County, Civil Division, Divorce Filings. All subsequent pleadings filed pursuant to the Divorce Code or by separate petition relating to any matter involving the same parties shall be filed with the Clerk of Courts, as aforesaid, and docketed to the same docket number.

(b) In all cases the plaintiff, upon filing of a complaint, shall pay to the Clerk of Courts the sum of \$55.00 as an administration fee, in addition to the required filing fees. Where claims for costs and expenses are contained in the complaint, the administration fee shall be subject to apportionment between the parties as with any other fees, costs, and expenses incurred in the action.

##### **L. C. Rule 1920.4. Service.**

Proof of service or acceptance of service as authorized by Pa.R.C.P. 1920.4(a) and (d) shall be filed within 30

days of service of process. A copy of the certificate of service shall be forwarded to the Master-in-Divorce as provided for pursuant to L. C. Rule 1920.33.

##### **L. C. Rule 1920.12. Complaint.**

(a) In addition to the requirements of Pa.R.C.P. 1920.12, the plaintiff shall set forth in the complaint,

(1) a statement that the plaintiff specifically waives or reserves the right to request that the court so require the parties to participate in counseling in any action under Sections 3301(a)(6), (c), or (d) of the Divorce Code. If a reservation of such request for counseling is contained in the complaint, waiver of the right of plaintiff must be contained in the affidavit submitted under Pa.R.C.P. 1920.72 or a separate waiver must be submitted by the plaintiff prior to the entry of the decree if counseling has been completed pursuant to court order;

(2) an allegation as to the military or non-military service of the parties. If no such allegation is made, the allegation must be contained in the affidavit submitted under Pa.R.C.P. 1920.72 or by separate affidavit prior to the entry of the decree;

(3) a statement as to any children born to the parties, whether such children are minors, and that the plaintiff and defendant have been advised of the requirement to participate in the Co-Parent Education (COPE) Program administered by the Court of Common Pleas of Lehigh County, Pennsylvania pursuant to the Court's Order of December 30, 1993;

(4) if desired, a request that the parties participate in the Interim Relief Program before the Master-in-Divorce.

(b) An additional copy of the verified complaint in divorce shall be filed for each of the following claims set forth in the divorce complaint;

- (1) Custody;
- (2) Equitable distribution;
- (3) Other types of ancillary relief.

(c) A claim for custody, whether filed in a separate complaint or petition or as a count in the divorce complaint shall conform to the requirements of the Uniform Child Custody Jurisdiction Act, 42 Pa.C.S. Section 5341, et seq., and Pa.R.C.P. 1915.1 et seq.

##### **L. C. Rule 1920.13. Pleading More Than One Cause of Action Alternative Pleading.**

(a) Where a claim for relief under the divorce code is made in addition to a claim of divorce or for annulment, the plaintiff shall set forth in the complaint or petition requesting such relief, allegations as to whether either party had previously requested the same or similar relief in this or any other jurisdiction and the number, commencement date, and present status (if pending) or the final disposition of such proceeding.

(b) As provided in Pa.R.C.P. 1920.13(d), the court may order reasonable counsel fees, costs and expenses pending final disposition of any claim. In the first instance, the Master-in-Divorce shall hear all petitions for interim counsel fees, costs and expenses. All such requests shall be made by petition and rule to show cause delivered to the Master-in-Divorce Office. An original plus two (2) copies shall be delivered after which the Master shall fix a date and time on the rule returnable and have the original and copies filed with the Clerk of Courts, Civil Division, Divorce filings. The rule to show cause shall be given a return date for filing of an answer and also a

conference date with the Master, and shall be forwarded directly to the parties by the Master's Office.

(c) The petition for interim counsel fees, costs and expenses shall contain:

(1) identification of all other pending litigation between the parties;

(2) petitioner's income and expense statement in the form required by the practice and procedure governing an action for support, together with a true copy of petitioner's most recent Federal income tax return and pay stubs, if any, for the preceding six (6) months;

(3) petitioner's inventory of all property owned or possessed in the form sufficient to acquaint the Master of the size, nature, and extent of the assets of the parties, both marital and non-marital;

(4) the specific amounts claimed for interim counsel fees and expenses and any statement for services, bills, estimates, or other itemization or explanation.

(d) The answer to the petition shall include:

(1) the respondent's income and expense statement and inventory as required of petitioner, together with a true copy of respondent's most recent Federal income tax return and pay stubs, if any, for the preceding six (6) months;

(2) a concise statement of respondent's position regarding the amounts claimed by the petitioner.

(e) If no answer is filed by the return date, upon praecipe and an affidavit of service of the petition and rule returnable, showing service more than ten (10) days before the return date, the Master will recommend that the rule be made absolute.

Following conference, the Master will make a recommendation in the form of a draft Order of Court to the Administrative Judge of the Family Division for entry of an interim order recommending the allowance of specific amounts as interim counsel fees and expenses; fees and/or expenses be paid by non-moving party or utilized from existing marital assets; that the petition be denied; or such other relief as warranted under the circumstances. The Order will provide that either party aggrieved may file a written demand for de novo review before the Court within ten (10) days. If neither party files demand for review within ten (10) days thereafter, the recommendation shall be a final Court Order. Demand for de novo review shall be placed on the next available Family Court Miscellaneous list.

**L. C. Rule 1920.15. Counterclaim. Subsequent Petition.**

Where a claim for relief under the Divorce Code is made in addition to a claim for divorce or for annulment, the defendant shall set forth in the counterclaim or petition requesting such relief, allegations as to whether either party had previously requested the same or similar relief in this or any other jurisdiction and if so, the caption, court, term and number, commencement date, and present status (if pending) or the final disposition of such other proceedings.

**L. C. Rule 1920.16. Severance of Actions and Claims. Interim Relief Program.**

(a) The Master-in-Divorce shall be empowered to hear petitions for interim relief to assist parties either through agreement or by recommendation for entry of a court order to stabilize their financial circumstances, preserve assets subject to equitable distribution, and provide for

interim distribution of marital assets warranted by the circumstances. Other issues subject to interim relief may include the use or possession of marital assets by the parties pending equitable distribution; payment of joint credit card debt or other liens during the divorce action, including mortgages, car payments, car insurance, personal loans, etc.; whether cash assets should be escrowed or whether they should be distributed in whole or in part; whether certain marital assets should be sold or disposed of during the pendency of the divorce; and issues of discovery. This shall be known as the "Interim Relief Program".

(1) Participation in the Interim Relief Program shall be voluntary by mutual agreement of the parties. Parties shall retain the right to proceed directly to the Court, if so desired, on any matter that may be submitted pursuant to the Interim Relief Program or for Special Relief pursuant to Pa.R.C.P. 1920.43.

(2) Petitions pursuant to the Interim Relief Program may be filed contemporaneously with the divorce complaint or at anytime thereafter. All such petitions shall be titled "Plaintiff's/Defendant's Petition for Interim Relief pursuant to Lehigh County Rule of Civil Procedure 1920.16". The original of the Petition shall be filed with the Clerk of Courts, Civil Division, Divorce filings. A time-stamped copy of the Petition shall be provided to the Master-in-Divorce Office at least five (5) days prior to the intended date of presentation to the Master. Written proofs of notice of presentation as well as agreement of opposing counsel to proceed before the Master-in-Divorce shall be attached to the Petition.

(3) Petitions shall be heard by the Master on Tuesday and Thursday mornings commencing at 9:30 a.m. in the Master-in-Divorce Office. No ex parte petitions will be entertained by the Master. The parties and their counsel shall be entitled to attend the proceedings, although the presence of the parties shall not be required. No record of the proceedings shall be provided by the Master. The parties shall have the right to arrange and provide for their own stenographic services.

(4) Every attempt shall be made by the Master to dispose of all requests/petitions on the date of presentation or hearing. If the parties cannot agree on an Order for relief, the Master will make a written recommendation in the form of an interim Court Order which will be automatically processed by one of the Judges of the Family Division. Any party aggrieved by the Order shall be entitled to file a written demand for review by the Court within ten (10) days of receipt of the Order. Demands for review shall be placed on the earliest available Family Court Miscellaneous list. There shall be no record of the proceedings before the Master unless arranged by either of the parties. If a written demand for review from the recommended Order is filed by either party, the Master shall prepare and file a written statement of the reasons for the recommendation, if not already stated in the recommended Order.

**L. C. Rule 1920.22. Discovery.**

Any party requesting discovery under Pa.R.C.P. 1920.22 shall present a petition specifying the discovery requested to the Family Court Motion Judge or to the Master-in-Divorce, as heretofore provided pursuant to the Interim Relief Program, and shall comply with all Lehigh County rules relative to the notice and presentation of said petition. The Master-in-Divorce shall be empowered to rule by way of recommendation to the Court on any requests for discovery made pursuant to the Interim Relief Program.

**L. C. Rule 1920.31. Alimony Pendente Lite, Counsel Fees, Costs and Expenses.**

(a) A claim for alimony pendente lite, whether made by the plaintiff or the defendant, shall in the first instance be decided by the Domestic Relations Section of the Court. Where a claim for such relief is made, the Clerk of Courts shall transmit a duplicate copy of the pleading requesting such relief to the Domestic Relations Section. The practice and procedure with respect to any such claims, including pre-hearing conferences conducted by the Domestic Relations Office, shall be the same as the procedure in cases for support instituted by Civil Complaint.

(b) Claims for interim counsel fees shall be made in accordance with L. C. Rule 1920.13.

**L. C. Rule 1920.33. Joinder of Related Claims. Distribution of Property. Enforcement.**

(a) As provided in L. C. Rule 1920.4, within thirty (30) days of service of the complaint containing a claim for equitable distribution of property, the plaintiff shall prepare and file a certificate of service. A time-stamped copy of said certificate of service shall promptly be forwarded to the Master-in-Divorce.

The Master shall prepare a recommended Order regarding the filing date for the respective parties' inventories in compliance with Pa.R.C.P. 1920.33(a) which shall be forwarded to the presiding Judge of the Family Division for immediate processing.

The failure of any party to file the necessary inventory of all property as required by Pa.R.C.P. 1920.33(a) may be enforced by the adverse party presenting a motion or petition to the Family Court Motions Judge, or to the Master-in-Divorce pursuant to the Interim Relief Program, for such relief as deemed appropriate.

**L. C. Rule 1920.42. Court Review Officers.**

Case papers transmitted to the court pursuant to Pa.R.C.P. 1920.42(a) shall be reviewed by Court Review Officers. Court Review Officers shall be practicing attorneys designated by the Court.

**L. C. Rule 1920.43. Special Relief.**

A petition setting forth facts entitling a party to relief under Pa.R.C.P. 1920.43 shall be filed with the Clerk of Courts with rule returnable, subject to all Lehigh County rules relative to the notice and presentation of said petition, or may be presented to the Master-in-Divorce pursuant to the Interim Relief Program. The Master-in-Divorce shall be empowered to hear all petitions presented under subdivision (a) of Pa.R.C.P. Rule 1920.43 by direct petition according to the procedure set forth in L. C. Rule 1920.16 or by directive of the Court.

**L. C. Rule 1920.45. Counseling.**

A request for counseling shall be substantially the following form:

REQUEST FOR COUNSELING

The undersigned, pursuant to Pa.R.C.P. 1920.45, herewith requests counseling and prays the Court to enter an order requiring up to a maximum of three counseling sessions within (xxxxxx) days from

\_\_\_\_\_  
(Plaintiff)

\_\_\_\_\_  
(Defendant)

The request shall be presented to the Family Court Motions Judge who shall enter an appropriate order, or

may be presented to the Master-in-Divorce pursuant to the Interim Relief Program who shall recommend appropriate action by the Court.

**L. C. Rule 1920.51. Hearing by the Court. Appointment of Master. Notice of Hearing.**

As provided in Pa.R.C.P. 1920.51(a)(3), the Motion for the appointment of a Master and Order shall be substantially the form prescribed by Rule 1920.74. The motion shall be filed in duplicate with the Clerk of Courts, Civil Division, Divorce filings. All Motions shall be accompanied with a check payable to the Clerk of Courts in the amount of \$250.00 unless the \$55.00 administration fee required under L. C. Rule 1920.3 has not as yet been paid. In that event, the Motion shall be accompanied with a payment in the amount of \$305.00. Any motion which fails to conform to the claims or defenses raised in the pleadings of record may either be denied or vacated.

The Master's fee specified above shall cover the Master's review of the file, scheduling of the initial conference, the initial conference, preparation and filing of the scheduling Order, and the first full day of Master's hearings. If requested by the parties, it shall also cover the settlement conference. Should proceedings not be concluded after a full day of Master's hearing, the Master shall be empowered to request that an additional cost of \$200.00 per day be imposed for any subsequent Master's hearings and that said cost be made prior to the scheduling of a second Master's hearing.

No Motion for the appointment of a master shall be filed unless the moving party has filed its Inventory in the form and manner set forth in Rule 1920.33 and 1920.75. The Clerk of Courts may refuse to accept for filing any Motion for appointment if the moving party has failed to have its Inventory filed either prior to or contemporaneous with the filing of the motion. The moving party shall serve upon the non-moving party a true and correct copy of the Motion filed, the proposed Order, and the signed Order when received from the Court.

Upon receipt by the Master of the Order appointing Master, an initial conference before the Master shall be scheduled. Written confirmation of the date and time of the initial conference shall be sent to the parties directly from the Master's Office. With the exception of an unrepresented party, the initial conference shall be between only the Master and counsel for the parties.

At the initial conference, the parties shall submit an informational sheet containing a summary of marital assets/debts, with date of acquisition, separation, and distribution values. A recommended form of such summary is available in the Master's Office. Copies of the parties latest Federal and State Income Tax returns, or other evidence of the incomes of the parties, if any, shall also be provided to the Master.

Following initial conference, the Master will prepare a recommended Order setting forth any additional discovery to be conducted by the parties, with time limits within which to complete such discovery, as well as a schedule for the filing of the pre-trial statements in accordance with Rule 1920.33(b) and a date of the Master's hearing. The recommended Order shall be submitted to the Administrative Judge of the Family Division for immediate processing.

As provided in the recommended Order, either party may request a settlement conference with the Master prior to the filing of the pre-trial statements. No settlement conference shall be scheduled as of course. If a

settlement conference is held, counsel and the parties are required to attend. At least five (5) days prior to the date of the settlement conference, (if not previously provided in the parties' Inventory or at the time of the initial conference) the parties shall submit to the Master a summary of the marital and non-marital estate, including valuations of assets on dates of acquisition, separation, and distribution, as well as a proposed resolution of the economic issues. Copies of all appraisals, expert reports, or other documentation to the support the parties' claims should also be available for the Master's review. If the matter is not resolved at the settlement conference, the parties shall proceed with filing of pre-trial statements and other provisions of the Initial Conference Order. The scheduling of the settlement conference shall not relieve the parties from compliance with the Initial Conference Order, unless otherwise directed by the Master.

There shall be a mandatory Pre-Trial Conference held by the Master in every case. Except in unusual cases, the pre-trial conference shall be held on the date of the scheduled Master's hearing commencing at 9:30 a.m. Matters such as the sequence of witnesses, the submission of exhibits, proposed stipulations, and ruling on preliminary legal issues shall be reviewed at that time. The parties are required to be present at the pre-trial conference. No witnesses, except for the parties, shall appear for the hearing until at least 10:00 a.m. Stenographic services shall not be required until at least 10:00 a.m.

The Master's hearing shall be conducted in accordance with Rule 1920.55-2 providing for a full record hearing.

After the conclusion of the hearing, the Master shall provide to the parties an opportunity to submit proposed findings of fact and/or conclusions of law or legal memoranda; no prejudice shall result by any party's failure to do so. No specific form of submission shall be required; letter-form addressed to the Master and served upon the opposing party/counsel is acceptable.

**L. C. Rule 1920.52. Bifurcation.**

All petitions for bifurcation of divorce proceedings, in the form of a rule to show cause, shall be presented to the Administrative Judge of the Family Court Division for conference with the Court. Following the conference, should a full hearing be required, the matter shall be placed by the Court Administrator on the next available Family Court hearing list. All bifurcation hearings shall be heard by those judges assigned to the Family Court Division.

**L. C. Rule 1920.53. Extension of Time for Filing Master's Report.**

In contested actions, if the Master cannot file the report within thirty (30) days after receipt of the notes of testimony, as required by Pa.R.C.P. 1920.53(a)(1), the Master shall apply in writing to the Administrative Judge of the Family Court Division for an extension of time prior to the expiration of that period. A copy of such application shall be provided to counsel of record in the case, or directly to any unrepresented party.

**L. C. Rule 1920.55. Exceptions to Master's Report.**

(a) Timely exceptions shall be placed on the list for argument court by praecipe of counsel at the time of filing exceptions. The procedure to be followed shall be governed by L. C. Rule 211.

(b) If no timely exceptions are filed to the Master's Report, and proof of notice of filing the Master's Report has been filed, the Clerk of Courts, after all costs have

been paid, shall cause the entire record to be delivered to the Court for review and adjudication.

[Pa.B. Doc. No. 97-813. Filed for public inspection May 23, 1997, 9:00 a.m.]

**MONTGOMERY COUNTY**

**Local Rule of Civil Procedure 1041.1\*; No. 97-00001-1**

**Order**

*And Now*, this 30th day of April, 1997, the Court approves and adopts the following Amendment to Montgomery County Local Rule of Civil Procedure 1041.1\*—Asbestos Litigation—Special Provisions. This Amendment to the Rule shall become effective thirty (30) days after the date of publication in the *Pennsylvania Bulletin*.

The Court Administrator is directed to publish this Order once in the *Montgomery County Law Reporter* and in the *Legal Intelligencer*. In conformity with Pa.R.C.P. 239, seven (7) certified copies of the within Order shall be filed by the Court Administrator with the Administrative Office of Pennsylvania Courts. Two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. One (1) certified copy shall be filed with the Civil Procedural Rules Committee. One (1) copy shall be filed with the Prothonotary, one (1) copy with the Clerk of Courts, one (1) copy with the Court Administrator of Montgomery County, one (1) copy with the Law Library of Montgomery County, and one (1) copy with each Judge of this Court.

*By the Court*

JOSEPH A. SMYTH,  
*President Judge*

**AMENDMENT TO M.R.C.P. 1041.1\***

**Rule 1041.1\*. Asbestos Litigation—Special Provisions.**

Asbestos litigation in Montgomery County is governed by the Pennsylvania Rules of Civil Procedure and the Montgomery County Local Rules of Civil Procedure, except as follows:

(1)—(4) Unchanged.

(5) The following procedure shall be in effect with respect to cases subject, or alleged to be subject to *Simmons v. Pacor, Inc.*, 543 Pa. 664, 674 A.2d 232 (1996):

A. Within four (4) months of the effective date of this subsection with respect to asbestos cases pending on the effective date, and within four (4) months after the filing of each asbestos case filed after the effective date of this Rule, plaintiff in each such case shall either elect to pursue a claim for medical monitoring, or transfer the case to inactive status.

B. A plaintiff desiring to pursue a claim for medical monitoring shall, by letter, notify the law clerk for asbestos litigation, with copies to all other counsel. The law clerk for asbestos litigation shall consult with the Court, which will issue appropriate Orders scheduling a conference, and thereafter list the case for arbitration or trial, as appropriate.

C. With respect to cases in which plaintiff does not presently wish to pursue a claim for medical monitoring plaintiff shall file with the Prothonotary, and serve on all other counsel and on the law clerk for asbestos litigation,

a praecipe to transfer to inactive status. The praecipe shall be in the following form:

"[Caption]

**PRAECIPE TO TRANSFER INACTIVE STATUS TO THE PROTHONOTARY:**

Transfer the above-captioned matter to inactive status in accordance with Montgomery County Local Rule of Civil Procedure 1041.1\*(5).

\_\_\_\_\_  
Attorney for Plaintiff

[Certificate of Service]"

D. Anytime after the expiration of four (4) months from the effective date of this subsection with respect to asbestos cases pending on that date, and anytime after four (4) months from the commencement of any action commenced after the effective date of this subsection, any defendant who asserts that any case should be transferred to inactive status because it falls within the rule of *Simmons v. Pacor, Inc., supra.*, shall file with the Prothonotary, a Petition to Transfer to Inactive Status. The Petition shall be in accordance with Pa.R.C.P. 206.1, and Montgomery County Local Rules of Civil Procedure \*302 and 1041.1\*(2). The argument court cover sheet shall request a return day in accordance with Montgomery County Local Rule of Civil Procedure 302(b). Copies of the petition shall be served on all other counsel in accordance with Montgomery County local rules and practice, and shall also be served on the law clerk for asbestos litigation. The moving party's proposed order shall be in the following form:

"ORDER

AND NOW, this \_\_\_\_ day of 199\_, IT IS ORDERED that the above-captioned matter is transferred to inactive status in accordance with Montgomery County Local Rule of Civil Procedure 1041.1\*(5).

BY THE COURT:

\_\_\_\_\_  
J."

Responses shall be filed at or before the time the rule is returnable, and shall be served on all counsel and on the law clerk for asbestos litigation.

E. Upon receipt of any responses, the law clerk for asbestos litigation shall refer the petition to the Court, which will schedule the matter for argument or hearing as appropriate. If no responses are filed the Court Administrator will forward the Petition to the Signing Judge.

F. After a case has been transferred to inactive status, whether by praecipe or by petition and order, the Prothonotary will maintain the case as an inactive file, the law clerk for asbestos litigation will remove the case from the list of pending cases eligible for trial listing, and no party may take any action with respect to the case, except for the taking of depositions of an aged or infirm witness for purposes of preservation of testimony unless and until the Court, by Order shall direct that the case be re-transferred to active status, upon petition and rule filed in accordance with the procedure set forth in subparagraph (D), above.

Comments—1.5. Unchanged.

6. At the time of the adoption of the addition of subparagraph (5) the Court was aware that litigation was pending in other jurisdictions relating to the manner in which claims for medical monitoring can be pursued, and

if such claims can be pursued. The provisions of this subsection (5) creating a procedure to pursue medical monitoring claims does not express the Court's opinion on this issue. This Rule does not preclude any appropriate motion in any case.

[Pa.B. Doc. No. 97-814. Filed for public inspection May 23, 1997, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Suspension

Notice is hereby given that on May 12, 1997, pursuant to Rule 214(d)(1) of the Pa.R.D.E., Debra Lee King has been placed on Temporary Suspension by the Supreme Court of Pennsylvania until further Order of the Court.

ELAINE M. BIXLER,  
Secretary

*The Disciplinary Board of the  
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 97-815. Filed for public inspection May 23, 1997, 9:00 a.m.]

### Notice of Transfer of Attorney to Inactive Status

Notice is hereby given that Neal Sharma of Trenton, New Jersey, has been transferred to inactive status by Order of the Supreme Court of Pennsylvania dated April 11, 1997, pursuant to Rule 219, Pa.R.D.E. The order became effective May 11, 1997.

ELAINE M. BIXLER,  
Secretary

*The Disciplinary Board of the  
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 97-816. Filed for public inspection May 23, 1997, 9:00 a.m.]

## SUPREME COURT

### Paid Holidays in 1998 for Staffs of the Appellate Courts and Administrative Office of Pennsylvania Courts; No. 182; Doc. No. 1

#### Order

*Per Curiam:*

*And Now,* this 6th day of May, 1997, it is hereby ordered that the following paid holidays for calendar year 1998 will be observed by all employees of the appellate courts and the Administrative Office of Pennsylvania Courts:

January 1, 1998	New Year's Day
January 19, 1998	Martin Luther King, Jr. Day (Observed)
February 16, 1998	Presidents' Day
April 10, 1998	Good Friday
May 25, 1998	Memorial Day (Observed)
July 3, 1998	Independence Day (Observed)

September 7, 1998 Labor Day  
 October 12, 1998 Columbus Day  
 November 3, 1998 Election Day  
 November 11, 1998 Veterans Day  
 November 26, 1998 Thanksgiving Day  
 November 27, 1998 Day After Thanksgiving  
 December 25, 1998 Christmas Day

[Pa.B. Doc. No. 97-817. Filed for public inspection May 23, 1997, 9:00 a.m.]

**Redesignation of Appellate Court Rules Committee; No. 106; Doc. No. 1**

**Order**

*Per Curiam:*

*And Now*, this 8th day of May, 1997, the Appellate Court Rules Committee is hereby redesignated and renamed as the Appellate Court Procedural Rules Committee.

To the extent that notice of proposed rulemaking would be required by Rule 103 of the Pennsylvania Rules of Judicial Administration or otherwise, this Order is hereby found to be required in the interest of efficient administration.

This Order shall be processed in accordance with Rule 103(b) of the Pennsylvania Rules of Judicial Administration and shall be effective immediately.

[Pa.B. Doc. No. 97-818. Filed for public inspection May 23, 1997, 9:00 a.m.]

**Redesignation of Domestic Relations Committee; No. 178; Doc. No. 1**

**Order**

*Per Curiam:*

*And Now*, this 8th day of May, 1997, the Domestic Relations Committee is hereby redesignated and renamed as the Domestic Relations Procedural Rules Committee.

To the extent that notice of proposed rulemaking would be required by Rule 103 of the Pennsylvania Rules of Judicial Administration or otherwise, this Order is hereby found to be required in the interest of efficient administration.

This Order shall be processed in accordance with Rule 103(b) of the Pennsylvania Rules of Judicial Administration and shall be effective immediately.

[Pa.B. Doc. No. 97-819. Filed for public inspection May 23, 1997, 9:00 a.m.]

**Redesignation of Orphans' Court Rules Committee; No. 281; Doc. No. 5**

**Order**

*Per Curiam:*

*And Now*, this 8th day of May, 1997, the Orphans' Court Rules Committee is hereby redesignated and renamed as the Orphans' Court Procedural Rules Committee.

To the extent that notice of proposed rulemaking would be required by Rule 103 of the Pennsylvania Rules of Judicial Administration or otherwise, this Order is hereby found to be required in the interest of efficient administration.

This Order shall be processed in accordance with Rule 103(b) of the Pennsylvania Rules of Judicial Administration and shall be effective immediately.

[Pa.B. Doc. No. 97-820. Filed for public inspection May 23, 1997, 9:00 a.m.]

**Sessions of the Supreme Court of Pennsylvania for the Year 1998; No. 105; Doc. No. 1**

**Order**

*Per Curiam:*

*And Now*, this 6th day of May, 1997, it is ordered that the argument/administrative sessions of the Supreme Court of Pennsylvania shall be held in the year 1998 as follows:

Philadelphia	February 2 through February 6
Pittsburgh	March 9 through March 13
Harrisburg	April 27 through May 1
Philadelphia (Administrative Session)	June 2, 1998
Pittsburgh	September 14 through September 18
Philadelphia	October 19 through October 23
Harrisburg	November 16 through November 20
Pittsburgh (Administrative Session)	December 3, 1998

Additional argument/administrative sessions may be scheduled as the Court deems necessary.

[Pa.B. Doc. No. 97-821. Filed for public inspection May 23, 1997, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

### STATE BOARD OF CHIROPRACTIC [49 PA. CODE CH. 5]

#### Examination and Business Provisions

The State Board of Chiropractic (Board) amends §§ 5.6, 5.12, 5.15, 5.16 and 5.32 pertaining to examinations and professional corporations, to read as set forth in Annex A.

Under section 502 of the Chiropractic Practice Act (act) (63 P. S. § 625.502), examinations for licensure must be prepared and administered by a professional testing organization. Section 502(d) of the act excepted oral and practical examinations until these examinations were available from a testing organization. Recently, the National Board of Chiropractic Examiners (NBCE), the testing organization which administers Parts I—III of the National Board Examination, developed an oral and practical examination component of the National Board Examination which is known as Part IV.

All parts of the National Board Examination are given at the seven chiropractic schools in the United States at the conclusion of an academic term in November and May. For this reason, the Board does not contract with the NBCE separately to administer this examination, nor does the Board collect a fee for the National Board Examination. Therefore, § 5.6 (relating to fees) will be amended to delete reference to the fee for the Board administered examination and § 5.12(a)(4) (relating to licensure by examination) will be amended to delete reference to a Board administered examination and to insert language adopting Part IV of the National Board Examination as the oral/practical portion of the licensure examination. Section 5.15(a)(1) (relating to licensure examinations) has been similarly amended to include Part IV as a required component of the National Board Examination. Section 5.15(a)(2) has been amended to delete reference to the former examination given by the Board and revised to provide that, in addition to Parts I—IV, candidates must take and pass the Pennsylvania Chiropractic Law Examination which is given by a professional testing organization under contract to the Board.

The Board has also made editorial changes to § 5.12 to correct the references to an approved chiropractic college and the National Board Examination. Section 5.32 (relating to corporate and fictitious names; professional corporations) has also been amended to correct a grammatical error as well as the accidental inclusion of both a proposed version and a final version of subsection (b).

Public notice of intention to amend these sections under the procedures specified in sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) (CDL), has been omitted as authorized under section 204(3) of the CDL (45 P. S. § 1204(3)) because the Board finds that these procedures are, under the circumstances, unnecessary. Public comment is unnecessary because section 502 of the act requires that the Board use examinations prepared and administered by a qualified and approved professional testing organization when these examinations become available. In addition, the

amendments to §§ 5.12 and 5.32 are corrections of grammatical, typographical and clerical errors in the current regulations which will have no substantive effect on the regulations.

#### *Compliance with Executive Order 1996-1*

The Board reviewed this rulemaking and considered its purpose and likely impact upon the public and the regulated population under the directives of Executive Order 1996-1, Regulatory Review and Promulgation. The final/proposed omitted regulations address a compelling public interest as described in this Preamble and otherwise comply with Executive Order 1996-1.

#### *Statutory Authority*

These amendments are adopted under the authority of section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a) and section 302(3) of the act (63 P. S. § 625.302(3)).

#### *Fiscal Impact and Paperwork Requirements*

The amendments will have no fiscal impact on the Commonwealth or its political subdivisions. Candidates for licensure by examination will be required to pay increased fees for Part IV of the National Board Examination and the Pennsylvania Chiropractic Law Examination.

#### *Regulatory Review*

Under section 5(f) of the Regulatory Review Act (71 P. S. § 745.5(f)), on April 4, 1997, a copy of the amendments were submitted to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate Committee on Consumer Protection and Professional Licensure and the House Committee on Professional Licensure. In addition, at the same time, the amendments were submitted to the Office of Attorney General for review and comment under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

Under section 5(c) of the Regulatory Review Act, the amendments were approved by the House Committee on Professional Licensure on April 23, 1997, approved by the Senate Committee on Consumer Protection and Professional Licensure on April 15, 1997, and approved by IRRC on May 1, 1997.

#### *Additional Information*

Interested persons are invited to submit written comments, suggestions or objections regarding the amendments to Deb Smith, Board Administrator, State Board of Chiropractic, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-7156.

#### *Findings*

The Board finds that:

(1) Public notice of intention to amend the regulations as adopted by this order under the procedures specified in sections 201 and 202 of the CDL, has been omitted under the authority contained in section 204(3) of the CDL, because the Board has, for good cause, found that the procedure specified in sections 201 and 202 of the CDL, is in this circumstance, unnecessary, because section 502(d) of the act requires that the oral/practical examination for licensure be prepared and administered by a professional testing organization as soon as the examination is available from a professional testing organization.

(2) Persons affected by the amendments as adopted by this order have been given actual notice of the Board's intention to amend the regulations in advance of final rulemaking under section 204(2) of the CDL.

(3) The amendment of the regulations of the Board in the manner provided in this order is necessary and appropriate for the administration of its authorizing statute.

*Order*

The Board, acting under its authorizing statute, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 5, are amended by amending §§ 5.6, 5.12, 5.15, 5.16 and 5.32 to read as set forth in Annex A.

(b) The Chairperson of the Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for approval as to legality as required by law.

(c) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall become effective immediately upon publication in the *Pennsylvania Bulletin*.

RANDY W. MCCALL, D.C.,  
*Chairperson*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 27 Pa.B. 2490(May 17, 1997).)*

**Fiscal Note:** 16A-438. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 5. STATE BOARD OF CHIROPRACTIC**

**Subchapter A. GENERAL PROVISIONS**

**§ 5.6. Fees.**

The Board will charge the following fees:

Pennsylvania Chiropractic Law Examination . . . . .	\$87
Application for Licensure by Examination . . . . .	\$25
Application for Licensure by Reciprocity . . . . .	\$65
Biennial Registration . . . . .	\$210
Limited License . . . . .	\$30
Adjunctive Procedure Certification . . . . .	\$25
Certification of Grades or Licensure . . . . .	\$25
Application for Continuing Education Course Approval . . . . .	\$30
Radiological Procedures Examination . . . . .	\$75
License Restoration . . . . .	\$25

**Subchapter B. LICENSURE, CERTIFICATION, EXAMINATION AND REGISTRATION PROVISIONS**

**§ 5.12. Licensure by examination.**

(a) An applicant for license by examination shall present evidence of the following:

(1) Graduation from an approved chiropractic college.

(2) Passing scores on Parts I, II, III and IV of the National Board Examination.

(b) The applicant shall complete an application obtained from the Board detailing the applicant's education and experience, and certifying that the applicant has met the requirements for licensure under the act and this chapter. The application shall be returned to the Board with the required fee.

(c) The applicant shall provide proof that the applicant has obtained professional liability insurance in accordance with § 5.41 (relating to certification of professional liability insurance). It is sufficient if the applicant files with the application a copy of a letter from the applicant's professional liability insurance carrier indicating that the applicant will be covered against professional liability in the required amounts effective upon the issuance of the applicant's license to practice chiropractic in this Commonwealth. Upon issuance of the license, the licensee has 30 days to submit to the Board the certificate of insurance or a copy of the policy declaration page as described in § 5.41. The effective date of this subsection is September 1, 1988.

**§ 5.15. Licensure examinations.**

(a) To qualify for licensure by examination, an applicant shall successfully complete the following examinations:

(1) Parts I, II, III and IV of the National Board Examination.

(2) The Pennsylvania Chiropractic Law Examination developed, prepared, administered and graded by the professional testing organization approved by the Board.

(b) The applicant shall apply to the NBCE for admission to the National Board Examinations and pay the required fees at the direction of the NBCE.

(c) The applicant shall be responsible for directing that the NBCE send examination results and other information requested to the Board.

(d) Passing scores on the National Board Examinations shall be established by the NBCE for each administration of the National Board Examinations in accordance with section 502(e) of the act (63 P. S. § 625.502(e)). A passing score on Part IV of the National Board Examination obtained at any time since Part IV has been offered by the NBCE will satisfy the Part IV National Board Examination requirement under § 5.12(a)(4) (relating to licensure by examination).

(e) An application to take the Pennsylvania Chiropractic Law Examination shall be submitted with the required application fee specified in § 5.6 (relating to fees) to the Board approved professional testing organization at least 60 days prior to the date of the examination.

**§ 5.16. Failure on examination; reexamination.**

(a) An applicant who fails one or more of the National Board Examinations is eligible for reexamination in accordance with the rules and regulations of the NBCE.

(b) An applicant who fails the Pennsylvania Chiropractic Law Examination may take a reexamination within 2 years. If the applicant fails the reexamination, the applicant may be required to complete studies as directed by the Board prior to reapplication for licensure.



**Subchapter C. BUSINESS ASPECTS OF PRACTICE**

**§ 5.32. Corporate and fictitious names; professional corporations.**

(a) Fictitious and professional corporation names shall meet the following conditions:

(1) The corporate name shall end with the words corporation, incorporated, professional corporation or a derivative thereof.

(2) The fictitious or corporate name shall contain the word chiropractor, chiropractic, doctor of chiropractic or D. C., unless incorporated under this section.

(3) The fictitious or corporate name may not have been previously filed with the Corporation Bureau and approved by the Board and in current use by another licensee.

(4) The fictitious or corporate name may not indicate or suggest by its terms an official status or affiliation with Federal, State, county or municipal governmental entity.

(5) The fictitious or corporate name may not contain false, deceptive or misleading terminology.

(b) A licensee may form a professional corporation with other licensees or other licensed health care practitioners who treat human ailments and conditions and who are licensed to provide health care services in this Commonwealth without receiving a referral or supervision from another health care practitioner.

[Pa.B. Doc. No. 97-822. Filed for public inspection May 23, 1997, 9:00 a.m.]

**STATE BOARD OF COSMETOLOGY**  
**[49 PA. CODE CH. 7]**  
**Examination Fees**

The State Board of Cosmetology (Board) amends § 7.2 (relating to fees) pertaining to examination fees for licensure for cosmetologists, cosmeticians, manicurists, teachers and cosmetology shop managers to read as set forth in Annex A.

Under section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a) and section 16(a) of the Cosmetology Law (act) (63 P. S. § 522(a)), examinations for licensure must be prepared and administered by a professional testing organization under contract to the appropriate board. This amendment will change fees for examinations to candidates for licensure to reflect actual contract costs for examination services as the result of the award of a new contract with a professional testing organization.

Public notice of intention to amend the regulation under the procedures specified in sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) (CDL) has been omitted as authorized under section 204(3) of the CDL (45 P. S. § 1204(3)), because the Board finds that these procedures are, under the circumstances, unnecessary. Public comment is unnecessary because section 812.1 of The Administrative Code of 1929 requires that candidate fees cover the cost of the examination. Persons affected by the amendment have been given actual notice of the Board's intention to amend the regulation in advance of final rulemaking under section 204(2) of the CDL.

In developing specifications for a new testing contract, the Board conducted a review of its examinations and procedures. As a result of the review, the Board determined that the Pennsylvania law portion of the examina-

tion is not cost effective. The Board believes that questions necessary to determine competence in professional practice can be adequately covered in the written examinations. Accordingly, the Pennsylvania law examination and its fee are deleted from the regulations for all license categories. The Board also decided to rename the practical examination as the performance examination to more accurately describe the examination's scope. The performance examination is required for licensure as a cosmetologist, cosmetician, manicurist or teacher. The theory portion of the examination will continue to be required of all applicants including managers.

As a result of the procurement process for a new testing contract, the fees for the five license categories (cosmetologist, cosmetician, manicurist, teacher and manager) will be the same. Therefore, the Board has been able to further simplify its regulation by reducing 19 separate fees to three.

To accomplish this objective, the Board has restructured § 7.2 in its entirety. Existing subsections (a) and (b) referencing prior year's examinations are deleted. New subsection (a) will be reserved for examination fees. In new subsection (b), the Board places other fees charged by the Board not changed in this rulemaking.

The following chart summarizes the change in fees for each license category.

**FEE STRUCTURE**

	<i>OLD</i>	<i>NEW</i>
Cosmetologist and Manicurist	\$52.50 Complete	\$59
	\$27 Written (theory)	\$31
	\$24 Practical	\$28
	\$18.50 Pa. Law	Deleted
	\$69.50 Total if taken separately	\$59
Cosmetician and Teacher	\$52.50 Complete	\$59
	\$27 Written (theory)	\$31
	\$24 Practical	\$28
	\$18.50 Pa. Law	Deleted
	\$69.50 Total if taken separately	\$59
Manager	\$28.50 Complete	
	\$27 Written (theory)	\$31
	\$18.50 Pa. Law	Deleted
	\$45.50 Total if taken separately	

*Compliance with Executive Order 1996-1*

The Board reviewed this rulemaking and considered its purpose and likely impact upon the public and the regulated population under the directive of Executive Order 1996-1, Regulatory Review and Promulgation. The final/proposed omitted regulation addresses a compelling public interest as described in this Preamble and otherwise complies with Executive Order 1996-1.

*Statutory Authority*

This amendment is proposed under section 812.1 of The Administrative Code of 1929 and section 16 of the act.

*Fiscal Impact and Paperwork Requirements*

The proposed amendment will have no fiscal impact on the Commonwealth or its political subdivisions. Candidates for licensure by examination will be required to pay the actual costs of the examination.

*Regulatory Review*

Under section 5(f) of the Regulatory Review Act (71 P. S. § 745.5(f)), on April 4, 1997, a copy of the amendment was submitted to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate Committee on Consumer Protection and Professional Licensure and the House Committee on Professional Licensure. In addition, at the same time, the amendment was submitted to the Office of Attorney General for review and comment under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

Under section 5(c) of the Regulatory Review Act, the amendment was approved on April 15, 1997, by the Senate Consumer Affairs and Professional Licensure Committee on April 15, 1997, approved by the House Professional Licensure Committee on April 23, 1997, and approved by IRRC on May 1, 1997.

*Additional Information*

Individuals who desire information are invited to submit inquiries to Sara Sulpizio, Board Administrator, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-7130.

*Findings*

The Board finds that:

(1) Public notice of intention to amend the regulation as adopted by this order under the procedures specified in sections 201 and 202 of the CDL has been omitted under the authority contained in section 204(3) of the CDL, because the Board has, for good cause, found that the procedure specified in sections 201 and 202 of the CDL, is in this circumstance, unnecessary, because section 812.1 of The Administrative Code of 1929 requires that candidate fees cover the cost of the examination.

(2) Persons affected by the regulation as amended by this order have been given actual notice of the Board's intention to amend the regulation in advance of final rulemaking under section 204(2) of the CDL.

(3) The amendment of the regulation of the Board in the manner provided in this order is necessary and appropriate for the administration of its authorizing statute.

*Order*

The Board, acting under its authorizing statute, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 7, are amended by amending § 7.2 to read as set forth in Annex A.

(b) The Chairperson of the Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for approval as to legality as required by law.

(c) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall become effective immediately upon publication in the *Pennsylvania Bulletin*, and shall apply to examinations administered in July 1997 and thereafter.

CAROL T. MICCICHE,  
*Chairperson*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 27 Pa.B. 2490 (May 17, 1997).)*

**Fiscal Note:** 16A-453. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 7. STATE BOARD OF COSMETOLOGY  
GENERAL PROVISIONS**

**§ 7.2. Fees.**

(a) The fee for the cosmetologist, cosmetician, manicurist or teacher examination is \$59. The fee for the manager theory examination is \$31. The fee for each portion of an examination is:

Theory examination.....	\$31
Performance examination (not applicable to managers).....	\$28
(b) Other fees charged by the Board:	
Licensure of cosmetologist, manicurist or cosmetician .....	\$ 5
Licensure of cosmetology shop manager or cosmetology teacher.....	\$10
Licensure of cosmetology shop, manicurist shop or cosmetician shop.....	\$35
Licensure of cosmetology school.....	\$95
Licensure by reciprocity.....	\$25
Registration of cosmetology apprentice .....	\$35
Biennial renewal of manicurist's license .....	\$21
Biennial renewal of cosmetician's license .....	\$21
Biennial renewal of cosmetologist's license.....	\$23
Biennial renewal of cosmetology shop manager's or cosmetology teacher's license .....	\$36
Biennial renewal of cosmetology shop's license .....	\$41
Biennial renewal of cosmetician or manicurist shop's license .....	\$25
Biennial renewal of cosmetology school's license.....	\$66
Approval of cosmetology school supervisor .....	\$10
Change in cosmetology shop (inspection required) ...	\$35
Change in cosmetology shop (no inspection required)	\$15
Reinspection of cosmetology shop.....	\$15
Certification of licensure .....	\$10

[Pa.B. Doc. No. 97-823. Filed for public inspection May 23, 1997, 9:00 a.m.]

**STATE BOARD OF OPTOMETRY**

**[49 PA. CODE CH. 23]**

**Fees**

The State Board of Optometry (Board) amends § 23.91 (relating to fees), to read as set forth in Annex A. The objective of the amendment is to establish an application fee for certification of an optometrist to prescribe and administer pharmaceutical agents for therapeutic purposes (commonly referred to as TPAs). The fee will offset the identifiable costs incurred by the Board to process an application for certification and defray a portion of the Board's overhead.

The Optometric Practice and Licensure Act (63 P. S. §§ 244.1—244.12) was amended by the act of October 30, 1996 (P. L. 721, No. 130) (Act 130) to require, inter alia, the certification and regulation of the prescription and administration by optometrists of TPAs. The Board is

required to certify eligible optometrists in two categories. The first requires an applicant to have: (a) graduated from an accredited school of optometry where a condition for graduation is or was the successful completion of a minimum of 100 hours in TPAs; and (b) passed a licensure examination to practice optometry which included TPAs. The second requires an applicant to have: (a) completed a Board-approved course of a minimum of 100 hours in TPAs; and (b) passed an examination on TPAs prepared and administered by a qualified and approved professional testing organization.

The Board estimates that approximately 1,000 currently licensed optometrists will seek certification in TPAs. In processing the applications, the Board staff spends approximately 30 minutes on each application. The applications are reviewed for completeness, education and examination scores are verified, optometric licensure is verified and applicants are requested to provide missing information. If the application is acceptable, it is processed through the computer and certification is issued to the applicant. Ineligible applicants are notified that certification has been denied. The proposed fee of \$25 is a combination of these processing costs and a portion of the Board's administrative overhead.

Public notice of intention to amend the Board's regulations under the procedures specified in sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) (CDL), has been omitted as authorized under section 204(3) of the CDL (45 P. S. § 1204(3)), because the Board finds that these procedures are, under the circumstances, unnecessary. Public comment is unnecessary because the newly enacted provisions of the act require the Board to certify eligible persons immediately and the fee provisions of the act require the Board to recoup its expenses related to the certification process. Persons affected by the amendment, however, have been given actual notice of the Board's intention to amend the regulation in advance of final rulemaking under section 204(2) of the CDL.

#### *Compliance with Executive Order 1996-1*

The Board reviewed this rulemaking and considered its purpose and likely impact upon the public and the regulated population under the directives of Executive Order 1996-1, Regulatory Review and Promulgation. The final/proposed omitted regulation addresses a compelling public interest as described in this Preamble and otherwise complies with Executive Order 1996-1.

#### *Statutory Authority*

This amendment is proposed under sections 4.1 and 9(c) of the act (63 P. S. §§ 244.1 and 244.9(c)).

#### *Fiscal Impact and Paperwork Requirements*

The amendment will have no fiscal impact on the Commonwealth or its political subdivisions. Applicants for certification in TPAs will be required to pay a fee to cover the costs of certification.

#### *Regulatory Review*

Under section 5(f) of the Regulatory Review Act (71 P. S. § 745.5(f)), on April 4, 1997, a copy of the amendment was submitted to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate Committee on Consumer Protection and Professional Licensure and the House Committee on Professional Licensure. In addition, at the same time, the

amendment was submitted to the Office of Attorney General for review and comment under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

Under section 5(c) of the Regulatory Review Act, the amendment was approved by the Senate Committee on April 15, 1997, approved by the House Committee on April 23, 1997, and approved by IRRC on May 1, 1997.

#### *Additional Information*

Individuals who desire information are invited to submit inquiries to Deb Smith, Board Administrator, State Board of Optometry, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783- 7134.

#### *Findings*

The Board finds that:

(1) Public notice of intention to amend its regulation as adopted by this order under the procedures specified in sections 201 and 202 of the CDL has been omitted under the authority contained in section 204(3) of the CDL because the Board has, for good cause, found that the procedures specified in sections 201 and 202 of the CDL are, in this circumstance, unnecessary, because the newly enacted provisions of section 4.1 of the act require the Board to immediately certify eligible optometrists in the prescription and administration of TPAs. Without this regulation, the Board will not be able to fulfill this obligation as well as its mandate to match revenues to expenditures.

(2) Persons affected by the amendment as adopted by this order have been given actual notice of the Board's intention to amend the regulation in advance of final rulemaking under section 204(2) of the CDL.

(3) The amendment of the regulation of the Board in the manner provided in this order is necessary and appropriate for the administration of its authorizing statute.

#### *Order*

The Board, acting under its authorizing statute, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 23, are amended by amending § 23.91 to read as set forth in Annex A.

(b) The Chairperson of the Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for approval as to legality as required by law.

(c) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall become effective immediately upon publication in the *Pennsylvania Bulletin*.

ROBERT A. GINSBURG, O.D.,  
Chairperson

*(Editor's Note: For the text of the Independent Regulatory Review Commission relating to this document, see 27 Pa.B. 2490 (May 17, 1997).)*

**Fiscal Note:** 16A-524. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 23. STATE BOARD OF OPTOMETRY FEES**

**§ 23.91. Fees.**

The following is the schedule of fees for services charged by the Board:

License application .....	\$25
Certified copy of license for each additional practice location .....	\$15
Certification of scores or licensure, or both .....	\$15
Verification of licensure .....	\$10
Biennial renewal—optometrist license .....	\$135
Biennial renewal—certified copy of license for each additional practice location .....	\$20
Application for certification to prescribe and administer pharmaceutical agents for therapeutic purposes .....	\$25

[Pa.B. Doc. No. 97-824. Filed for public inspection May 23, 1997, 9:00 a.m.]

**STATE BOARD OF PHARMACY  
[49 PA. CODE CH. 27]  
Examination Fees**

The State Board of Pharmacy (Board) amends §§ 27.21, 27.23—27.25 and 27.91 pertaining to fees for examinations for licensure to read as set forth in Annex A.

Under section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a) and sections 3, 6(k) and 8.2 of the Pharmacy Act (act) (63 P. S. §§ 390-3, 390-6(k) and 390-8.2), examinations for licensure must be prepared and administered by a professional testing organization under contract to the Board. The Board utilizes the examinations of the National Association of Boards of Pharmacy (NABP). The NABP consists of the licensing boards of all 50 states, the District of Columbia and United States territories and possessions. The NABP has developed a computer-based adaptive examination to replace the written (pencil and paper) examination known as the North American Pharmacist Licensure Examination (NABPLEX). Beginning in March 1997, the NABP will offer in computerized format the NAPLEX as the National uniform examination for licensure. The examination will be offered at numerous intervals in March, June, July and October of each year at a network of computer-based test centers by a professional testing organization under contract with the NABP. Candidates eligible to take the examination under §§ 27.21—27.25 may schedule testing periods at available test centers during the intervals established.

The amendments reflect the replacement of the pencil-and-paper NABPLEX with the computer-delivered NAPLEX. The amendments to § 27.91 (relating to schedule of fees) establish reduced examination fees and reflect changes in examination nomenclature. The fees will be the actual charges of the NABP to schedule a candidate

to take the examination. The reduced fees are the result of prior development costs having been spread over all licensing jurisdictions, all of which embraced the computer test model.

Section 27.21 (relating to application for examination and licensure) is amended to reflect changes in examination nomenclature and application procedures. Section 27.23 (relating to time and place for holding examinations) is amended to clarify that times and locations for the examination will be established by the Board in conjunction with the NABP. Section 27.24 (relating to examinations and passing scores) is amended to provide transition language, delete outdated examination provisions and clarify minimum passing scores. Also contemplated in this section is the eventual replacement, anticipated in late 1998, of the Federal Drug Law Examination (FDLE) with a computer-adaptive multistate pharmacy jurisprudence examination. Section 27.25 (relating to failure to appear for examination) deletes inaccurate language.

Public notice of intention to amend the regulations under the procedures specified in sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) (CDL), has been omitted as authorized under section 204(3) of the CDL (45 P. S. § 1204(3)), because the Board finds that these procedures are, under the circumstances, unnecessary. Public comment is unnecessary because section 812.1 of The Administrative Code of 1929 requires that candidate fees cover the cost of the examination. Persons affected by the amendments, however, have been given actual notice of the Board's intention to amend the regulations in advance of final rulemaking under section 204(2) of the CDL.

*Compliance with Executive Order 1996-1*

The Board reviewed this rulemaking and considered its purpose and likely impact upon the public and the regulated population under the directives of Executive Order 1996-1, Regulatory Review and Promulgation. The final/proposed omitted regulations address a compelling public interest as described in this Preamble and otherwise comply with Executive Order 1996-1.

*Statutory Authority*

These amendments are adopted under section 812.1 of The Administrative Code of 1929 and sections 3, 6(k) and 8.2 of the act.

*Fiscal Impact and Paperwork Requirements*

The amendments will have no fiscal impact on the Commonwealth or its political subdivisions. Candidates for licensure by examination will be required to pay a reduced fee to cover contract costs for the required examinations.

*Regulatory Review*

Under section 5(f) of the Regulatory Review Act (71 P. S. § 745.5(f)), on April 4, 1997, a copy of the amendments was submitted to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate Committee on Consumer Protection and Professional Licensure and the House Committee on Professional Licensure. In addition, at the same time, the amendments were submitted to the Office of Attorney General for review and comment under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-5).

Under section 5(c) of the Regulatory Review Act, the amendments were approved by the Senate Consumer Affairs and Professional Licensure Committee on April

15, 1997, approved by the House Professional Licensure Committee on April 23, 1997, and approved by IRRC on May 1, 1997.

*Additional Information*

Individuals who desire information are invited to submit inquiries to W. Richard Marshman, R.Ph., Executive Secretary, State Board of Pharmacy, P. O. Box 2649, Harrisburg, PA 17105-2649. The telephone number of the Board is (717) 783-7157.

*Findings*

The Board finds that:

(1) Public notice of intention to amend the regulations as adopted by this order under the procedures specified in sections 201 and 202 of the CDL, has been omitted under the authority contained in section 204(3) of the CDL, because the Board has, for good cause, found that the procedures specified in sections 201 and 202 of the CDL are in this circumstance, unnecessary, because section 812.1 of The Administrative Code of 1929 requires that candidate fees cover the costs of examinations.

(2) Persons affected by the amendments adopted by this order have been given actual notice of the Board's intention to amend the regulations in advance of final rulemaking under section 204(2) of the CDL.

(3) The amendment of the regulations of the Board in the manner provided in this order is necessary and appropriate for the administration of the Board's authorizing statute.

*Order*

The Board, acting under its authorizing statute, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 27, are amended by amending §§ 27.21, 27.23—27.25 and 27.91 to read as set forth in Annex A.

(b) The Chairperson of the Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for approval as to legality as required by law.

(c) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall become effective immediately upon publication in the *Pennsylvania Bulletin*.

PAULA L. CASTOR, R.Ph.,  
*Chairperson*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 27 Pa.B. 2490 (May 17, 1997).)*

**Fiscal Note:** 16A-545. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**SUBPART A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 27. STATE BOARD OF PHARMACY PHARMACISTS**

**§ 27.21. Application for examination and licensure.**

(a) A candidate for licensure to practice pharmacy by examination applying to take the North American Pharmacist Licensure Examination (NAPLEX) and the Federal Drug Law Examination (FDLE), or its successor, shall obtain an application for licensure from the Board, complete the application, and file the application with the Board at least 45 days before the examination.

(b) The applicant shall include in the application proof of graduation with a B.S. or advanced degree in pharmacy granted by an ACPE accredited school or college; affidavits of all internship experience gained prior to submitting the application; and the application fee.

(c) The applicant shall also complete and submit to the Board with the completed application the examination fees and examination registration and scheduling forms as provided by the test administrator.

(d) Affidavits of internship experience gained after the filing of the application shall be filed before the examination date.

**§ 27.23. Time and place for holding examination.**

Examinations shall be held at times and determined by the Board in conjunction with the test administrator.

**§ 27.24. Examinations and passing scores.**

(a) On or before February 28, 1997, candidates for licensure by examination are required to pass both the National Association of Boards of Pharmacy Licensure Examination (NABPLEX) and the Federal Drug Law Examination (FDLE), which shall be administered in January, June and September of each year.

(b) On or before February 28, 1997, the minimum passing grade for the NAPLEX is 75.

(c) On or before February 28, 1997, the minimum passing grade for the FDLE is 75.

(d) On and after March 1, 1997, candidates for licensure by examination are required to pass both the North American Pharmacist Licensure Examination (NAPLEX) and the Federal Drug Law Examination (FDLE), or its successor, developed and administered by the National Association of Boards of Pharmacy (NABP).

(e) On and after March 1, 1997, the minimum passing score on each examination will be as determined by NABP.

**§ 27.25. Failure to appear for examination.**

The fee paid for investigation and examination of an application for licensure as a pharmacist may not be refunded if the applicant fails to qualify for examination or, if, without good cause as determined by the Board, the applicant fails to appear for examination. In this event, a new application shall be filed and a new application fee paid before the applicant shall be eligible for examination.

**FEES**

**§ 27.91. Schedule of fees.**

An applicant for license, certificate, permit or service shall pay the following fees at the time of application:

- Application for pharmacy intern certificate . . . . . \$35
  - Application for pharmacist license . . . . . \$25
- Effective with the March 1997 examinations:

- North American Pharmacist Licensure Examination (NAPLEX) . . . . . \$250

Federal Drug Law Examination (FDLE), or its successor..... \$75  
 Certification of examination scores or internship hours ..... \$15  
 Certification of current licensure..... \$10  
 Assistant pharmacist biennial renewal..... \$120  
 Registered pharmacist biennial renewal..... \$120  
 Registered pharmacist late renewal penalty ..... \$25  
 New pharmacy permit application ..... \$145  
 Reinspection of new pharmacy after failure at first inspection..... \$45  
 Pharmacy permit change without inspection..... \$15  
 Pharmacy permit change when inspection required \$50  
 Change in pharmacy ownership or Board of Directors ..... \$15  
 Certification of valid permit ..... \$10  
 Biennial renewal of pharmacy permit ..... \$75  
 Pharmacy permit late renewal penalty..... \$25

[Pa.B. Doc. No. 97-825. Filed for public inspection May 23, 1997, 9:00 a.m.]

**STATE BOARD OF DENTISTRY**  
**[49 PA. CODE CH. 33]**  
**Fictitious Names**

The State Board of Dentistry (Board) amends §§ 33.3 and 33.202 (relating to fees; and fictitious names), to read as set forth in Annex A. The object of these amendments is to repeal provisions in the Board's regulations affected by the act of July 2, 1996 (P. L. 657, No. 113) (Act 113).

On September 10, 1996, the Dental Law (act) (63 P. S. §§ 120—130h) was amended by Act 113 to remove the Board's authority to approve fictitious names. Under section 3(g.1) of the act (63 P. S. § 122(g.1)), the Board is required to receive and record fictitious name filings without making determinations or judgments as to the appropriateness of the names. Since the amendment of the act, the Board has ceased approving names, and merely registers them, however, this procedure is inconsistent with § 33.202(b)—(d) (relating to fictitious names).

Accordingly, in this amendment, the Board removes the approval requirement in subsections (b)—(d) and changes the name of the application from "dental facility application" to "fictitious name registration" in § 33.3 (relating to fees) and § 33.202(b).

Public notice of intention to amend the Board's regulations under the procedures specified in sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) (CDL) has been omitted as authorized under section 204(3) of the CDL (45 P. S. § 1204(3)), because the Board finds that these procedures are, under the circumstances, unnecessary. Public comment is unnecessary because the newly enacted provisions of the act repeal the approval provisions in the Board's regulations. Persons affected by these amendments have been given notice of the Board's intention to amend the regulations in advance of final rulemaking under section 204(2) of the CDL (45 P. S. § 1204(2)).

*Compliance with Executive Order 1996-1*

The Board reviewed this rulemaking and considered the purpose and likely impact upon the public and the regulated population under the directives of Executive Order 1996-1, Regulatory Review and Promulgation. The final/proposed omitted regulations address a compelling public interest as described in this Preamble and otherwise complies with Executive Order 1996-1.

*Statutory Authority*

These amendments are adopted under section 3(g.1) of the act (63 P. S. § 122(g.1)).

*Fiscal Impact and Paperwork Requirements*

The amendments will have no fiscal impact on the Commonwealth or its political subdivisions. The Board has requested an analysis by the Bureau of Professional and Occupational Affairs' Revenue Office of the costs associated with the registration of fictitious names to determine if the fee may be reduced. Until that analysis is completed, the fee remains unchanged.

*Regulatory Review*

Under section 5(f) of the Regulatory Review Act (71 P. S. § 745.5(f)), on April 4, 1997, a copy of the regulations was submitted to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate Committee on Consumer Protection and Professional Licensure and the House Committee on Professional Licensure. In addition, at the same time, the amendments were submitted to the Office of Attorney General for review and comment under the Commonwealth Attorneys Act (71 P. S. §§732-101—732-506).

Under section 5(c) of the Regulatory Review Act, the amendments were approved by the Senate Committee on April 15, 1997, approved by the House Committee on April 23, 1997, and approved by IRRC on May 1, 1997.

*Additional Information*

Individuals who desire information are invited to submit inquiries to June L. Barner, Board Administrator, State Board of Dentistry, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-7162.

*Findings*

The Board finds that:

(1) Public notice of intention to amend its regulations as adopted by this order under the procedures specified in sections 201 and 202 of the CDL has been omitted under the authority contained in section 204(3) of the CDL, because the Board has, for good cause, found that the procedures specified in sections 201 and 202 of the CDL, are, in this circumstance, unnecessary because the newly enacted provision in section 3(g.1) of the act repeals the approval of fictitious name provisions in the regulations. Without these amendments, § 33.202 would conflict with section 3(g.1) of the act.

(2) Persons affected by the regulations as adopted by this order have been given actual notice of the Board's intention to amend the regulations in advance of final rulemaking under section 204(2) of the CDL.

(3) The amendment of the regulations of the Board in the manner provided in this order is necessary and appropriate for the administration of its authorizing statute.

*Order*

The Board, acting under its authorizing statute, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 33, are amended by amending §§ 33.3 and 33.202 to read as set forth in Annex A.

(b) The Chairperson of the Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for approval as to legality as required by law.

(c) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall become effective immediately upon publication in the *Pennsylvania Bulletin*.

(Editor's Note: A proposal to amend § 33.3, amended in this document, remains outstanding 27 Pa.B. 1577 (March 29, 1997).)

EDWIN F. WEAVER, D.D.S.,  
Chairperson

(Editor's Note: For the text of the Independent Regulatory Review Commission relating to this document, see 27 Pa.B. 2490 (May 17, 1997).)

**Fiscal Note:** 16A-466. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 33. STATE BOARD OF DENTISTRY**

**Subchapter A. GENERAL PROVISIONS**

**§ 33.3. Fees.**

Following is the schedule of fees charged by the Board:

License application fee—dentists and dental hygienists .....	\$15
Criteria approval application fee—dentists and dental hygienists .....	\$35
Fictitious name registration fee .....	\$35
Verification of licensure fee—dentists and dental hygienists .....	\$10
Certification of licensure fee—dentists and dental hygienists .....	\$15
Biennial renewal fee—dentists .....	\$100
Biennial renewal fee—dental hygienists .....	\$40
Biennial renewal fee—unrestricted or restricted anesthesia permit .....	\$25

**Subchapter C. MINIMUM STANDARDS OF CONDUCT AND PRACTICE**

**§ 33.202. Fictitious names.**

(a) Dentists may use a fictitious name that is not false, misleading or deceptive.

(b) Dentists who wish to practice under a fictitious name shall submit to the Board a fictitious name registration and the fee specified in § 33.3 (relating to fees). The dentist who submits the registration shall be associated with the facility and shall assume responsibility for compliance with this section. The owner of the facility, if different from the applicant, shall be identified on the registration.

(c) Changes in the ownership of a dental facility, changes in the designation of the responsible dentist,

changes in the scope of practice or changes in professional staffing, shall be reported in writing within 10 days.

(d) Advertisements in any medium shall include the name, as it appears on the current biennial renewal certificate, and the degree—D.D.S. or D.M.D.—of at least one licensed dentist who is associated with the dental facility. The lettering for the name of the dentist shall be at least equal in size to the lettering used for the fictitious name. The dentist referred to in this subsection and the dentist who registered to use the name under subsection (b) shall be jointly responsible for the advertisement.

(e) A directory listing the names of the dentists practicing at that location shall be prominently displayed in the entrance or reception area of the dental facility.

(f) The names of dentists who have practiced under the fictitious name shall be maintained in the records of the dental facility for at least 5 years following their departure from the practice.

(g) The use of the name of a dentist no longer actively associated with the practice may be continued for up to 1 year.

(h) Dentists who are specialists under § 33.203(d)(1) (relating to advertising) may incorporate their area of specialization in their fictitious name. A specialist in one area may include another recognized specialty area, or a nonspecialty area, in a fictitious name (examples: a specialist in orthodontics using Central Orthodontics and Pediatric Dentistry or a specialist in periodontics using Central Periodontics and Cosmetic Dentistry) only if the specialist conspicuously discloses, in every medium in which the name is used, that specialty status does not extend to the other specialty or nonspecialty area.

(i) Dentists who are not specialists under § 33.203(d)(1) may incorporate any area of dentistry in their fictitious name, including the recognized specialties, only if the name, in every medium in which it is used, is accompanied by the conspicuous disclosure that services are provided by a general dentist.

(j) A fictitious name may not include the word "clinic" unless the name designates a public or quasipublic facility as defined in § 33.1 (relating to definitions).

(k) A fictitious name may not include the word "institute" unless the name designates an educational or research facility.

(l) A fictitious name may not, by the use of plurals or otherwise, misrepresent the number of dentists practicing at a facility or the number of dentists at the facility who are specialists under § 33.203(d)(1).

[Pa.B. Doc. No. 97-826. Filed for public inspection May 23, 1997, 9:00 a.m.]

**STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS AND GEOLOGISTS**

**[49 PA. CODE CH 37]**

**Fees**

The State Registration Board for Professional Engineers, Land Surveyors and Geologists (Board) amends § 37.17 (relating to schedule of fees) pertaining to fees for the fundamentals of geology and the principles/practice of geology examinations for licensure of geologists as set forth in Annex A.

Under section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a) and section 4(d) of the Engineer, Land Surveyor and Geologist Registration Law (act) (63 P. S. § 151(d)), examinations for licensure must be prepared and administered by a professional testing organization under contract to the Board. The Board has contracted with the National Association of State Boards of Geology which will administer the licensure examination to Pennsylvania applicants in April and October.

At the time the regulation was adopted, the contract price was \$175 for each of the geology examinations. This contract has been renegotiated to decrease each examination by \$25. Section 37.17 is being amended accordingly. Applicants for the April examination have been notified of the reduced fee and have only been charged \$150 for each examination.

Public notice of intention to amend § 37.17 under the procedures specified in sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) (CDL) has been omitted as authorized under section 204(3) of the CDL (45 P. S. § 1204(3)), because the Board finds these procedures are, under the circumstances, unnecessary. Public comment is unnecessary because section 812.1 of The Administrative Code of 1929 requires that candidate fees cover the cost of the examinations. Persons affected by this amendment have been given actual notice of the Board's intention to amend the regulation in advance of final rulemaking under section 204(2) of the CDL.

*Compliance with Executive Order 1996-1*

The Board reviewed this rulemaking and considered its purpose and likely impact upon the public and the regulated population under the directives of Executive Order 1996-1, Regulatory Review and Promulgation. The final/proposed omitted regulation addresses a compelling public interest as described in this Preamble and otherwise complies with Executive Order 1996-1.

*Statutory Authority*

This amendment is adopted under section 812.1 of The Administrative Code of 1929 and sections 4(d) and 9(a) of the act (63 P. S. §§ 151(d) and 156(a)).

*Fiscal Impact and Paperwork Requirements*

The amendment will have no fiscal impact on the Commonwealth or its political subdivisions. The amendment will have a beneficial fiscal impact upon members of the public inasmuch as candidates for licensure by examination will be required to pay \$25 less for the cost of the examinations. There are no additional paperwork requirements.

*Regulatory Review*

Under section 5(f) of the Regulatory Review Act (71 P. S. § 745.5(f)), on April 4, 1997, a copy of the amendment was submitted to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate Committee on Consumer Protection and Professional Licensure and the House Committee on Professional Licensure. In addition, at the same time, the amendment was submitted to the Office of Attorney General for review and comment under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-526).

Under section 5(c) of the Regulatory Review Act, the amendment was approved by the Senate Consumer Affairs and Professional Licensure Committee on April 15, 1997, approved by the House Professional Licensure Committee on April 23, 1997, and approved by IRRC on May 1, 1997.

*Additional Information*

Individuals who desire information are invited to submit inquiries to Shirley S. Klinger, Board Administrator, State Registration Board for Professional Engineers, Land Surveyors and Geologists, Post Office Box 2649, Harrisburg, PA 17105-2649 (717) 783-7049.

*Findings*

The Board finds that:

(1) Public notice of intention to amend its regulation as adopted by this order under the procedures specified in sections 201 and 202 of the CDL has been omitted under the authority contained in section 204(3) of the CDL because the Board has, for good cause, found that the procedures specified in sections 201 and 202 of the CDL are, in this circumstance, unnecessary because section 812.1 of The Administrative Code of 1929 requires that a professional testing organization prepare and administer the geology examinations and that the costs of those examinations be passed on to the candidates.

(2) Persons affected by the regulation as adopted by this order have been or will be given actual notice of the Board's intention to amend the regulations in advance of final rulemaking under section 204(2) of the CDL.

(3) The amendment of the regulations of the Board in the manner provided in this order is necessary and appropriate for the administration of its authorizing statute.

*Order*

The Board, acting under its authorizing statute, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 37, are amended by amending § 37.17 to read as set forth in Annex A.

(b) The Chairperson of the Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for approval as to legality as required by law.

(c) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall become effective immediately upon publication in the *Pennsylvania Bulletin*.

JOHN M. BRINJAC, PE, PLS,  
*President*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 27 Pa.B. 2490 (May 17, 1997).)*

**Fiscal Note:** 16A-474. No fiscal impact; (8) recommends adoption.



**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 37. STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS AND GEOLOGISTS**

**FEES**

**§ 37.17. Schedule of fees.**

(a) *Professional engineers and professional land surveyors.* The Board will charge the following fees:

Examination for licensure as a professional engineer	\$105
Reexamination for licensure as a professional engineer	\$105
Professional Engineer Exam Review (Optional)	\$75
Examination for licensure as a professional land surveyor	\$187
Reexamination for licensure as professional land surveyor:	
Pennsylvania Fundamentals of Land Surveying Portion	\$42
N.C.E.E.S. Fundamentals of Land Surveying Portion	\$40
N.C.E.E.S. Principles and Practice of Land Surveying	\$60
Administration (to be added to total parts taken at one sitting)	\$45
Examination for certification as engineer-in-training	\$75
(b) <i>Professional geologists.</i> The Board will charge the following fees:	
Application for registration	\$50
Biennial renewal fee	\$25
Temporary permit fee	\$25
Fundamentals of Geology Examination	\$150
Principles/Practice of Geology Examination	\$150
Examination access fee (to be added to each examination taken)	\$25
Administration (to be added total parts taken at one sitting)	\$45

[Pa.B. Doc. No. 97-827. Filed for public inspection May 23, 1997, 9:00 a.m.]

**Title 58—RECREATION**

**GAME COMMISSION  
[58 PA. CODE CH. 147]**

**Taxidermy**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its April 15, 1997, meeting, adopted the following changes:

Amending Chapter 147, Subchapter G (relating to taxidermy) to conform with the changes to 34 Pa.C.S. (relating to the Game and Wildlife Code) (code).

The amendment is adopted under the authority of the code.

*Amendment to Chapter 147, Subchapter G*

1. *Introduction*

The act of December 19, 1996 (P. L. 1442, No. 184) (Act 184) amended section 2926 of the code (relating to taxidermy permits) to provide that taxidermy permits could be issued in three specific areas. This change in the law requires changes to Subchapter G to the extent it involves examination procedures. As a result, the Commission at its meeting held on January 14, 1997, proposed and at its meeting held on April 15, 1997, finally adopted an amendment changing Subchapter G. On final adoption and based on Legislative guidance, the Commission decided to regard the general taxidermy permit as a separate category for purposes of implementing Act 184. The proposal was made under the authority contained in section 2901(b) of the code (relating to regulations for permits).

2. *Purpose and Authority*

A change in the code authorizing the issuance of taxidermy permits in three additional specific areas requires the modification of taxidermy permit examination procedures. The proposed changes provide for restricted taxidermy permits and specify numbers and types of specimens to be submitted for the examination as required by the statute.

Section 2901(b) of the code authorizes the Commission to promulgate regulations for the issuance of any permit and to control the activities which may be performed under the authority thereof. The proposed changes will be adopted under this authority.

3. *Regulatory Requirements*

Act 184 requires that as part of the taxidermy examination, an individual must present five specimens from each group for which he is seeking a permit. The proposed changes specify what types of specimens must be submitted for the general category and each of the restricted categories.

4. *Persons Affected*

Individuals wishing to be issued a restricted taxidermy permit by the Commission will be affected by the proposed changes.

5. *Comment and Response Summary*

Comments were received with regard to the original proposal that the requirement of 15 specimens for the general permit was excessive and not intended by the Legislature. In light of these comments, the Commission decided to regard the general permit as a separate category for specimen purposes.

6. *Cost and Paperwork Requirements*

Act 184 requires submission of five specimens in each area. Individuals wishing to be tested in a specific area will incur additional examination fees and will need to submit additional samples. There will be additional cost to the Commission by having to examine additional specimens. The amount of this cost is uncertain and will depend on the number of applicants and the number of those seeking restricted permits.

7. *Effective Date*

These amendments will be effective on final publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

8. *Contact Person*

For further information on the amendments the contact person is James R. Fagan, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

*Findings*

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

*Order*

The Commission, acting under its authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 147, are amended by amending §§ 147.122 and 147.129 to read as set forth at 27 Pa.B. 1161 (March 8, 1997) and by amending §§ 147.121 and 147.123 to read as set forth in Annex A.

(b) The Executive Director of the Commission shall submit this order, 27 Pa.B. 1161 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final publication in the *Pennsylvania Bulletin*.

DONALD C. MADL,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-97 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 147. SPECIAL PERMITS**

**Subchapter G. TAXIDERMY**

**§ 147.121. Definitions.**

In addition to the definitions in the act and § 131.2 (relating to definitions), the following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

*Apprentice*—A person the taxidermist is teaching and is listed on the permit.

*General taxidermy permit*—A permit issued to a person to engage in the activities described in section 2926(b) of the act (relating to taxidermy permits).

*Legitimate employe*—An employe of record, one of which the employer deducts or pays, or both, taxes or other fees required by any local, State or the Federal government and is listed on the permit.

*Mount*—Prepare, preserve, arrange, set up or pose game, wildlife, fish or reptiles or any portion or part thereof in a life-like position or some other form of display.

*Protected specimen*—Any wildlife that is not a game bird, game animal or furbearer and is described in §§ 133.1 and 133.2 (relating to protected mammals; and protected birds).

*Restricted taxidermy permit*—A permit issued to a person to engage in taxidermy in one of the following specific categories only:

- (i) Big and small game, excluding wild turkey.
- (ii) Fish.
- (iii) Game birds, including wild turkey.

*Specimen*—A sample, a part of a whole, something that obviously belongs to a particular category but is noticed by reason of an individual distinguishing characteristic; a representative piece, antler, horn, skull, bone, feet, feathers, hide, fur, pelt, skin or an individual carcass or part thereof exemplifying a whole.

*Taxidermy shop*—An established business address listed on the permit where taxidermy is to be performed.

*Unclaimed specimen*—A specimen or completed mount that has not been picked up by the client after being notified according to the procedures in § 147.126 (relating to unclaimed specimen procedure).

**§ 147.123. Taxidermy examination.**

(a) General taxidermy permit applicants shall present five specimens that have been mounted by the applicant within the last 3 years. The required specimens shall be: One antlered whitetail deer head, one small mammal, one upland game bird, one duck or other waterfowl and one fish. All birds shall be mounted with the feet and legs visible. All specimens shall be found in the wild within this Commonwealth.

(b) Restricted taxidermy permit applicants shall present five specimens that have been mounted by the applicant within the last 3 years in the category they are attempting to secure a permit. Big and small game applicants shall present one antlered whitetail deer head, one other big game specimen, two small game specimens and one furbearer specimen. Fish applicants shall present five different fish specimens, game bird applicants shall present one wild turkey, two upland game birds and two waterfowl specimens. All birds and waterfowl shall be mounted with the feet and legs visible. All specimens must be found in the wild within this Commonwealth.

(c) The examination shall consist of three parts.

(1) The following will be the criteria used to judge each specimen presented for examination:

(i) Lifelike and realistic in appearance. This will include proportion, muscle structure, setting of the eyes and antlers, proper placement of ears, wings, feet and legs, workmanship around the lips and nose and durability of work.

(ii) Sewing. Seams may not show and shall be completely closed. Patching of skin shall be of the same color and texture.

(iii) Whitetailed deer head (antlered)—ears. Paper or plastic liners or other media should be used in the ears. Ears shall be tight with no drumming or bridging.

(iv) Restoration of color. Color used shall give a natural appearance. Over-painting and over-waxing are not acceptable.

(v) Preservation. Any part subject to deterioration shall be adequately preserved. The specimens, especially fish, will be checked for objectionable odors.

(vi) Cleanliness of specimen. Evidence of grease, dirt, borax, sawdust, and the like, on a specimen is not acceptable.

(vii) Support strength. Wires or rods used for support in legs, necks, wings, and the like, shall be of sufficient strength for their intended use and may not be visible.

(viii) Novelty mounts will not be accepted.

(2) The second part of the examination will be a written test on general taxidermy methods, applicable law and regulations pertaining to taxidermy. The applicant shall attain a minimum score of 70%.

(3) The third part of the examination will require the applicant to perform a practical taxidermy process on a selected specimen that is acceptable to the Taxidermy Examination Board.

(d) A satisfactory score shall be attained on all parts of the examination to be eligible for a taxidermy permit.

(e) A sworn affidavit shall be submitted by the applicant attesting that the specimens were prepared and mounted by the applicant personally within the last 3 years. Submission of a false or fraudulent affidavit will result in immediate disqualification from the examination process and subject the applicant to violation of section 906 of the act (relating to false or fraudulent statements on reports, etc.). In addition thereto, the applicant will be denied future application and examination for 2 years.

[Pa.B. Doc. No. 97-828. Filed for public inspection May 23, 1997, 9:00 a.m.]

# PROPOSED RULEMAKING

## GAME COMMISSION

[58 PA. CODE CHS. 135, 141 AND 143]

### Lands and Buildings; Hunting and Trapping; Hunting and Furtakers Licenses

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its April 15, 1997, meeting, proposed the following amendments:

Amend § 135.41 (relating to State game lands) by granting the Executive Director authority to restrict recreational or other uses of State game lands.

Amend § 141.25 (relating to early and late goose hunting seasons) by increasing the daily bag and possession limits and establishing new geographical boundaries for these seasons.

Amend § 143.51 (relating to application and issuance of bonus tags) by removing the dollar amount of the fee for antlerless deer licenses.

These amendments will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for these proposed amendments is 34 Pa.C.S. (relating to the Game and Wildlife Code) (code).

These proposals were made public at the April 15, 1997, meeting of the Commission and comments on these proposals can be sent to the Executive Director of the Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797 until June 18, 1997.

#### *Proposed amendment to § 135.41*

##### 1. Introduction

Section 722(a) of the code (relating to use of property) provides that lands or waters to which title has been acquired by the Commission "... may be used only to create and maintain public hunting and furtaking, game or wildlife propagation areas ... or other uses incidental to hunting, furtaking and game or wildlife resource management." The Commission has had a policy of allowing bike riding and horseback riding on game lands as an incidental public use. Unfortunately, intense use of some game lands for those purposes has led to erosion and habitat destruction.

Section 721(a) of the code places the administration of all lands and waters owned or controlled by the Commission under the sole control of the Executive Director (Director) and authorizes the Commission to promulgate regulations "... for its use and protection as necessary to properly manage these lands or waters." Although the Director has the authority to control the use of game lands under section 721 of the code, the Commission wishes to confirm that authority and establish guidelines for closure of game lands by the proposed change to § 135.41.

##### 2. Purpose and Authority

The purpose and authority of the proposed change are outlined in the Introduction. The change would confirm the Director's authority to close all or part of State game lands to specified uses when those uses may or have become detrimental or when they conflict with the statutorily mandated uses of the lands.

##### 3. Regulatory Requirements

The proposed change would make it unlawful to violate restrictions on and closure of State game lands. It is anticipated that this authority will be used only when necessary and, therefore, will be limited.

##### 4. Persons Affected

Individuals wishing to use State game lands for specified detrimental uses will be affected. Most affected likely will be trail bikers and horseback riders.

##### 5. Cost and Paperwork Requirements

There will be additional cost to the Commission in posting closed or restricted areas. It is expected that the additional cost will be small.

##### 6. Effective Date

The change would be effective on final publication in the *Pennsylvania Bulletin* and would remain in effect until changed by the Commission.

#### *Proposed amendment to § 141.25*

##### 1. Introduction

To effectively manage the wildlife resources of this Commonwealth, the Commission, at its April 15, 1997, meeting, proposed changing § 141.25(a)(3) to provide for an increased daily bag limit and possession limit in an area encompassing approximately the southeastern one-eighth of Pennsylvania. The change would be made under the authority contained in sections 322(c)(3) and 2102 of the code (relating to rules and regulations).

##### 2. Purpose and Authority

Southeastern Pennsylvania continues to have a problem with damage caused by nuisance Canada geese. Since the United States Fish and Wildlife Service has not provided for a regular Canada goose hunting season in the area, the problem must be dealt with in the early and late seasons. The Federal framework allows the Commonwealth to have a daily bag limit of 5 and possession limit of 10. The late season already has these limits. The proposed change would establish the same limits for the early seasons.

Section 322(c)(3) of the code authorizes the Commission to: "Increase or reduce bag limits or possession limits." Section 2102(b) of the code directs the Commission to promulgate regulations relating to bag limits. The change is being proposed under these provisions.

##### 3. Regulatory Requirements

The proposed change would increase bag and possession limits during the early Canada goose season in the southeastern part of Pennsylvania.

##### 4. Persons Affected

Individuals wishing to hunt Canada geese in the southeastern part of Pennsylvania in the early season would be affected. Individuals suffering damage from nuisance Canada geese should benefit from the change.

##### 5. Cost and Paperwork Requirements

The proposed change would not result in additional costs or paperwork requirements.

6. *Effective Date*

The change would be effective on final publication in the *Pennsylvania Bulletin* and would remain in effect until changed by the Commission.

*Proposed amendment to § 143.51*

1. *Introduction*

Section 143.51(e) requires the payment of a specific amount, \$5.75, to accompany an application for a bonus tag. There is currently a bill pending before the Legislature which would increase hunting license fees. To avoid confusion and the need to change § 143.51(e) with any changes in fees, the Commission at its April 15, 1997, meeting, proposed changing the regulation to require payment as specified in the code. This is being done under the authority of sections 2102 and 2721 of the code (relating to rules and regulations; and license issuance supervision).

2. *Purpose and Authority*

As outlined in the Introduction, the change is being proposed to eliminate mention of a specified dollar amount which would require modification with every license fee change. Section 2102 of the code authorizes the Commission to promulgate regulations "... permitting or prohibiting hunting or furtaking." Section 2721 of the code requires that the issuance of all hunting and furtaking licenses be "... in accordance with the regulations of the Commission."

3. *Regulatory Requirements*

The proposed change does not involve additional regulatory requirements.

4. *Persons Affected*

The proposed change would affect hunters seeking "bonus" or "surplus" antlerless deer licenses.

5. *Cost and Paperwork Requirements*

The proposed change would not result in additional cost or paperwork requirements.

6. *Effective Date*

The change would be effective on final publication in the *Pennsylvania Bulletin* and would remain in effect until changed by the Commission.

*Contact Person*

For further information on the proposed change, contact James R. Fagan, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

DONALD C. MADL,  
*Executive Director*

*(Editor's Note: An amendment to § 143.51, which is proposed to be amended in this document, appeared at 27 Pa.B. 2417 (May 17, 1997).)*

**Fiscal Note.** 48-99 (1) Game Fund; (2) Implementing Year 1996-97 is \$minor; (3) 1st Succeeding Year 1997-98 is \$minor; 2nd Succeeding Year 1998-99 is \$minor; 3rd Succeeding Year 1999-00 is \$minor; 4th Succeeding Year 2000-01 is \$minor; 5th Succeeding Year 2001-02 is \$minor; (4) Fiscal Year 1995-96 \$n/a; Fiscal Year 1994-95

\$n/a; Fiscal Year 1993-94 \$n/a; (7) Game Fund; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 135. LANDS AND BUILDINGS**

**Subchapter C. STATE GAME LANDS**

**§ 135.41. State game lands.**

\* \* \* \* \*

(b) *Closure of game lands.*

\* \* \* \* \*

(2) [ **It shall be unlawful to violate restrictions or closure placed on these lands by the Director.** ] The Director has the authority to close State game lands or portions thereof, to recreational or other uses, when the specified uses may be or have become detrimental to those lands or the flora or fauna thereon, or where the uses conflict with legal hunting, furtaking or fishing activities or the Commission's management or administration of State game lands. The closure may be seasonal or year-round and shall remain in effect until the Director removes the restrictions.

(3) **It is unlawful to violate restrictions or closure placed on these lands by the Director.**

**CHAPTER 141. HUNTING AND TRAPPING**

**Subchapter B. SMALL GAME**

**§ 141.25. Early and late goose hunting seasons.**

(a) *Early season and description.*

\* \* \* \* \*

(3) [ **There is a daily bag limit of three and a possession limit of six with the exception of the closed areas in Crawford and Lancaster/Lebanon Counties** ] *Bag limit.*

(i) **There is a daily bag limit of five and a possession limit of ten in the area east of I-83 from the Maryland State line to the intersection of U. S. Route 30 to the intersection of S. R. 441, east of S. R. 441 to the intersection of I-283, east of I-283 to I-83, east of I-83 to the intersection of I-81, east of I-81 to the intersection of I-80, and south of I-80 to the New Jersey State line.**

(ii) **There is a daily bag limit of three and a possession limit of six in the remainder of the State with the exception of the closed areas in Crawford and Lancaster/Lebanon Counties.**

\* \* \* \* \*

**CHAPTER 143. HUNTING AND FURTAKER LICENSES**

**Subchapter C. ANTLERLESS DEER LICENSES**

**§ 143.51. Application and issuance of bonus tags.**

\* \* \* \* \*

(e) [ **Five dollars and seventy-five cents** ] **Remittance** in the form of a negotiable check or money order[ , ] **for the total amount due as specified in the**

act, payable to "County Treasurer," shall accompany the application.

\* \* \* \* \*

[Pa.B. Doc. No. 97-829. Filed for public inspection May 23, 1997, 9:00 a.m.]

## STATE ATHLETIC COMMISSION

### [58 PA. CODE CH. 21] HIV Testing Requirements

The State Athletic Commission (SAC) proposes to amend Chapter 21 (relating to professional boxing) to require that professional boxers and kickboxers submit, as part of their annual application for licensure, a report from a licensed medical laboratory or a facility operated by the Department of Health (Department) that the applicant has tested negative for the Human Immunodeficiency Virus (HIV). The test is required to have been initiated no more than 60 days prior to the date of application. The proposed amendment to Chapter 21 is set forth in Annex A.

#### *Purpose*

The purpose of this proposed amendment is to protect boxers and kickboxers from being infected with HIV during contests or exhibitions. In professional boxing and kickboxing events, there are open wounds and bleeding, and bodily fluids are frequently sprayed around the ring. Boxers wear minimal clothing and are in constant physical contact with each other. While SAC is unable to determine the probability of transmitting HIV at professional boxing events, contracting HIV can be fatal and there is no known cure.

#### *Statutory Authority*

SAC's authority to promulgate the amendment is set forth in 5 Pa.C.S. §§ 101—2110 (relating to Athletic Code) (code). In particular, the following sections of the code are applicable to this proposed rulemaking: section 910(a) (relating to standards for issuance of licenses and permits); section 103(b) (relating to duties of Commission); section 105(8) (relating to powers and duties of Executive Director); section 501 (relating to Medical Advisory Board); section 701 (relating to boxing regulated); section 901 (relating to power of the Commission to issue, withhold, suspend or revoke licenses and permits); and section 912(3) (relating to applications for licenses and permits).

#### *Fiscal Impact*

The 400 professional boxers and 40 kickboxers licensed in this Commonwealth will be required to visit a licensed medical laboratory or a Department facility and be tested for HIV. Boxers and kickboxers who test positively for HIV will not be able to submit a license application and obtain an annual license.

#### *Costs*

Assuming 70% of licensees (308 individuals) who would not otherwise do so avail themselves of Department tests, at \$4 per test, it will cost the Department an additional

\$1,232 in the first year. If a test is positive, a confirmation test must be performed at a cost of approximately \$34 per test. The Department statistics reveal approximately 1.5% of initial tests are positive. Consequently, if 308 tests are performed by the Department, approximately five additional confirmation tests would need to be performed at a total cost of \$170. The 308 additional tests that will be performed for SAC licensees represents about 1.2% of the approximately 26,420 total HIV tests performed for the 1995-calendar year by the Department.

During the first year of implementation, SAC's staff will have to dedicate additional time helping licensees adjust to the new requirement. However, SAC does not anticipate adding staff to implement the proposed amendment. Consequently, the only incremental cost is the printing of a one-page form that will accompany the renewal application which will be used to certify that the licensed medical laboratory or Department facility checked the identity of the licensee before taking the blood sample. The cost to develop and duplicate the form will be less than \$200.

#### *Benefits*

Although not all individuals who contract HIV subsequently develop Autoimmune Deficiency Syndrome (AIDS), the occurrence of AIDS in HIV positive persons is invariably fatal. SAC was unable to determine the probability of an athlete's contracting HIV at a boxing or kickboxing match. For those reasons, it is difficult to put a monetary value on preventing HIV-infected licensees from participating in events.

Assuming that an individual who tested positive for HIV has an increased risk of developing AIDS and would therefore require extensive medical treatment, one empirical measure of the benefits of reducing the transmission of HIV is the avoided medical costs of caring for a person with AIDS. The Department reports that it costs private agencies that are supported by the Commonwealth about \$120,000 to care for a patient in the advanced stages of AIDS. Most boxers do not have large annual incomes from boxing or other employment. Therefore, they are likely to require public support for AIDS treatment. Consequently, if this proposed amendment prevents one individual from contracting HIV from an applicant with HIV, which then develops into AIDS, then the savings in medical treatment alone would exceed the cost of administering this proposed amendment over several decades.

A secondary benefit could derive from changes in individuals' behavior. If an applicant who would not otherwise be tested for the virus, learns that he has contracted HIV, that individual would then be able to modify his conduct in order to decrease the probability of infecting other individuals. Increased self-awareness of an HIV-positive individual's status could benefit the community at large.

#### *Paperwork Requirements*

Applicants for annual renewal of a boxing license currently must complete a form that consists of 19 simple questions and is less than one page in length. As a result of this proposed amendment, applicants will be required to attach to the application a one-page laboratory report provided by the laboratory and a form signed by the laboratory indicating that the laboratory confirmed the

identity of the applicant before the test was administered. This form will be provided to applicants along with the annual application form.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), SAC submitted a copy of this proposed amendment on May 12, 1997, to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Committees on State Government. In addition to submitting the proposed amendment, SAC has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by SAC in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed amendment, it will notify SAC within 30 days of the close of the public comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the regulation, by SAC, the General Assembly and the Governor of objections raised.

*Sunset Review*

HIV is a constantly changing virus and medications to control or eliminate the virus may be available in the future. SAC, together with the Department and SAC's Medical Advisory Committee, will continue to monitor the risks posed by HIV. If, in the future, HIV transmission in a boxing context is no longer considered to be a serious health risk, SAC will act immediately to suspend enforcement of this regulation and initiate a rulemaking to delete.

*Public Comments*

Interested persons are invited to submit written comments, suggestions or objections to Gregory Sirb, Executive Director, State Athletic Commission, 116 Pine Street, Harrisburg, PA 17101. Comments, suggestions or objections must be received within 30 days of publication of this proposed amendment.

GREGORY SIRB,  
*Executive Director*

**Fiscal Note:** 16-13. (1) General Fund; (2) Implementing Year 1996-97 is \$minimal; (3) 1st Succeeding Year 1997-98 is \$minimal; 2nd Succeeding Year 1998-99 is \$minimal; 3rd Succeeding Year 1999-00 is \$minimal; 4th Succeeding Year 2000-01 is \$minimal; 5th Succeeding Year 2001-02 is \$minimal; (4) Fiscal Year 1995-96 \$198,862; Fiscal Year 1994-95 \$188,330; Fiscal Year 1993-94 \$195,141; (7) Athletic Commission Augmentation Account; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART I. STATE ATHLETIC COMMISSION**

**SUBPART B. BOXING**

**CHAPTER 21. PROFESSIONAL BOXING**

**§ 21.8. Boxers.**

**(a) Professional boxers shall be licensed by the Commission. The Commission will not license or renew any license of a professional boxer unless the license application is accompanied by a report from a Department of Health facility, a laboratory possessing a permit from the Department of Health under 28 Pa. Code § 15.11 (relating to permit, requirements, application and conditions) or a report from a laboratory licensed in another jurisdiction that meets the requirements of 28 Pa. Code § 15.11, and is acceptable to the Commission, which indicates that the applicant has been tested for any virus, antibody, antigen or etiologic agent determined to cause or indicate the presence of human immunodeficiency virus and the results of those tests were negative. The tests shall have been initiated no more than 60 days prior to the date of filing the application. A boxer whose application for license has been denied has the right to a hearing before the Commission under 2 Pa.C.S. (relating to administrative law and procedure). The applicant shall apply, in writing, to the Commission requesting a hearing at which time the Commission will conduct a hearing within 10 business days from the receipt of the written request.**

- [ (a) ] (b) \* \* \***
- [ (b) ] (c) \* \* \***
- [ (c) ] (d) \* \* \***
- [ (d) ] (e) \* \* \***
- [ (e) ] (f) \* \* \***
- [ (f) ] (g) \* \* \***
- [ (g) ] (h) \* \* \***
- [ (h) ] (i) \* \* \***
- [ (i) ] (j) \* \* \***
- [ (j) ] (k) \* \* \***
- [ (k) ] (l) \* \* \***
- [ (l) ] (m) \* \* \***

[Pa.B. Doc. No. 97-830. Filed for public inspection May 23, 1997, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 31—INSURANCE

### INSURANCE DEPARTMENT

[31 PA. CODE CH. 65]

#### Genderless Automobile Insurance Rates—Statement of Policy

The Insurance Department (Department) deletes Chapter 65, Subchapter A (relating to genderless automobile insurance rates—statement of policy) to read as set forth in Annex A. Since the subchapter was issued as a statement of policy and not a regulation, it is not necessary to publish the deletion in proposed form. The statement of policy was announced under the authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412); sections 4 and 5(a)(7) of the Unfair Insurance Practices Act (40 P. S. §§ 1171.4 and 1171.5(a)(7)); and The Casualty and Surety Rate Regulatory Act (40 P. S. §§ 1181—1199). The statement of policy provided guidance to Department staff, insurance companies and rating organizations when the Commonwealth adopted genderless automobile insurance rating.

#### *Purpose*

The purpose of this notice is to delete Chapter 65, Subchapter A to eliminate an obsolete statement of policy. On April 25, 1988, Commonwealth Court decided *Bartholomew v. Foster*, 541 A.2d 393 (Pa. Cmwlth. 1988), declaring sex-based insurance rates to be violative of PA. CONST. Art. I, § 28 (Equal Rights Amendment). The statement of policy was published at 18 Pa.B. 4685 (October 15, 1988). The statement of policy was issued to inform the public of the Department's position with respect to genderless automobile insurance rating in this Commonwealth. The statement of policy also assisted insurers to comply with PA. CONST. Art. I, § 28.

The Department required insurance companies and rating organizations to adopt rates eliminating gender based insurance rates in this Commonwealth on or before March 1, 1989. Since that date, the Department has not approved an automobile rate filing which included a gender based risk classification. Since the purpose of this statement of policy has been accomplished, and the Department's position regarding the *Bartholomew* decision is well understood by the industry, the statement of policy is no longer necessary and is obsolete. Additionally,

the Pennsylvania Constitution prohibits sex-based discrimination in auto insurance and the Department's statement of policy is not necessary to continue this prohibition.

#### *Fiscal Impact*

The deletion of this statement of policy has no fiscal impact.

#### *Paperwork*

The deletion of this statement of policy has no impact on paperwork requirements.

#### *Affected Parties*

The deletion of these sections will affect licensed property and casualty insurers and rating organizations in this Commonwealth.

#### *Effectiveness/Sunset Date*

The deletion of the statement of policy will become effective upon final publication in the *Pennsylvania Bulletin*. Because this document deletes an obsolete statement of policy, no sunset date has been assigned.

#### *Contact Person*

Information regarding this matter may be addressed in writing to Randy Rohrbaugh, Director, Property and Casualty Bureau, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, telephone (717) 787-3044.

LINDA S. KAISER,  
*Insurance Commissioner*

*(Editor's Note: The regulations of the Insurance Department are amended by deleting a statement of policy at §§ 65.1—65.3 to read as set forth in Annex A.)*

**Fiscal Note:** 11-163. No fiscal impact; (8) recommends adoption.

#### Annex A

#### TITLE 31. INSURANCE

#### PART II. AUTOMOBILE INSURANCE

#### CHAPTER 65. MISCELLANEOUS PROVISIONS

#### Subchapter A. [Reserved]

#### §§ 65.1—65.3. [Reserved].

[Pa.B. Doc. No. 97-831. Filed for public inspection May 23, 1997, 9:00 a.m.]



# NOTICES

## COMMISSION ON CRIME AND DELINQUENCY

### Drug Control and System Improvement Strategy

The Commission on Crime and Delinquency (PCCD) submitted an FFY-1997 State application for \$20.686 million provided through the Federal Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program. It is this program which totally supports Pennsylvania's Drug Control and System Improvement (DCSI) Program.

The application, entitled "Pennsylvania's FFY-1997 Statewide Drug Control and System Improvement Strategy," identifies the priority program areas that PCCD has designated and the allocation of FFY-1997 DCSI funds anticipated to be available to support these initiatives.

Persons desiring to review and comment on the strategy may submit their requests to the following address: Commission on Crime and Delinquency, Attention: Drug Control and System Improvement Program, P. O. Box 1167, Harrisburg, PA 17108-1167.

JAMES THOMAS,  
*Executive Director*

[Pa.B. Doc. No. 97-832. Filed for public inspection May 23, 1997, 9:00 a.m.]

## DELAWARE RIVER BASIN COMMISSION

### Notice of Commission Meeting and Public Hearing

The Delaware River Basin Commission (Commission) will hold a public hearing on Wednesday, May 28, 1997. The hearing will be part of the Commission's regular business meeting which is open to the public and scheduled to begin at 1:30 p.m. in the West Dining Room of the Eddy Farm Hotel, Eddy Farm Road, Sparrow Bush, NY.

In addition to the subjects listed which are scheduled for public hearing at the business meeting, the Commission will address the following matters: Minutes of the April 30, 1997 business meeting; announcements; General Counsel's report; report on Basin hydrologic conditions; a resolution concerning a New Jersey grant agreement to determine the impact of aquatic vegetation on the water quality of the Delaware Estuary; and public dialogue.

The subjects of the hearing will be as follows:

*Applications for Approval of the Following Projects Pursuant to Article 10.3, Article 11 and/or Section 3.8 of the Compact:*

1. *Hazleton City Authority D-91-65 CP RENEWAL.* An application for the renewal of a ground water withdrawal project with no increase and to continue supplying up to 3.6 million gallons (mg)/30 days of water to the applicant's Drifton-Buck Mountain distribution system located outside the Delaware River Basin, from Buck Mountain Well No. 1. Commission approval on January 22, 1992 was limited to 5 years. The project is located in Lausanne Township, Carbon County, PA.

2. *East Stroudsburg Area School District D-96-56 CP.* A project to construct a 51,500 gallons per day (gpd) sewage treatment plant (STP) to serve the applicant's new regional school complex consisting of two elementary schools, a middle school and a high school in Lehman Township, Pike County, PA. The proposed STP will provide secondary biological treatment utilizing the extended aeration activated sludge process. After final clarification and chlorine disinfection, the treated effluent will be discharged to two storage lagoons from where it will be pumped to a wooded spray irrigation field of approximately 16 acres. The STP will be located just off Bushkill Road approximately 6 miles north of the Village of Bushkill, Pike County, PA.

3. *Sunnybrook Golf Club D-97-7.* An application for approval of a ground water withdrawal project to supply up to 4.5 mg/30 days of water for irrigation of the applicant's golf course from new Well No. 2, and to limit the existing withdrawal from all wells to 4.5 mg/30 days. The project is located in Whitemarsh Township, Montgomery County in the Southeastern Pennsylvania Ground Water Protected Area.

4. *Township of Worcester D-97-9 CP.* A discharge expansion project to increase the average monthly capacity of the applicant's 0.09 mgd Valley Green STP to 0.22 million gallons per day (mgd) by the addition of a 0.13 mgd package extended aeration treatment unit. The completed facility will continue to serve the Township of Worcester, Montgomery County, PA. The project is situated just south of the intersection of Valley Forge and Defford Roads in Worcester Township, and the treated effluent will continue to discharge to Zacharias Creek located just to the west side of the site.

Documents relating to these items may be examined at the Commission's offices. Preliminary dockets are available in single copies upon request. Contact Thomas L. Brand concerning docket-related questions. Persons wishing to testify at this hearing are requested to register with the Secretary prior to the hearing.

SUSAN M. WEISMAN,  
*Secretary*

[Pa.B. Doc. No. 97-833. Filed for public inspection May 23, 1997, 9:00 a.m.]

## DEPARTMENT OF AGRICULTURE

### Sheep and Lamb Marketing Program; Termination Notice

Under the applicable provisions of the Pennsylvania Agricultural Commodities Marketing Act of 1968 (act), the Pennsylvania Sheep and Lamb Marketing Program (Program) has been terminated effective June 30, 1998. This termination is the result of a resolution of the Commodity Marketing Board of the Program at their meeting on March 27, 1997, requesting the termination of the Program. The Program was created in 1989 and continued in 1993 by the favorable votes of the majority of the Pennsylvania sheep producers voting in referendums conducted by the Department. However, the inabil-

ity of the Program to achieve widespread support among producers and, therefore, payment of the assessment, has limited its effectiveness. The act authorizes the Secretary, with the approval of the appropriate commodity marketing board, to terminate a commodity marketing program that does not tend to effectuate the act. These criteria for the termination of the Program have been met. Collecting sales agents should cease collecting the Program checkoff and remit to the Program any checkoff moneys they are currently holding. No further collections of the producer

assessment shall be made. The Program Board will utilize the remaining fund balance of the Program to promote the use and consumption of sheep and lamb products in this Commonwealth.

CHARLES C. BROSIUS,  
*Secretary*

[Pa.B. Doc. No. 97-834. Filed for public inspection May 23, 1997, 9:00 a.m.]

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending May 13, 1997.

#### BANKING INSTITUTIONS

##### Foreign Bank Organization Offices

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-8-97	Allied Irish Banks, p.l.c. Bankcentre, Ballsbridge Dublin 4, Ireland	1703 Weatherstone Dr. Paoli Chester County, PA	Filed

##### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-8-97	Harris Savings Bank, Harrisburg, and Harris Interim Savings Bank I, Harrisburg Surviving Institution—Harris Savings Bank, Harrisburg	Harrisburg	Filed
Subject merger is being effected solely in connection with the "two-tier" reorganization of Harris Financial, MHC, Harrisburg.			
5-12-97	Mifflinburg Bank and Trust Company Mifflinburg Union County	Mifflinburg	Effective
Purchase of Assets/Assumption of Liabilities of One (1) Branch Office of Northern Central Bank, Williamsport, Located At: Main Street (Route 35) Richfield Juniata County			
5-13-97	Three Rivers Bank and Trust Company, Jefferson Borough, and Community Savings Bank, Monroeville Surviving Institution—Three Rivers Bank and Trust Company, Jefferson Borough	Jefferson Borough	Filed

##### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-3-97	Berks County Bank Reading Berks County	K-Mart Shopping Plaza 12 Parkside Avenue Cumru Township Berks County	Opened
5-12-97	USBANCORP Trust Company Johnstown Cambria County	Oakley Park II Route 30 East Greensburg Westmoreland County	Filed

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-12-97	USBANCORP Trust Company Johnstown Cambria County	110 Regent Court Suite 104 State College Centre County	Filed

**Branch Consolidations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-8-97	Financial Trust Company Carlisle Cumberland County	<i>To:</i> 216 S. Carlisle St. New Bloomfield Perry County  <i>From:</i> 7 Center Square New Bloomfield Perry County	Approved

**Branch Relocations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-8-97	Minersville Safe Deposit Bank and Trust Company Minersville Schuylkill County	<i>To:</i> 400 Sunbury Street Minersville Schuylkill County  <i>From:</i> 129 Sunbury Street Minersville Schuylkill County	Filed

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-8-97	Summit Bank Bethlehem Northampton County	One Neshaminy Dr. Treose Bucks County	Approved
5-9-97	Northern Central Bank Williamsport Lycoming County	Main Street (Rte. 35) Richfield Juniata County	Effective

**SAVINGS ASSOCIATIONS**

No activity.

**CREDIT UNIONS**

No activity.

RICHARD C. RISHEL,  
*Secretary*

[Pa.B. Doc. No. 97-835. Filed for public inspection May 23, 1997, 9:00 a.m.]

## DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

### Implementation of Single Application for Assistance

The Department of Community and Economic Development (DCED) gives notice of the implementation of a Single Application for all financing programs.

Effective July 1, 1997, DCED will be implementing a Single Application for all financing programs. All requests for DCED assistance after this date must be submitted on the new application form.

The new application form will also introduce some procedural changes which will affect several DCED programs:

1. Requests for assistance can be submitted at any time throughout the year, as opposed to the predetermined application period which currently affects some DCED programs.

2. Organizations applying for multiple forms of assistance may now do so on one application form. The Single Application will eliminate the need to apply to each funding source separately.

The following funding sources will be affected by this change:

- Appalachian Regional Commission
- Communities of Opportunity
- Community Development Block Grant
- Community Revitalization Program
- Community Services Block Grant
- Customized Job Training
- Emergency Shelter Grant Program
- Employment and Community Conservation
- Enterprise Zone Program
- Enterprise Zone Tax Credits
- Home Investment Partnerships Program

Industrial Development Assistance Fund  
 Industrial Site Reuse Program  
 Infrastructure Development Program  
 Job Creation Tax Credits  
 Machinery and Equipment Loan Fund  
 Municipalities Financial Recovery Program  
 Neighborhood Assistance Program  
 PA Economic Development Financing Auth.  
 PA Industrial Development Authority  
 PA Minority Business Development Auth.  
 Section 108 Loan Guarantees  
 Shared Municipal Services Program  
 Small Business First  
 Small Communities Planning Assistance  
 State Planning Assistance Grant Program  
 Weatherization Program

For more information about these changes, or to request an application, e-mail us at [dcad@doc.state.pa.us](mailto:dcad@doc.state.pa.us), or contact one of the offices listed below:

DCED Customer Service Center  
 Forum Building, Harrisburg, PA  
 (717) 787-3405

Ctr. for Local Govt. Services (LGS)  
 Forum Building, Harrisburg, PA  
 (888) 223-6837

Central Regional Office  
 Harrisburg, PA  
 (717) 720-7300

Northeast Regional Office  
 Scranton, PA  
 (717) 963-4573

Northwest Regional Office  
 Erie, PA  
 (814) 871-4241

Southeast Regional Office  
 Philadelphia, PA  
 (215) 560-2256

Southwest Regional Office  
 Pittsburgh, PA  
 (412) 565-5002

ROBERT G. BENKO,  
*Acting Secretary*

[Pa.B. Doc. No. 97-836. Filed for public inspection May 23, 1997, 9:00 a.m.]

EUGENE W. HICKOK,  
*Secretary*

[Pa.B. Doc. No. 97-837. Filed for public inspection May 23, 1997, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Availability of 1997-98 Competitive Funds under the Carl D. Perkins Vocational and Applied Technology Education Act

Applications for FY 1997-98 Perkins Vocational and Applied Technology Education competitive funds are invited for the following category:

386—Tech Prep Education: Resource and Services  
 Statewide Information Clearinghouse

#### 1. *Eligibility Requirements*

Be an accredited, nonprofit 2 or 4 year public or private university, college or community college with proven experience serving as an information clearinghouse in the areas of facilitation, assembly and dissemination of programmatic materials with private industry or with Federal, State or local government. Must be able to coordinate Statewide meetings, obtain meeting facilities, speakers, agendas and other related services.

#### 2. *Application Requirements*

Applications are due June 2, 1997 by 5 p.m.

#### 3. *Application Forms and Guidelines*

Completion of applications requires the use of two references: the general and categorical guidelines. Documents are available from Emmanuel Constantine, Division of Advisory and Approval Services, Bureau of Vocational-Technical Education, 333 Market Street, 6th Floor, Harrisburg, PA 17126-0333, telephone: (717) 787-5293.

#### 4. *Completed Applications*

Completed applications are to be mailed or delivered (not faxed) to the Division of Advisory and Approval Services.

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions, Special Notices and Grants

### APPLICATIONS

### APPLICATIONS RECEIVED UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

[National Pollution Discharge Elimination System Program (NPDES)]

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

(Part I Permits)

The following parties have applied for an NPDES permit to discharge controlled wastewaters into the surface waters of this Commonwealth. Unless otherwise indicated on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection proposes to issue a permit to discharge, subject to certain effluent limitations and special conditions. These proposed determinations are tentative.

Where indicated, the EPA, Region III, Regional Administrator has waived the right to review or object to this proposed permit action under the waiver provision 40 CFR 123.6E.

Persons wishing to comment on the proposed permit are invited to submit a statement to the Field Office indicated as the office responsible, within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Field Office of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the Field Office considers the public response significant.

Following the 30-day comment period, the Water Management Program Managers will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The application and related documents, proposed effluent limitations and special conditions, comments received and other information are on file and may be inspected and arrangements made for copying at the Field Office indicated above the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact the Secretary to the Board at (717) 787-3483. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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### Applications for National Pollutant Discharge Elimination System (NPDES) permit to discharge to State waters.

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Southwest Regional Office: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

**PA 0001775.** Sewage, **McFadden Machine Company, Inc.**, R. D. 2, Box 221, Blairsville, PA 15717.

This application is for renewal of an NPDES permit to discharge treated sewage from the McFadden Machine Sewage Treatment Plant in Blacklick Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an Unnamed Tributary of Muddy Run, which are classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Saltsburg Municipal Waterworks.

*Outfall 002:* existing discharge, design flow of .0015 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	6.4			12.8
(11-1 to 4-30)	19.2			38.4
Fecal Coliforms				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	8,000/100 ml as a geometric mean			
Total Residual Chlorine				
1st month—36th month	monitor and report			
37th month—expiration	1.4			3.3
Dissolved Oxygen	not less than 4.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA 0014311.** Industrial waste, SIC: 3316, **Republic Engineered Steels, Inc.**, 410 Oberlin Road, SE, Massillon, OH 44646.

This is for revocation and reissuance of an NPDES permit to discharge treated process stormwater from Republic Engineered Steels, Inc., Beaver Falls, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, Walnut Bottom Run, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is Beaver Falls Municipal Authority, located at Beaver Falls, 0.75 mile below the discharge point.

*Outfall 101:* existing discharge, design flow of 0.0064 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
TSS	5.51	12.84	30	70	88

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Oil and Grease	monitor and report		15		30
Lead	0.002	0.004	0.021	0.042	0.053
Zinc	0.037	0.11	0.1	0.3	0.38
pH	not less than 6.0 nor greater than 9.0				

Outfall 001: existing discharge to Walnut Bottom Run.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
This discharge shall consist solely of those sources previously monitored at IMP-101, groundwater and stormwater					
Chromium			monitor and report		
Nickel			monitor and report		
Lead			monitor and report		
Zinc			monitor and report		

Outfall 002-011: Stormwater runoff discharges to Walnut Bottom Run and Beaver Falls storm sewer system

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Chromium			monitor and report		
Nickel			monitor and report		
Lead			monitor and report		
Zinc			monitor and report		

Other Conditions: Stormwater condition sludge management condition and chemical additive condition.

The EPA waiver is in effect.

**PA 0205681.** Sewage, **Somerset Township Municipal Authority**, P. O. Box 247, Somerset, PA 15501.

This application is for renewal of an NPDES permit to discharge treated sewage from the Somerset Correctional Facility Sewage Treatment Plant in Black Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of Laurel Run, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Ohiopyle Municipal Wastewater on the Youghiogheny River.

Outfall 001: existing discharge, design flow of 0.42 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	10	15		20
Suspended Solids	10	15		20
Ammonia Nitrogen				
(5-1 to 10-31)	1.9	2.9		3.8
(11-1 to 4-30)	2.8	4.2		5.6
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine				
1st month—36th month	monitor and report			
37th month—expiration	0.06			0.18
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

*Southeast Regional Office: Regional Manager; Water Management, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-6130.*

**PA 0022420.** Sewage, **North Division—Naval Facilities Engineering Command**, Warminster CSO, P. O. Box 2609, Warminster, PA 18974-2061.

This application is for renewal of an NPDES permit to discharge treated sewage from the Naval Air Warfare Center in Warminster Township, **Bucks County**. This is an existing discharge to an unnamed tributary of Little Neshaminy Creek.

The receiving stream is classified for the following uses: cold water fishery, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 0.15 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>		
(5-1 to 10-31)	14.4	28.8
(11-1 to 4-30)	25	50
Suspended Solids	30	60
Ammonia (as N)		
(5-1 to 10-31)	2.1	4.2
(11-1 to 4-30)	5.0	10.0
Nitrite and Nitrate (as N)		
(7-1 to 10-31)	8.9	17.8
Phosphorus (as P)	2	5
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 5.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	
Total Residual Chlorine	1.0 (interim)	2.0 (interim)
Total Residual Chlorine	0.1 (final)	0.33 (final)

The EPA waiver is in effect.

*Northeast Regional Office: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.*

**PA 0063631.** Sewerage, **Parkland School District**, Attention: Dr. Gary McCartney, 1210 Springhouse Road, Allentown, PA 18104-2119.

This proposed action is for issuance of an NPDES permit to discharge treated sewage into Jordan Creek in South Whitehall Township, **Lehigh County**. The receiving stream is classified for the following uses: trout stocking fishery, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is the City of Allentown Emergency Intake located on the Lehigh River.

*Outfall 001*

The proposed effluent limits based on a design flow of .0324 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Total Suspended Solids	30	60
NH <sub>3</sub> -N		
(5-1 to 10-31)	11	22
NO <sub>3</sub> -N	15	30
Fecal Coliform		
(5-1 to 9-30)	200/100 ml as a geometric mean	
(10-1 to 4-30)	2,000/100 ml as a geometric mean	
pH	6.0—9.0 standard units at all times	
Total Residual Chlorine	1.2	2.4

The EPA waiver is in effect.

**PA 0063673.** Sewerage. **J. A. Snyder Entities, Inc.** c/o Jeffrey A. Snyder, Fountain Court, Route 611, Bartonsville, PA 18321.

This proposed action is for issuance of an NPDES permit to discharge treated sewage into Pocono Creek in Pocono Township, **Monroe County**. The receiving stream is classified for the following uses: high quality, cold water fishery, aquatic life, water supply and recreation. Effluent requirements were evaluated at point of discharge.

*Outfall 001*

The proposed effluent limits based on a design flow of 0.0095 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10.0	20.0
Total Suspended Solids	10.0	20.0
NH <sub>3</sub> -N		
(5-1 to 10-31)	1.5	3.0

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
(11-1 to 4-30)	4.5	9.0
Dissolved Oxygen	a minimum of 6.0 mg/l at all times	
Fecal Coliform	200/100 ml as a geometric mean	
(5-1 to 9-30)	2,000/100 ml as a geometric mean	
(10-1 to 4-30)	6.0—9.0 standard units at all times	
pH		
Total Residual Chlorine	1.2	2.8

The EPA waiver is in effect.

**PA 0061221.** Sewerage, **Elk Lake School District**, Charlotte A. Slocum, Superintendent, P. O. Box 100, Dimock, PA 18816.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into West Creek in Dimock Township, **Susquehanna County**. The receiving stream is classified for the following uses: cold water, fishery, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply (PWS) considered during the evaluation is the Danville Borough Water Authority on the Susquehanna River.

*Outfall 001*

The proposed effluent limits based on a design flow of .0234 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Total Suspended Solids	30	60
NH <sub>3</sub> -N		
(5-1 to 10-31)	4.5	9.0
(11-1 to 4-30)	13.5	
Dissolved Oxygen	a minimum of 4.0 mg/l at all times	
Fecal Coliform	200/100 ml as a geometric mean	
(5-1 to 9-30)	2,000/100 ml as a geometric mean	
(10-1 to 4-30)	6.0—9.0 standard units at all times	
pH		
Total Residual Chlorine	0.4	1.0

The EPA waiver is in effect.

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA 0029807	New Jersey Federation of YMHA and YWMA 21 Plymouth Street Fairfield, NJ 07004-1615	Pike Dingman	Sawkill Pond	TRC

*Northwest Regional Office: Regional Manager; Water Management, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6942.*

**PA 0028487.** Sewerage. **Hermitage Municipal Authority**, Box 1046, 800 North Hermitage Road, Hermitage, PA 16148.

This application is a renewal of a Part I NPDES permit to discharge treated sewage to the Shenango River in Hermitage, **Mercer County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Western Pennsylvania Water Company-New Castle District intake on the Shenango River located in New Castle, approximately 18 miles below point of discharge.

The proposed effluent limits, based on a design flow of 5.0 mgd, are:

*Outfall No. 001 (after the chlorine contact tank)*

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
Ammonia-Nitrogen			
(5-1 to 10-31)	18		36
Fecal Coliform			



Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
(5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	6,800/100 ml as a geometric average		
Total Residual Chlorine (Interim)	monitoring only		
(Final)	0.47		
pH	6.0—9.0 at all times		

The EPA waiver is not in effect.

## DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

### Applications under the Pennsylvania Clean Streams Law

#### (Part II Permits)

The following permit applications and requests for plan approval have been received by the Department of Environmental Protection.

Persons objecting on the grounds of public or private interest to the approval of an application or submitted plan may file a written protest with the Department of Environmental Protection at the address indicated above each permit application or plan. Each written protest should contain the following: name, address and telephone number; identification of the plan or application to which the protest is addressed; and a concise statement in sufficient detail to inform the Department of the exact basis of the protest and the relevant facts upon which it is based. The Department may conduct a fact-finding hearing or an informal conference in response to a protest. Each writer will be notified in writing of the time and place if a hearing or conference concerning the plan, action or application to which the protest relates is held. To insure consideration by the Department prior to final action on permit applications and proposed plans, initial protests and additions or amendments to protests already filed should be filed within 15 calendar days from the date of this issue of the *Pennsylvania Bulletin*. A copy of each permit application and proposed plan is on file in the office indicated and is open to public inspection.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact the Secretary to the Board at (717) 787-3483. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

### Industrial waste and sewerage applications under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

*Southeast Regional Office: Regional Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428-2233, (610) 832-6130.*

**0997403.** Sewerage. **Municipal Sewer Authority of the Township of Lower Makefield**, 1100 Edgewood Road, Yardley, PA 19067. Construction of sanitary sewers and pumping station to serve Clearview Estates located in Lower Makefield Township, **Bucks County**.

**2397201.** Industrial waste. **Township of Haverford**, 2325 Darby Road, Havertown, PA 19083. Construction of a leachate collection and treatment system to serve Township of Haverford located in Haverford Township, **Delaware County**.

**2397405.** Sewerage. **Robert and Linda Protesto**, 1941 Ridley Creek Road, Media, PA 19063. Construction of a small flow treatment facility to serve the Protesto Residence located in Upper Providence Township, **Delaware County**.

*Southwest Regional Office: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.*

**A. 6371406, Amendment No. 1.** Sewerage. **Pigeon Creek Sanitary Authority**, 508 Main Street, Bentleyville, PA 15314. Application for the modification and operation of the existing aeration system located in the Township of Fallowfield, **Washington County** to serve the Pigeon Creek Sewage Treatment Plant.

*Northwest Regional Office: Regional Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.*

**WQM Permit No. 2597201.** Industrial waste. **Albion Borough Municipal Authority**, 15 Smock Avenue, Albion, PA 16401. This project is for the installation of an underground tank to be utilized for clarification of pressure filter backwash waters prior to discharging to the East Branch of Conneaut Creek in Conneaut Township, **Erie County**.

**WQM Permit No. 2097404.** Sewage. **Pymatuning State Park, Linesville Sewage Treatment Plant**, P. O. Box 8551, Harrisburg, PA 17105. This project is for modification to the existing plant in Pine Township, **Crawford County**.

**WQM Permit No. 2097405.** Sewage. **Pymatuning State Park, Jamestown Sewage Treatment Plant**, P. O. Box 8551, Harrisburg, PA 17105. This project is for modification to the existing plant in West Shenango Township, **Crawford County**.

**WQM Permit No. 6197201.** Industrial waste. **Venango County Human Society**, Box 193A, Deep Hollow Road, Franklin, PA 16323. This project is for construction of a small flow treatment facility that is intended to repair the existing malfunctioning on-lot system in Cranberry Township, **Venango County**.

**WQM Permit No. 2597410.** Sewage. **Erie Sewer Authority**, c/o Knox, McLaughlin, Gornall & Sennett, P. C., 120 West 10th Street, Erie, PA 16501. This project is for the expansion of the Erie Wastewater Treatment Plant, including a proposed overflow retention facility in the City of Erie, **Erie County**.

**WQM Permit No. 2597411.** Sewage, **Gerry Stubenhofer, SRSTP**, 1021 West 6th St., Erie, PA 16507. This project is for the construction of a Single Residence Sewage Treatment Plant in Washington Township, **Erie County**.

**DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER FROM OIL AND GAS ACTIVITIES**

*Southwest Regional Office: Regional Oil and Gas Manager, 400 Waterfront Drive, Pittsburgh, PA 15222, (412) 442-4024.*

**Permit No. 3296201.** Industrial, **Tunnelton Liquids Company**, P. O. Box 667, Clarion, PA 16214. Application for construction and operation of a wastewater treatment plant to treat drainage from a coal refuse pile and mine, and oil and gas fluids in Conemaugh Township, **Indiana County**, with the discharge of treated effluent to the Conemaugh River.

**INDIVIDUAL PERMITS  
(PAS)**

The following parties have applied for an NPDES permit to discharge stormwater from a proposed construction activity into the surface waters of this Commonwealth. Unless otherwise indicated on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection proposes to issue a permit to discharge, subject to certain limitations set forth in the permit and special conditions. These proposed determinations are tentative. Limitations are provided in the permit as erosion and sedimentation control measures and facilities which restrict the rate and quantity of sediment discharged.

Where indicated, the EPA, Region III, Regional Administrator has waived the right to review or object to this proposed permit action under the waiver provision 40 CFR 123.24(d).

Persons wishing to comment on the proposed permit are invited to submit a statement to the Regional Office or County Conservation District Office indicated as the responsible office, within 30 days from the date of this public notice. A copy of the written comments should be sent to the County Conservation District Office. Comments reviewed within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer; a concise statement to inform the Regional Office of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the Regional Office considers the public response significant.

Following the 30-day comment period, the Water Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealable to the Environmental Hearing Board.

The application and related documents, including the erosion and sedimentation control plan for the construction activity, are on file and may be inspected at the County Conservation District Office or the Department Regional Office indicated above the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

*Southeast Regional Office: Regional Water Management Program Manager, 555 North Lane, Lee Park, Conshohocken, PA 19428, (610) 832-6131.*

*Southwest Regional Office: Regional Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222, (412) 442-4028.*

*Northeast Regional Office: Regional Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701, (717) 826-2553.*

*Northwest Regional Office: Regional Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6942.*

*Allegheny County Conservation District, District Manager, 875 Greentree Road, Pittsburgh, PA 15220, (412) 921-1999.*

**NPDES Permit PAS10A101.** Stormwater. **Urban Redevelopment Authority of Pittsburgh**, 200 Ross Street, Pittsburgh, PA 15219 has applied to discharge stormwater from a construction activity located in the City of Pittsburgh, **Allegheny County**, to the Monogahela River.

*Bucks County Conservation District, District Manager, 924 Town Center, New Britain, PA 18901, (215) 345-7577.*

**NPDES Permit PAS10D097.** Stormwater. **Bucks County Technical School Authority**, 610 Wistar Road, Fairless Hills, PA 19030 has applied to discharge stormwater from a construction activity located in Bristol Township, **Bucks County**, to Mill Creek.

*Butler County Conservation District, District Manager, 122 McCune Drive, Butler, PA 16001, (412) 284-5270.*

**NPDES Permit PAS10E065.** Stormwater. **ARMCO Inc.**, P. O. Box 832, Butler, PA 16003 has applied to discharge stormwater from a construction activity located in Butler Township, **Butler County**, to Little Connoquenessing Creek.

**NPDES Permit PAS10E064.** Stormwater. **Castlewood Partnership**, 1 Bigelow Square, Ste. 630, Pittsburgh, PA 15219 has applied to discharge stormwater from a construction activity located in Cranberry Township, **Butler County**, to UNT to Brush Creek.

*Chester County Conservation District, District Manager, 601 Westtown Road, West Chester, PA 19382, (610) 696-5126.*

**NPDES Permit PAS10G264.** Stormwater. **Liberty Property Trust**, 65 Valley Stream Pkwy., Malvern, PA 19355 has applied to discharge stormwater from a construction activity located in East Whiteland Township, **Chester County**, to Valley Creek.

**NPDES Permit PAS10G265.** Stormwater. **East Brandywine Township**, 21214 Horshshoe Pike, Downingtown, PA 19335 has applied to discharge stormwater from a construction activity located in East Brandywine, **Chester County**, to UNT to Beaver Creek.

**NPDES Permit PAS10G266.** Stormwater. **RML Enterprises**, P. O. Box 7958, Newark, DE 19714 has applied to discharge stormwater from a construction activity located in Franklin Township, **Chester County**, to the east branch of White Clay Creek.

*Delaware County Conservation District, District Manager, 1521 N. Providence Road, Media, PA 19063, (610) 892-9484.*

**NPDES Permit PAS10J039.** Stormwater. **Pulte Homes Corporation**, 1210 N. Broad Drive, Ste. 150, Trevose, PA 19053 has applied to discharge stormwater from a construction activity located in Bethel Township, **Delaware County**, to the west branch of Naamans.

*Lehigh County Conservation District, District Manager, 4184 Dorney Park Road, Allentown, PA 18104, (610) 391-9583.*

**NPDES Permit PAS10Q137.** Stormwater. **Phoenix Forging Company Inc.**, P. O. Box 70, Catasauqua, PA 18032 has applied to discharge stormwater from a construction activity located in Upper Macungie Township, **Lehigh County**, to Little Lehigh Creek.

**NPDES Permit PAS10Q138.** Stormwater. **Jaindl Land Company**, 3150 Coffeetown Road, Orefield, PA 18069 has applied to discharge stormwater from a construction activity located in Lower Macungie Township, **Lehigh County**, to Little Lehigh Creek.

## SAFE DRINKING WATER

### Applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).

*Northwest Regional Office: Regional Environmental Protection Manager, 230 Chestnut Street, Meadville, PA 16335.*

**A. 2097502.** Public water supply. **Eagle Crest Manor Mobile Home Park**, Route 19, Meadville, PA 16335. This proposal involves the construction and operation of a water system (well #1) in Union Township, **Crawford County**.

*Southwest Regional Office: Regional Manager, Water Supply and Community Health, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.*

**A. 6597501. Municipal Authority of Westmoreland County**, Lincoln Highway West, Greensburg, PA 15601. Construction of new 2MG standpipe water tank serving Murrysville, **Westmoreland County**.

**A. 4976-A1. Borough of Salisbury**, Smith Avenue, Salisbury, PA 15558. Construction of a water storage tank, booster station and waterlines serving Salisbury Borough, **Somerset County**.

*Southcentral Regional Office: Sanitarian Regional Manager, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4692.*

**A. 2297502.** Public water supply. **United Water Pennsylvania, Inc.**, Lower Paxton Township, **Dauphin County**, (Gregory P. Wyatt, Vice-President, 4211 East Park Circle, Harrisburg, PA 17111), installation of an inground booster pump station on Fairmont Drive and Locust Lane, (R. Michael Gephart, United Water Pennsylvania, Inc., 4211 East Park Circle, Harrisburg, PA 17111).

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### Under Act 2, 1995

#### Preamble 1

### Acknowledgment of Notices of Intent to Remediate submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Sections 302 and 303 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release

of a regulated substance at a site. Persons intending to use the background or Statewide health standard to remediate a site must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department must provide a brief description of the location of the site, a list of known contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who attains one or a combination of the cleanup standards identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department and shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

For further information concerning the content of a Notice of Intent to Remediate, contact the Department of Environmental Protection Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department of Environmental Protection has received the following Notices of Intent to Remediate:

*Northcentral Regional Office: Environmental Cleanup Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (717) 321-6525.*

**Sludge Lagoons**, Benner Township, **Centre County**. Bellefonte Lime Co., Inc., P. O. Box 488, Bellefonte, PA 16823 and Cerro Metal Products Company, P. O. Box 388, Bellefonte, PA 16823 have submitted a revised Notice of Intent to Remediate soil and groundwater contaminated with lead and heavy metals. The applicants propose to remediate the site to meet either the Background Standard or Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Centre Daily Times* on May 2, 1997.

*Southeast Regional Office: Environmental Cleanup Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-5950.*

**Serena Inc.**, Downingtown Borough, **Chester County**. Michael Gonshor, P.G.R.T. Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, has submitted a Notice of Intent to Remediate site soils contaminated with PCBs. The applicant proposes to remediate the site to meet the Statewide health standard.

**Benson East Apartment Facility**, Jenkintown Borough, **Montgomery County**. Derek J. Pinkham, 1350 Route 130 South, Burlington, NJ 08016, has submitted a Notice of Intent to Remediate site soils contaminated with petroleum hydrocarbons. The applicant proposes to remediate the site to meet the Statewide health standard. A final report was simultaneously submitted.

*Northwest Regional Office: John Fruehstorfer, Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6648.*

**National Forge Company**, Brokenstraw Township, **Warren County**, One Front Street, Irvin, PA 16329, has submitted a Notice of Intent to Remediate soil and groundwater. The site is suspected to be contaminated with lead and heavy metals. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate will be published on or about May 16, 1997, in the *Warren Times*.

**LAND RECYCLING AND ENVIRONMENTAL  
REMEDICATION**

**Under Act 2, 1995**

**Preamble 2**

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**Acknowledgment of Notices of Intent to Remediate under standards identified in Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.304(n)(1) and 6026.305(c)) for site-specific standards and Special Industrial Areas.**

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Sections 304 and 305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use a site-specific standard or who intend to remediate a site in a Special Industrial Area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who attains one or a combination of the cleanup standards identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department and shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific cleanup standard, in whole or in part, and for sites determined to be located in Special Industrial Areas. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area by the person conducting remediation. For the sites identified below, a municipality may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified below. During this comment period a municipality may request that the person identified, as the remediator of a site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of a site. For further information concerning the content of a Notice of Intent to Remediate, contact the Department of Environmental Protection Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department of Environmental Protection has received the following Notices of Intent to Remediate:

*Southwest Field Office: John J. Matviya, Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-5217.*

**Amcast/Slagg Brass**, Superior Valve Facility, Chartiers Township, **Washington County**. Amcast/Slagg Brass, Superior Valve Facility, 220 North Main Street,

Washington, PA has submitted a Notice of Intent to Remediate soil and groundwater contaminated with trichloroethene, methylene chloride, 1,2-dichloroethene. The applicant proposes to remediate the site to meet a site-specific standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Observer Reporter* on April 14, 1997.

**Mon Valley Lincoln Mercury Dealership**, City of Monongahela, **Washington County**. Ford Leasing Company, 1 Park Lane Boulevard, Suite 1500 East, Dearborn, MI 48126, Petroclean Environmental Services, P. O. Box 92, Carnegie, PA 15106 and Gregory P. Smoot, P. G., NTH Consultants, Ltd., 860 Springdale Drive, Exton, PA 19341 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with BTEX and PHCs. The applicant proposes to remediate the site to meet a site-specific standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Valley Independent* on April 29, 1997.

**SOLID AND HAZARDOUS WASTE**

**BENEFICIAL USE DETERMINATIONS**

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**Beneficial Use Determinations Approved under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and the regulations for municipal and residual waste.**

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*Regional Office: Northeast Regional Office, Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2516.*

**I. D. No. BU2100. Hydropress Environmental Services, Inc.**, 130 Brainards Road, Phillipsburg, NJ 08865. A Beneficial Use Approval for the use of lime stabilized sewage sludge as an agricultural fertilizer and/or liming agent at various sites within Pennsylvania. The approval was issued in the Regional Office on May 6, 1997.

**OPERATE WASTE PROCESSING OR DISPOSAL  
AREA OR SITE**

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**Applications submitted under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate solid waste processing or disposal area or site.**

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*Southwest Regional Office: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.*

**I. D. No. 101658. Turkeyfoot Demolition & Construction, Inc.**, 1142 Maiden Street, Beallsville, PA 15313. Turkeyfoot Site, 1142 Maiden Street, Beallsville, PA 15313. Application for a Municipal Waste Processing Facility in Beallsville Borough, **Washington County**. Application received in the Regional Office on May 8, 1997.

**AIR POLLUTION**

**OPERATING PERMITS**

**Construct, modify or activate air contaminant sources**

**25 Pa. Code § 129.1**

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**Applications received for Operating Permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015).**

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*Regional Office: Southcentral Regional Office, Air Quality Program, One Ararat Boulevard, Harrisburg, PA 17110.*

**06-1049:** The Department intends to issue a VOC RACT Air Quality Operating Permit to **Fleetwood Industries** (3001 St. Lawrence Avenue, Reading, PA 19606) for a wooden furniture manufacturing facility in St. Lawrence, **Berks County**.

**06-1069:** The Department intends to issue an Air Quality Operating Permit to **East Penn Mfg. Co., Inc.** (P. O. Box 147, Lyon Station, PA 19536-0147) for a lead/acid battery assembly facility controlled by various control devices in Richmond Township, **Berks County**. Several sources are subject to 40 CFR 60, Subpart KK, Standards of Performance for New Stationary Sources.

**36-303-029:** The Department intends to issue an Air Quality Operating Permit to **Haines & Kibblehouse, Inc.** (P. O. Box 196, Skippack, PA 19474) for a batch asphalt plant at their Silver Hill Quarry in Brecknock Township, **Lancaster County**. The source is subject to 40 CFR 60, Subpart I, Standards of Performance for New Stationary Sources.

**36-319-038A.** The Department intends to issue an Air Quality Operating Permit to **R. R. Donnelley & Sons Company** (216 Greenfield Road, Lancaster, PA 17601) for a hard chrome plating operation in Lancaster City, **Lancaster County**. The source is subject to 40 CFR 63, Subpart N, National Emission Standards for Hazardous Air Pollutants.

*Regional Office: Northcentral Regional Office, Bureau of Air Quality, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**8-318-023C.** The Department intends to issue an operating permit to **Rynone Manufacturing Corporation** (P. O. Box 128, Sayre, PA 18840) for the operation of a simulated marble vanity top operation in Sayre Borough, **Bradford County**.

**OP-47-0001A.** The Department intends to issue an operating permit to **Pennsylvania Power & Light Company** (Two North Ninth Street, Allentown, PA 18101) for the operation of two pulverized bituminous coal-fired electric utility boilers (Units 1 and 2) and associated air cleaning devices (electrostatic precipitators and low NOx burners) at the Montour Steam Electric Station in Derry Township, **Montour County**.

**OP-55-0001A.** The Department intends to issue an operating permit to **Pennsylvania Power & Light Company** (Two North Ninth Street, Allentown, PA 18101) for the operation of two pulverized coal-fired electric utility boilers (Units 3 and 4) and associated air cleaning devices (electrostatic precipitators and low NOx burners) at the Sunbury Steam Electric Station in Shamokin Dam Borough, **Snyder County**.

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**Operating Permit applications received under the Air Pollution Control Act (35 P. S. §§ 4001—4015).**

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*Regional Office: Northeast Regional Office, Bureau of Air Quality, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

The Department intends to issue an Air Quality Operating Permit for the air contamination sources and associated air cleaning devices described below for the specified company.

Permit: **45-399-012**  
Source: Thermal egg dryer w/afterburner  
Company: **Connaught Laboratories**  
Location: Pocono Township  
County: **Monroe**

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**Applications received for Operating Permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify or reactivate air contaminant sources.**

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*Regional Office: Southeast Regional Office, Bureau of Air Quality, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

There is a 30-day comment period from this date of publication.

The Department intends to issue an air quality operating permit for the air contaminant sources and associated air cleaning devices described below for the specified companies.

Permit: **23-329-004**  
Source: Emergency Generator  
Company: **Boeing Defense Space Group**  
Location: Ridley  
County: **Delaware**

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**NOTICE OF INTENT TO ISSUE**

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**Title V Operating Permit**

**Permit No. TV-22-05010**

**Dauphin County**

The Department of Environmental Protection intends to issue a Title V Operating Permit to the Texas Eastern Transmission Corporation for the Grantville Compressor Station located in East Hanover Township, Dauphin County. The Title V Operating Permit is required under 25 Pa. Code, Chapter 127, Subchapter G for major stationary sources.

An appointment to review the application and other pertinent documents at the Southcentral Regional Office may be scheduled by contacting Mary DiSanto at (717) 540-5018 between 8 a.m. and 3:30 p.m., Monday through Friday, except holidays.

Those wishing to comment on the proposed action may contact the Department representative Kanubhai Patel, Chief, Title V Facilities Section, One Ararat Boulevard, Harrisburg, PA 17110.

Comments may be submitted during the 30-day period immediately following the publication of this notice. Each comment must include the name, address and telephone number of the person submitting the comments along with the reference number of the permit (TV-22-05010).

The Department reserves the right to hold a public hearing on the proposed action based upon the information received during the comment period. The Department will give notice of any scheduled public hearing at least 30 days in advance of the hearing as per 25 Pa. Code § 127.521.

**Title V Operating Permit No. 18-00001**

Under 25 Pa. Code § 127.521, notice is given that the Department of Environmental Protection (DEP) intends to issue a Title V Operating Permit to the Columbia Gas Transmission Corporation for the Renovo compressor station. The Renovo compressor station is located in Chapman Township, Clinton County. The Columbia Gas Transmission Corporation representative to contact regarding

this application is P. M. Hoffman, Environmental Engineer, P. O. Box 1273, Charleston, WV 25325.

The Renovo compressor station is used primarily for the distribution of natural gas. As a result of the nitrogen oxides and carbon monoxide emitted, the Renovo station is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments. The facility is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code, Chapter 127, Subchapter G.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the Department of Environmental Protection, 208 West Third Street, Suite 101, Williamsport, PA 17701.

Persons wishing to provide the Department of Environmental Protection with additional information which they believe should be considered prior to the issuance of this permit may submit the information to the Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the following:

Name, address and telephone number of the person submitting the comments.

Identification of the proposed permit (specify Permit No. 18-00001).

Concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Chief, Title V Facilities Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-0512.

#### **Title V Operating Permit No. 20-00035**

Under 25 Pa. Code § 127.521, the Department of Environmental Protection (Department) intends to issue a Title V Operating Permit to Molded Fiber Glass Company (MFG) for its Linesville facility. MFG's facility is located in Linesville, Crawford County. MFG's representative to contact concerning this application is John Thompson, Chemist, East Linesville Street, Linesville, PA 16424, (814) 683-4500.

MFG's Linesville facility is primarily used for the production of fiberglass reinforced plastic containers. The facility's air emission sources include two small boilers and various molding and surface coating operations. The facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments due to the facility's potential to emit Styrene. The facility is therefore subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public inspection during

normal business hours at the Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335.

Any person wishing to provide the Department of Environmental Protection with additional information which they believe should be considered prior to the issuance of this permit may submit the information to the Department at the address shown above. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the following information:

- Name, address and telephone number of the person submitting the comments.

- Identification of the proposed permit (specify Permit # TV 20-00035).

- Concise statements regarding the relevancy of the information in the proposed permit or objections to issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Larry W. Wonders, Regional Air Quality Program Manager, Department of Environmental Protection, Northwest Region, 230 Chestnut Street, Meadville, PA 16335. For additional information concerning the permit or the issuance procedure, contact Eric A. Gustafson, Facilities Section Chief, Air Quality Program, at the same address or at (814) 332-6940.

#### **PLAN APPROVALS**

##### **Plan approval applications received under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify or reactivate air contamination sources and associated air cleaning devices.**

*Regional Office: Northeast Regional Office, Bureau of Air Quality, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

An application for Plan Approval has been received by this office for the construction, modification or reactivation of the air contamination sources and associated air cleaning devices described below for the specified companies.

Permit: **35-310-034**

Source: Stone Crushing Plant/Watersprays

Received: April 29, 1997

Company: **Kaminski Brothers Incorporated**

Location: Moosic Borough

County: **Lackawanna**

Permit: **39-302-156**

Source: Boilers 3 & 4/ #6 Oil & By-Product

Received: April 17, 1997

Company: **Mallinckrodt Chemical Inc.**

Location: South Whitehall Township

County: **Lehigh**

Permit: **40-310-032A**

Source: Stone Crush Plant w/Watersprays

Received: April 21, 1997

Company: **Barletta Materials & Construction**

Location: Hazle Township

County: **Luzerne**

Permit: **45-317-001**  
 Source: Flour Milling w/26 Baghouses  
 Received: April 23, 1997  
 Company: **Amber Milling Company**  
 Location: Mount Pocono Borough  
 County: **Monroe**

*Regional Office: Southcentral Regional Office, Air Quality Program, One Ararat Boulevard, Harrisburg, PA 17110.*

**67-310-004F.** Modification of an existing limestone crushing/grinding plant by **Medusa Minerals Company** (P. O. Box 220, Thomasville, PA 17364) in Jackson Township, **York County**. The modification is subject to Subpart 000, Standards of Performance for New Stationary Sources.

**REASONABLY AVAILABLE CONTROL  
 TECHNOLOGY  
 (RACT)**

**Applications received for Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations for an Operating Permit to comply with 25 Pa. Code § 129.91 for Reasonable Available Control Technology.**

Copies of the application are available for review at:

*Regional Office: Southeast Regional Office, Bureau of Air Quality, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

There is a 30-day comment period from this date of publication.

The Department intends to issue an air quality operating permit for the air contaminant sources and associated air cleaning devices described for:

Permit: **OP-23-0015**  
 Source: Synthetic Minor NOx Facility  
 Company: **Wyeth-Ayerst Laboratories**  
 Location: Radnor  
 County: **Delaware**

**MINING**

**CONDUCT COAL AND NONCOAL ACTIVITIES  
 MINING ACTIVITY APPLICATIONS**

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection. A copy of the application is available for inspection at the District mining office indicated above each application. Where a 401 water quality certification is needed for any aspect of a proposed mining activity, the submittal of the permit application will serve as the request for such certification.

Written comments or objections, or requests for informal conferences on applications, may be submitted by a person or an officer or head of a Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

Where any of the mining activities listed below will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. Such NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52 and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity and pH. In addition to the above, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit when necessary to comply with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies which have requested review of the NPDES permit requirements for a particular mining activity within the above-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

Written comments or objections should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

*Ebensburg District Office, 437 South Center Street, P. O. Box 625, Ebensburg, PA 15931-0625.*

*Coal Applications Received*

**56870102. Permit Renewal. Starlite Mining, Inc.** (828 Statler Drive, Windber, PA 15963), commencement, operation and restoration of bituminous strip mine in Shade Township, **Somerset County**, affecting 78.0 acres, receiving stream discharge to unnamed tributary to Oven Run, application received May 2, 1997.

**1-02710-56900112-05.** Stream encroachment, **Future Industries, Inc.** (P. O. Box 157, Meyersdale, PA 15552), a variance is being requested on the 100' barrier of Stoney Batter Run beginning at a point approximately 7,000' south of its confluence with the Casselman River and extending southward for a distance of approximately 600' on the east side of the stream. The variance area will extend to within 30' of the stream. The variance areas have been delineated on the Exhibit 9 and 18 maps, plus a land use change from forestland to wildlife habitat—receiving streams Stoney Batter Run and Shaffer Run. Application received May 6, 1997.

*McMurray District Office, 3913 Washington Rd., McMurray, PA 15317.*

**03841307. Keystone Coal Mining Corporation** (P. O. Box 729, Indiana, PA 15701), to revise the permit



for the Emilie No. 4 bituminous deep mine in Plumcreek Township, **Armstrong County** for post-mining land use change, no additional discharge. Application received April 14, 1997.

**14831301. Pennsylvania Mines Corporation** (P. O. Box 367, Ebensburg, PA 15931), to renew the permit for the Rushton bituminous deep mine in Rush Township, **Centre County**, no additional discharge. Application received April 7, 1997.

## APPLICATIONS RECEIVED UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT

### ENCROACHMENTS

#### APPLICATIONS

The following Dam Safety and Encroachment permit applications and requests for Environmental Assessment approval and requests for water quality certification have been received by the Department of Environmental Protection (Department).

In addition to permit applications, the Bureau of Dams, Waterways and Wetlands (BDWW) and the Regional Office Soils and Waterways Sections have assumed primary responsibility for processing requests for certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)), for projects requiring both a Dam Safety and Encroachments Permit, and a United States Army Corps of Engineers (ACOE) permit. Section 401(a) of the Federal Water Pollution Control Act requires the State to certify that the involved projects will not violate the applicable provision of 33 U.S.C.A. §§ 1301—1303, 1306 and 1307, as well as relevant State requirements. Initial requests for 401 Certification will be published concurrently with the BDWW permit application. Persons objecting to approval of a request for certification under Section 401 or to the issuance of a Dam Safety or Encroachment Permit, or the approval of Environmental Assessments must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the Bureau or Field Office indicated as the responsible office.

#### Applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under section 401 of the Federal Water Pollution Control Act.

*Southcentral Regional Office: Water Management Program, Soils and Waterways Section, One Ararat Boulevard, Room 126, Harrisburg, PA 17110, (717) 657-4590.*

**E06-492.** Encroachment. **Forino Developers Co.**, Scott Sweigart, 3000 Penn Avenue, West Lawn, PA 19609. To remove an existing structure and to construct and maintain a 6 foot × 10 foot concrete box culvert in the channel of Cacossing Creek at a point approximately 2,400 feet upstream of Wernersville Road (Sinking Springs, PA Quadrangle N: 10.0 inches; W: 8.5 inches) in South Heidelberg Township, **Berks County**.

**E22-367.** Encroachment. **John Rautzahn**, PA Dept. of Transportation, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103. To remove two deteriorated structures and to construct and maintain a bridge having

a span of 12 feet and an underclearance of 5 feet-2 inches and a bridge having a span of 12 feet and an underclearance of 6 feet-6 inches across the channel of a tributary to Swatara Creek at a point at Rt. 230 (Middletown, PA Quadrangle N: 13.2 inches; W: 12.0 inches) in Londonderry Township, **Dauphin County**.

**E67-505.** Encroachment. **Chanceford Township**, David Werner, Sr., P. O. Box 115, Brogue, PA 17309. To reissue permit No. E67-505 which authorized the removal of an existing structure and the construction and maintenance of Kline Road Bridge No. 365 having a clear span of 42 feet with a minimum underclearance of 5 feet across Otter Creek on T-616 (Safe Harbor, PA Quadrangle N: 2.6 inches; W: 3.9 inches) in Chanceford Township, **York County**.

**E67-595.** Encroachment. **Wagman Construction, Inc.**, Jeff Winter, 3290 Susquehanna Trail North, York, PA 17404. To place fill in 0.1 acre of wetlands for the purpose of constructing a proposed medical facility to be located on the Dover Commons Tract west of SR 0074 just north of Palomino Road (West York, PA Quadrangle N: 21.6 inches; W: 13.1 inches) in Dover Township, **York County**. The permittee is responsible for compensation for wetland losses.

**E67-596.** Encroachment. **Hugh Lloyd**, 3934 New Park Road, New Park, PA 17352. To construct and maintain a private bridge with a single span of 60 feet and a minimum underclearance of 8 feet over the South Branch of Muddy Creek to be located west of Muddy Creek Road approximately 0.30 mile north of Arnold Road (Airville, PA Quadrangle N: 9.4 inches; W: 14.5 inches) in East Hopewell and Fawn Townships, **York County**.

*Northcentral Region, Water Management, Soils and Waterways Section, F. Alan Sever, Chief, 208 West Third St., Suite 101, Williamsport, PA 17701.*

**E18-235.** Encroachment. **Croda Inc.**, P. O. Box 178, Draketown Rd., Mill Hall, PA 17751. To place and maintain fill in 1.13 acres of palustrine emergent wetlands, to place and maintain fill in 0.43 acre of palustrine forested open water wetlands, to maintain 0.26 acre of wetland replacement encroaching in the floodway of Bald Eagle Creek, for the purpose of expanding existing chemical plant operations. The company property encompasses 12.9 acres of land with 8.9 acres currently developed. The fill site is located on the western side of company property located along Draketown Road (T-373) approximately 0.30 mile from the intersection with SR 150 (Mill Hall, PA Quadrangle N: 20.5 inches; W: 13.5 inches) in Bald Eagle Township, **Clinton County**. Offsite mitigation for impacts will be replaced within the floodway of Bald Eagle Creek located along Lusk Run Road (SR 2020) approximately 1.0 mile from the intersection with SR 150 (Mill Hall, PA Quadrangle N: 22.5 inches; W: 17.0 inches) in Bald Eagle Township, **Clinton County**.

*Northwest Regional Office, Soils and Waterways Section, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.*

**E10-257.** Encroachment. **Cranberry Township Board of Supervisors**, 2525 Rochester Road, Cranberry Township, PA 16066-6499. To extend Thompson Park Road across Coal Run (CWF) with a bridge. The proposed bridge is a concrete box beam bridge with a clear span of 65.3 feet and a minimum underclearance of 7.1 feet. The applicant proposes an additional 600 feet of stream channel realignment. Cumulative wetland impacts total of 0.04 acre for permanent impacts. All of the wetlands



are palustrine emergent and/or shrubbed wetlands and are not exceptional value wetlands. The bridge is located approximately 90 feet east of the southern terminus of Thompson Park Drive. Thompson Park Drive is located approximately 2500 feet west of S. R. 0019 on Rochester Road (Mars, PA Quadrangle N: 12.19 inches; W: 2.00 inches) in Cranberry Township, **Butler County**.

**E25-550.** Encroachment. **Erie Sewer Authority and the City of Erie**, 68 Port Access Road, Erie, PA 16507-2202. To construct a new 90-inch diameter concrete relief outfall pipe beginning at the Erie Wastewater Treatment Plant and ending with a diffuser in Lake Erie. This pipe will parallel the existing 72-inch line with 1,250 lineal feet crossing dry land and 7,050 lineal feet in Lake Erie covered with rock armor. The land portion begins in the City of Erie, Erie County from Port Access Road (Erie North, PA Quadrangle N: 3.4 inches; W: 10.5 inches) and proceeds northeast ending at the shore of Lake Erie (Erie North, PA Quadrangle N: 4.1 inches; W: 10.2 inches). The water portion begins at the shore of Lake Erie (Erie North, PA Quadrangle N: 4.1 inches; W: 10.2 inches) and ends (Erie North, PA Quadrangle N: 5.9 inches; W: 6.8 inches) in approximately 20 feet of water disturbing approximately 6.3 acres of the bed of Lake Erie located in the City of Erie, **Erie County**.

**E33-181.** Encroachment. **Municipal Authority of the Borough of Punxsutawney**, Robert D. Sloniger, 301 East Mahoning Street, Punxsutawney, PA 15767. To modify and expand the existing municipal wastewater treatment plant within the 100-year floodplain of Mahoning Creek at the end of Water Street approximately 0.75 mile west of S. R. 436 (Valier, PA Quadrangle N: 12.0 inches; W: 0.1 inch) located in the Borough of Punxsutawney, **Jefferson County**.

*Southeast Regional Office, Program Manager, Water Management Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**E23-359.** Encroachment. **James McElwee**, P. O. Box 64, Essington, PA 19029. To operate and maintain Riverside Yacht Club Marina facilities situated along the northern bank of the Delaware River. To install and maintain an 85-foot long addition attached at the terminus of the existing floating dock. The proposed floating dock system would extend a total length of 299 feet waterward of the existing low water line and would provide for 21 mooring slips occupying approximately 0.6 acre of the submerged lands of this Commonwealth. The project site is located in the town of Essington, approximately 1,000 feet south from the junction of Wanamaker Avenue (S. R. 420) and Second Street (Bridgeport, NJ-PA Quadrangle N: 19.8 inches; W: 7.2 inches) in Tinicum Township, **Delaware County**.

**E09-751.** Encroachment. **PA DOT**, 200 Radnor Chester Rd., St. Davids, PA 19087-5178. To remove an existing dual pipe culvert and to install and maintain 64 linear feet of 14-foot wide × 7-foot high single cell precast concrete box culvert in and along an unnamed tributary to Neshaminy Creek (AKA Leonards Creek) (WWF, MF). Also, to increase the hydraulic efficiency of the culvert, 98 feet of stream channelization will be performed. The invert of the culvert will be depressed one foot below streambed to facilitate fish passage. The proposed structure will be situated 39 feet northward of the existing culvert at a point 2,900 feet southwest of the intersection of Buck Road and Middle Holland Road (Langhorne, PA Quadrangle N: 13.9 inches; W: 11.6 inches) in Northampton Township, **Bucks County**.

**E09-750.** Encroachment. **Buckingham Township**, P. O. Box 413, 4613 Hughesian Drive, Buckingham, PA 18912. To operate and maintain an 8-foot by 3-foot reinforced concrete box culvert, to operate and maintain two 15-inch reinforced concrete pipe outfall structures, and to maintain fill within wetlands adjacent to the Ja-del Circle Cul-de-sac in and along an unnamed tributary of Pine Run (WWF-MF). Total wetland impact from this project is approximately 0.48 acre. This site is located just east of the intersection of Church School Road and Cold Springs Creamery Road (Buckingham, PA USGS Quadrangle N: 15.60 inches; W: 15.25 inches) in Buckingham Township, **Bucks County**.

**E46-772.** Encroachment. **Abington Township**, 1176 Old York Rd., Abington, PA 19001. To construct, operate and maintain a storm sewer outfall structure located along the northern bank of Sandy Run Creek (TSF) in the 100-year floodway, floodway fringe and the right-of-way of Thomson Road. This project is associated with proposed stormwater management improvements to alleviate existing drainage problems. The proposed storm sewer outfall consists of a concrete endwall/retaining wall to accommodate a 48-inch by 76-inch elliptical R.C.P. storm sewer. The proposed reinforced concrete retaining wall, approximately 115 feet in length, will have a maximum height of 6 feet. The project also includes the modification of an existing gabion wall situated along the northern bank of stream channel by replacing an 18-foot long gabion wall section with 21-foot long, 18-foot wide and 9-inch thick Reno mattress with energy dissipating rip-rap. The total impacts to Sandy Run Creek with the proposed project is approximately 130 feet. The site is situated along Thomson Road, approximately 250 feet southwest of its intersection with Fernwood Avenue (Ambler, PA Quadrangle N: 1.0 inch; W: 2.25 inches) in Abington Township, **Montgomery County**.

*Northeast Regional Office, Regional Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-5485.*

**Permit No. E35-281.** Encroachment. **Corky's Garden Path Greenhouses** 1312 Justice Boulevard (S. R. 0347), Clarks Summit, PA 18411, to fill in 0.25 acres of (PEM) wetlands for the construction of a proposed greenhouse. The Project is located at Corky's Garden Path Greenhouses immediately south of the S. R. 1027 and S. R. 0347 (Dalton, PA Quadrangle N: 0.4 inch; W: 2.1 inches) in Scott Township, **Lackawanna County**. (Baltimore District, Army Corps of Engineers)

**Permit No. E40-467.** Encroachment. **Pennsylvania Department of Transportation**, Engineering District 4-0, P. O. Box 111, Scranton, PA 18501. To construct and maintain approximately 120 linear feet of channel change in a tributary to Huntsville Creek (CWF), for the purpose of accommodating roadway widening associated with the replacement of an existing road crossing. The road crossing will be replaced in accordance with the Department's General Permit BDWM-GP-7 (Minor Road Crossings). The realigned channel section will have a trapezoidal cross-section, with R-5 riprap-lined sides at a 1.5:1 slope. The project is located on S. R. 1018, Seciton 370, Segment 0030, Offset 0000, approximately 0.3 mile northeast of the intersection of S. R. 0415 and S. R. 1018 (Harveys Lake, PA Quadrangle N: 17.7 inches; W: 0.3 inch), in Dallas Township, **Luzerne County** (Baltimore District, Army Corps of Engineers).

**Permit No. E66-113.** Encroachment. **Wyoming Sand & Stone Company**, R. R. 2, Box 100, Tunkhannock, PA 18657. To place fill in .37 acre of PFO wetlands for the

purpose of constructing a hot mix asphalt plant and associated bituminous pavement parking areas at Hilltop Quarry. The project is located 0.3 mile south of the intersection of S.R. 0307 and Township Road T-364 (Ransom, PA Quadrangle N: 19.2 inches; W: 9.4 inches) in Falls Township, **Wyoming County** (Baltimore District, Army Corps of Engineers).

#### ENVIRONMENTAL ASSESSMENT

The following Dam Safety and Encroachment permit applications, requests for Environmental Assessment approval and requests for water quality certification have been received by the Department of Environmental Protection. Section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)) requires the State to certify that the involved projects will not violate the applicable provisions of 33 U.S.C.A. §§ 1311—1313, 1316 and 1317, as well as relevant State requirements. Initial requests for 401 certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under section 401, or to the issuance of a Dam Safety or Encroachment Permit or the approval of Environmental Assessments must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted above the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

#### Requests for Environmental Assessment approval under 25 Pa. Code § 105.15 and requests for certification under section 401 of the Federal Water Pollution Control Act.

*Central Office: Bureau of Waterways Engineering, 400 Market Street, 6th Floor; P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.*

**EA46-028C0.** Environmental assessment. **Sukonik Development Corporation** (621 E. Germantown Pike, Suite 100, Plymouth Meeting, PA 19401-2454). To construct and maintain three nonjurisdictional dams across a tributary to Perkiomen Creek (TSF) for the purpose of stormwater management at the proposed Colony at Valley Forge subdivision located approximately 2,100 feet northwest of the intersection of Upper Indian Head Road and Lower Indian Head Road (Collegeville, PA Quadrangle N: 4.1 inches; W: 10.7 inches) in Upper Providence Township, **Montgomery County**.

**EA40-004C0.** Environmental assessment. **R. N. Fitch and Sons, Inc.** (185 Huntsville Road, Dallas, PA 18612). To construct and maintain a nonjurisdictional dam across a tributary to Trout Brook (CWF) impacting a de minimus area of wetland (PSS) equal to 0.04 acre for the purpose of stormwater management at the proposed Winterberry residential development located approximately 1,600 feet south of the intersection of Upper Demunds Road (S.R. 1041) and Seidler Road (T 819) (Kingston, PA Quadrangle N: 19.8 inches; W: 9.4 inches) in Dallas Township, **Luzerne County**.

## ACTIONS

### FINAL ACTIONS TAKEN UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

#### [National Pollution Discharge Elimination System Program (NPDES)]

#### DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER (Part I Permits)

The Department of Environmental Protection has taken the following actions on previously received permit applications and requests for plan approval and has issued the following significant orders.

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514), and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audio tape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

*Northwest Regional Office: Regional Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335, telephone (814) 332-6942.*

**NPDES Permit No. PA 0209864.** Sewage. **Ike's Auto Truck Stop**, 6321 Sterrettania Road, Fairview, PA 16415 is authorized to discharge from a facility located in McKean Township, **Erie County** to an unnamed tributary to Conneauttee Creek.

*Southeast Regional Office: Regional Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, telephone (610) 832-6130.*

**Permit No. 1594418. Amendment No. 2.** Sewerage. **Suntech Associates and Kennett Township** (P. O. Box 75, Westtown, PA 19395). Amendment for approval to monitor/report for fecal coliform instead of a limitation of 200 colonies/100 ml at the effluent of the subsurface sand filters located in Kennett Township, **Chester County** to serve Ashford Subdivision.

**Permit No. 1595409. Amendment No. 1.** Sewerage. **White Manor Country Club** (688 Sugartown Road, Malvern, PA 19355). Amendment to add an additional spray field located in Willistown Township, **Chester County** to serve White Manor Country Club.

**Permit No. 2395201. Amendment No. 1.** Industrial waste. **Colonial Pipeline Company** (P. O. Box 727,

Woodbury, N.J. 08096). Amendment to include reducing effluent monitoring sampling from twice a month to monthly located in Bethel Township, **Delaware County** to serve Colonial Pipeline/Brandywine Station.

**Permit No. 0996420.** Sewerage. **Warwick Township Water and Sewer Authority** (2242 Old York Road, Jamison, PA 18929). Modification/expansion of the Fish Creek STP located in Warwick Township, **Bucks County** to serve Fish Creek Wastewater Treatment Plant.

**Permit No. 0996425.** Sewerage. **The McKee Group** (100 South Shadeland Avenue, Drexel Hill, PA 19026). Construction of an equalization basin located in Buckingham Township, **Bucks County** to serve Village of Buckingham Springs.

**NPDES Permit No. PA 0054186.** Sewerage. **Commonwealth of Pennsylvania Department of Corrections**, State Correctional Institute Graterford, P. O. Box 246, Route 29, Graterford, PA 19426-0246 is authorized to discharge from a facility located in Skippack Township, **Montgomery County** into an unnamed tributary to Perkiomen Creek.

**NPDES Permit No. PA 0057126.** Industrial waste. **Amerada Hess Corporation**, 1 Hess Plaza, Woodbridge, NJ 07095-0961 is authorized to discharge from a facility

<i>Parameter</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Tetrachloroethylene			0.005			0.0125
Trichloroethylene			0.005			0.0125
1,2-Dichloroethylene			0.005			0.0125

**NPDES Permit No. PA 0000914.** Industrial waste, **U. S. Department of Energy**, Pittsburgh Naval Reactors Office, 814 Pittsburgh-McKeesport Road, West Mifflin, PA 15122-0109 is authorized to discharge from a facility located at Bettis Atomic Power Laboratory, West Mifflin Borough, **Allegheny County**.

**NPDES Permit No. PA 0021156, Amendment No. 1.** Sewage, **Bullskin Township Board of Supervisors**, R. D. 2, Box 234G, Connellsville, PA 15425 is authorized to discharge from a facility located at Merit Manor Sewage Treatment Plant, Bullskin Township, **Fayette County**.

**NPDES Permit No. PA 0217581.** Sewage, **Louis Yemc**, 350 Arona Road, New Stanton, PA 15672 is authorized to discharge from a facility located at Yemc New Stanton Mack Truck Dealer STP, South Huntingdon Township, **Westmoreland County** to Unnamed Tributary of Hunters Run.

**Permit No. 0297202.** Industrial waste, **Department of Energy**, Pittsburgh Naval Reactors Office, P. O. Box 109, West Mifflin, PA 15122-0109. Construction of Research Development Lab located in the Borough of West Mifflin, **Allegheny County** to serve the Bettis Atomic Lab/SIS System.

located in the City of Coatesville, **Chester County** into an unnamed tributary to Brandywine Creek.

**NPDES Permit No. PA 0050458.** Sewerage. **Little Washington Wastewater Company**, 250 Little Washington Road, Downingtown, PA 19335 is authorized to discharge from a facility located in East Brandywine Township, **Chester County** into Culbertson Run.

**NPDES Permit No. PA 0012599, Amendment No. 2.** Industrial waste. **Simpson Paper Company**, 1201 Third Avenue, Suite 4900, Seattle, WA 98101-3045 is authorized to discharge from a facility located in Whitmarsh Township, **Montgomery County** into the Schuylkill River, Manor Creek and unnamed tributary to Manor Creek.

*Southwest Regional Office: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 442-4000.*

**NPDES Permit No. PA 0000914.** Industrial waste, **U. S. Department of Energy**, Pittsburgh Naval Reactors Office, 814 Pittsburgh-McKeesport Road, West Mifflin, PA 15122-0109.

This notice reflects changes from the notice published in the March 1, 1997 *Pennsylvania Bulletin*.

**Permit No. 464S19, Amendment No. 1.** Sewerage, **Chartiers Township**, 2 Buccaneer Drive, Houston, PA 15342. Construction of Inverted Siphon located in the Township of Chartiers, **Washington County** to serve the Repair of Inverted Siphon Crossing Chartiers Run.

**Permit No. 0297401.** Sewerage, **North Versailles Township Sanitary Authority**, 1401 Greensburg Avenue, North Versailles, PA 15137. Construction of Pump Station and Force Main located in the Township of North Versailles, **Allegheny County** to serve the Westbury Road Pump Station.

**Permit No. 0497401.** Sewerage, **The Alta Group, Inc.**, 195 Hartzell School Road, Fombell, PA 16123-9518. Construction of a Sewage Treatment Plant located in the Township of Marion, **Beaver County** to serve the Alta Sewage Treatment Plant.

**Permit No. 6597401.** Sewerage, **Louis Yemc**, 350 Arona Road, New Stanton, PA 15672. Construction of Small Flow Sewage Treatment Facility located in the Township of South Huntingdon, **Westmoreland County** to serve the New Stanton Mack Truck Dealership Sewage Treatment Plant.

## INDIVIDUAL PERMITS

## (PAS)

**The following approvals from coverage under NPDES Individual Permit for Discharge of Stormwater from Construction Activities have been issued.**

*Northcentral Region, Water Management, Soils and Waterways Section, F. Alan Sever, Chief, 208 West Third St., Williamsport, PA 17701.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10F059	Bureau of Abandoned Mine Reclamation P. O. Box 149 Ebensburg, PA 15931	Snow Shoe Township Centre County	Little Sandy Run
PAS101910	Schrack Farm Partnership R. R. 2, Box 68 Loganton, PA 17747-9612	Greene Township Clinton County	Fishing Creek

*Northeast Regional Office: Regional Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 826-2511.*

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10U062	Country View Manor, Inc. 3220 Valley View Drive Bath, PA 18014	Northampton Moore Township	Monocacy Creek
PAS10S051	Skytop Lodges, Inc. One Skytop Skytop, PA 18357	Monroe Barrett Township	Leavitt Branch

## INDIVIDUAL PERMITS

## (PAR)

## APPROVALS TO USE NPDES GENERAL PERMITS

The following parties have submitted Notices of Intent (NOI) for Coverage under General NPDES Permits to discharge wastewater into the surface waters of the Commonwealth of Pennsylvania. The Department of Environmental Protection approves the following coverages under the specified General Permit. This approval is subject to applicable effluent limitations, monitoring and reporting requirements and other conditions set forth in the respective General Permit.

The EPA Region III Regional Administrator has waived the right to review or object to this permit action under the waiver provision: 40 CFR 123.24.

The applications and related documents, effluent limitations and special conditions, and other information are on file and may be inspected and arrangements made for copying at the contact office noted.

List of NPDES General Permits issued by Department of Environmental Protection:

*NPDES**General Permit Type*

PAG-1	General Permit For Discharges From Stripper Oil Well Facilities
PAG-2	General Permit For Discharges of Stormwater From Construction Activities
PAG-3	General Permit For Discharges of Stormwater From Industrial Activities
PAG-4	General Permit For Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit For Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit For Wet Weather Overflow Discharges From Combined Sewer Systems

*Facility**Location**County and Municipality*

<i>County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Luzerne County Hanover Township	PAR702206	Evans Asphalt Co. — Plant No. 1 P. O. Box 1087 Wilkes-Barre, PA 18703	Solomon Creek	Northeast Regional Office Regional Water Management Program 2 Public Square Wilkes-Barre, PA 18711-0790 (717) 826-2554

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Luzerne County Dorrance Township	PAR702207	Evans Asphalt Plant No. 2 Dorrance Plant P. O. Box 1087 Wilkes-Barre, PA 18703	Balliet Run	Northeast Regional Office Regional Water Management Program 2 Public Square Wilkes-Barre, PA 18711-0790 (717) 826-2554
Luzerne County Dorrance Township	PAR212212	81 Concrete Inc. 125 N. Warren Street West Hazleton, PA 18201	Balliet Run	Northeast Regional Office Regional Water Management Program 2 Public Square Wilkes-Barre, PA 18711-0790 (717) 826-2554
Lehigh County Upper Macungie Township	PAR122212	The Coca-Cola Company One Coca-Cola Plaza P. O. Box 1734 Atlanta, Georgia 30301	Iron Run Creek	Northeast Regional Office Regional Water Management Program 2 Public Square Wilkes-Barre, PA 18711-0790 (717) 826-2554
Schuylkill County Pine Grove Borough	PAR132201	Guilford Mills, Inc. P. O. Box 26969 Greensboro, NC 27419-6969	Wideawake Creek	Northeast Regional Office Regional Water Management Program 2 Public Square Wilkes-Barre, PA 18711-0790 (717) 826-2554
Allegheny County Hampton Township	PAG056104	Exxon Company, USA 2567 University Avenue, Suite 5008 Morgantown, WV 26505	Unnamed tributary to Crouse Run (tributary to Pine Creek)	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Allegheny County Plum Borough	PAG056105	Exxon Company, USA 2567 University Avenue, Suite 5008 Morgantown, WV 26505	Plum Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

## SAFE DRINKING WATER

### Actions taken under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).

*Southwest Regional Office: Regional Manager; Water Supply Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 442-4000.*

#### Permits Issued:

**Permit No. 1195505.** Public water supply. **Greater Johnstown Water Authority**, P. O. Box 1287, Johnstown, PA 15907.

Type of Facility: Mineral Point Well No. 1.  
Permit to Operate Issued: May 6, 1997.

**Permit No. 5688507.** Public water supply. **John Bishop**, Bishop's Mobile Home Park II, Hickory Hollow Road, Somerset, PA 15501.

Type of Facility: Bishop's Mobile Home Court #2 Water Supply System.

Permit to Operate Issued: May 6, 1997.

**Permit No. 6397501.** Public water supply. **Authority of the Borough of Charleroi**, 325 McKean Avenue, P. O. Box 211, Charleroi, PA 15022-0211.

Type of Facility: Lover, Jonestown and Fallowfield Township Lover area waterlines.

Permit to Construct Issued: May 5, 1997.

*Northwest Regional Office: Regional Environmental Protection Manager, 230 Chestnut Street, Meadville, PA 16335.*

**Permit No. 2597501.** Public water supply. **Warner's Mobile Home Park, Inc.**, 12180 Route 6, Corry, PA 16407-8977. A permit has been issued for the drilling of three new wells, iron removal treatment along with sequestering and disinfection system; a 2,500 gallon storage tank; two 300 gallon detention tanks; two booster pumps and pneumatic tanks in Wayne Township, **Erie County**.

Type of Facility: Community Water Supply  
Consulting Engineer: William E. Dunagan, P. E., 1176 E. Gore Rd., Erie, PA 16504

Permit to Construct Issued: May 5, 1997

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### Under Act 2, 1995

#### Preamble 3

The following final reports were submitted to the Department of Environmental Protection under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection to publish in

the *Pennsylvania Bulletin* a notice of submission of any final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed, and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning the final report, please contact the Environmental Cleanup Program in the Department of Environmental Protection Regional Office under which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final report:

*Southcentral Regional Office: Environmental Cleanup Program Manager, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4592.*

**Pennsylvania Power and Light Company Distribution Pole 23587S32818**, Lower Allen Township, **Cumberland County**. Pennsylvania Power and Light Company, Two North Ninth Street, Allentown, PA 18101-1179 has submitted a Final Report concerning remediation of site soils contaminated with PCBs. The report is intended to document remediation of the site to meet the Statewide health standard.

*Southeast Regional Office: Environmental Cleanup Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, telephone (610) 832-5950.*

**Benson East Apartment Facility**, Jenkintown Borough, **Montgomery County**. Derek J. Pinkham, 1350 Route 130 South, Burlington, NJ 08016, has submitted a Final Report concerning remediation of site soils contaminated with petroleum hydrocarbons. The report is intended to document remediation of the site to meet Statewide health standards.

## SOLID AND HAZARDOUS WASTE

### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) regulations to operate solid waste processing or disposal area or site.**

*Southcentral Regional Office: Regional Solid Waste Program Manager, One Ararat Boulevard, Harrisburg, PA 17110, telephone (717) 657-4588.*

**Permit No. 603285. Martin Greenleaf Farm**, Bio Gro Division, (180 Admiral Cochrane Drive, Suite 305, Annapolis, MD 21401). Application for modification to add additional acreage to a site in Colerian Township, **Lancaster County**. Permit issued in the Regional Office May 6, 1997.

**Permit No. 400592. Lancaster County Resource Recovery Facility**, Lancaster County Solid Waste Management Authority (P. O. Box 4425, Lancaster, PA 17604). Application for major modification including Form S,

Form R, increase of waste storage in a pit and direct injection system. Permit issued in the Regional Office May 6, 1997.

*Regional Office: Northeast Regional Office, Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 826-2516.*

**Permit I. D. No. 602432. State Correctional Institute at Dallas**, Pennsylvania Department of Corrections, P. O. Box 598, Camp Hill, PA 17001-0598. A Permit Issuance for the agricultural utilization of sewage sludge at this facility, located in Jackson Township, **Luzerne County**. The permit was issued in the Regional Office on May 1, 1997.

## AIR POLLUTION

### OPERATING PERMITS

#### Construct, modify or activate air contaminant sources

#### 25 Pa. Code § 129.1

**Operating Permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Regional Office: Northeast Regional Office, Bureau of Air Quality, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

The Department has issued the following Air Quality Operating Permits for the operation of the air contamination sources and associated air cleaning devices described below for the specified companies.

Permit: **40-018C**  
Source: Flexible Packaging Manufacturing  
Company: **Union Camp Corporation**  
Location: Hazle Township  
County: **Luzerne**

Permit: **48-004**  
Source: Kiln/Roller Mill/Clinker Cooler  
Company: **Essroc Cement Corporation**  
Location: Lower Nazareth Township  
County: **Northampton**

Permit: **48-006**  
Source: Power Plant  
Company: **Metropolitan Edison Company**  
Location: Upper Mt. Bethel Township  
County: **Northampton**

Permit: **54-305-011A**  
Source: Coal Refuse Prep w/Spray and Baghouse  
Company: **Schuylkill Energy Resources**  
Location: Mahanoy Township  
County: **Schuylkill**

Permit: **54-310-009A**  
Source: Portable Rock Crusher/Screen Plt.  
Company: **Huss Contracting Company**  
Location: West Penn Township  
County: **Schuylkill**

Permit: **54-313-080**  
Source: Coextrude/Corona TMT w/Ozone Dest  
Company: **Allied-Signal Incorporated**  
Location: Pottsville  
County: **Schuylkill**

*Regional Office: Southeast Regional Office, Bureau of Air Quality, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

General Plan Approval and Operating Permit No. BAQ-GPA/GP-1 for small combustion units was issued to the following:

Permit: **15-302-086GP**  
Source: Small Combustion Unit  
Issued: April 21, 1997  
Company: **Southeastern PA Veterans Center**  
Location: East Vincent  
County: **Chester**

The Department has issued the following air quality operating permits for the operation of the air contamination sources and associated air cleaning devices described below for the specified companies.

Permit: **46-301-268**  
Source: Hospital Waste Incinerator  
Issued: April 17, 1997  
Company: **North Penn Hospital**  
Location: Hatfield  
County: **Montgomery**

#### PLAN APPROVALS

#### Plan Approvals issued under the Air Pollution Control Act (35 P. S. §§ 4001—4005) and regulations to construct, modify or reactivate air contamination sources or air cleaning devices.

*Regional Office: Southcentral Regional Office, Air Quality Program, One Ararat Boulevard, Harrisburg, PA 17110.*

**01-303-008:** On May 5, 1997, the Department issued a Plan Approval to **Valley Quarries, Inc.** (P. O. Box J, Chambersburg, PA 17201) for the construction of a batch asphalt plant controlled by a fabric filter and a cyclone at their Gettysburg Quarry in Cumberland Township, **Adams County**. The source is subject to 40 CFR 60, Subpart I, Standards of Performance for New Stationary Sources.

**06-3015:** On May 5, 1997, the Department issued a Plan Approval to **Construction Fasteners, Inc.** (P. O. Box 6326, Wyomissing, PA 19610) for the construction of an electrostatic deposition coating line at their Exeter Plant in Exeter Township, **Berks County**.

**06-313-006C:** On May 5, 1997, the Department issued a Plan Approval to **Morton International** (P. O. Box 15209, Reading, PA 19612) for the construction of a weigh-up area with fabric collector at their Glenside Plant in Reading, **Berks County**.

**06-319-046B:** On May 5, 1997, the Department issued a Plan Approval to **General Battery Corporation** (P. O. Box 14294, Reading, PA 19612-4294) for the installation of a raw material storage building with fabric collector at their Reading Smelter plant in Laureldale, **Berks County**. The source is subject to 40 CFR 63, Subpart X, National Emission Standards for Hazardous Air Pollutants.

**06-319-077B:** On May 5, 1997, the Department issued a Plan Approval to **General Battery Corporation** (P. O. Box 13995, Reading, PA 19612-3995) for the construction of a coating operation with two wet scrubbers at their SLI plant in Muhlenberg Township, **Berks County**. The sources are subject to 40 CFR 60, Subpart KK, Standards of Performance for New Stationary Sources.

**07-308-003C:** On May 5, 1997, the Department issued a Plan Approval to **Fry Metals, Inc.** (4100 Sixth Avenue, Altoona, PA 16602) for the construction of a refining and dross treatment operation controlled by a post-combustion settling chamber in series with a MAC Environmental fabric filter in Altoona, **Blair County**.

**21-318-002B:** On May 9, 1997, the Department issued a Plan Approval to **L. B. Smith, Inc.** (2001 State Road, Camp Hill, PA 17011) for the construction of three spray booths controlled by dry filters in Lower Allen Township, **Cumberland County**.

**29-302-028:** On May 5, 1997, the Department issued a Plan Approval to **Mellott Wood Preserving Company** (P. O. Box 209, Needmore, PA 17238) for the installation of a wood-fired boiler at their Sawmill Road facility in Belfast Township, **Fulton County**.

*Regional Office: Southcentral Regional Office, Air Quality Program, One Ararat Boulevard, Harrisburg, PA 17110.*

**67-303-006D:** On May 5, 1997, the Department issued a Plan Approval to **York Building Products Company, Inc.** (P. O. Box 1708, York, PA 17405) for the installation of a fabric collector on an existing batch asphalt plant at their Roosevelt Avenue Quarry in West Manchester Township, **York County**.

**67-303-011A:** On May 5, 1997, the Department issued a Plan Approval to **Highway Materials, Inc.** (1750 Walton Road, Blue Bell, PA 19422-0465) for the installation of a fabric collector on an existing batch asphalt plant at their County Line Quarry, Plant No. 4, in Hellam Township, **York County**.

**67-313-027:** On May 9, 1997, the Department issued a Plan Approval to **P. H. Glatfelter Company** (228 South Main Street, Spring Grove, PA 17362) for the construction of a precipitated calcium carbonate plant and PCC lime storage and handling system controlled by a fabric collector in Spring Grove Borough, **York County**.

**67-318-121:** On May 6, 1997, the Department issued a Plan Approval to **Tate Access Floors, Inc.** (P. O. Box 398, Red Lion, PA 17356) for the installation of three adhesive spray lines (uncontrolled) in Windsor Township, **York County**.

*Regional Office: Northcentral Regional Office, Bureau of Air Quality, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**49-313-035K.** On April 1, 1997, plan approval was issued to **Merck & Company, Inc.** (P. O. Box 600, Danville, PA 17821) for the construction, modification and installation of an air cleaning device (a condenser) on various pharmaceutical process vessels in Riverside Borough, **Northumberland County**.

**47-310-002B.** On April 8, 1997, plan approval was issued to **Royer's Lime Quarries** (R. R. 2, Box 420, Milton, PA 17847) for the construction of stone crushing and conveying equipment and associated air cleaning device (a water spray dust suppression system) in Limestone Township, **Montour County**. Some of the equipment is subject to Subpart 000 of the Federal Standards of Performance for New Stationary Sources.

**14-313-035.** On April 18, 1997, plan approval was issued to **Ruetgers-Nease Corporation** (201 Struble Road, State College, PA 16801) for the modification of a chemical process facility to manufacture a new product, MMPDC Intermediate, in College Township, **Centre County**.

**19-302-030.** On April 29, 1997, plan approval was issued to **Blue Falcon Forge, Inc.** (P. O. Box 188, Berwick, PA 18603) for the construction of a natural gas/#2 oil-fired boiler in Berwick Borough, **Columbia County**.

**OP-14-0001A.** On April 30, 1997, plan approval was issued to **Con-Lime, Inc.** (P. O. Box 118, Bellefonte, PA 16823) for the construction of a lime kiln fabric collector dust loadout spout and associated air cleaning device (a fabric collector) in Benner Township, **Centre County**.

**PA-49-0001.** On April 30, 1997, a revised RACT (Reasonably Available Control Technology) plan approval was issued to **Mohawk Flush Doors, Inc.** (P. O. Box 112, Northumberland, PA 17857) for the construction of a wood door prefinish line in Point Township, **Northumberland County**.

*Regional Office: Northeast Regional Office, Bureau of Air Quality, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

\*A Plan Approval has been issued by this office for the construction, modification, reactivation or operation of the air contamination sources and associated air cleaning devices described below for the specified companies.

Permit: **13-302-020**  
Source: 1500HP Johnston Boiler (#60IL)  
Issued: April 16, 1997  
Company: **Consolidated Cigar Corporation**  
Location: Banks Township  
County: **Carbon**

Permit: **48-309-084A**  
Source: Clinker Operations w/8 baghouses  
Issued: April 30, 1997  
Company: **Hercules Cement Company**  
Location: Stockertown Borough  
County: **Northampton**

Permit: **48-309-098**  
Source: Finish Cement Silos w/3 baghouses  
Issued: April 21, 1997  
Company: **Keystone Portland Cement Company**  
Location: East Allen Township  
County: **Northampton**

Permit: **48-318-127**  
Source: Door prefinish & finish lines  
Issued: April 28, 1997  
Company: **Lifetime Doors Incorporated**  
Location: Forks Township  
County: **Northampton**

*Southeast Regional Office: Bureau of Air Quality, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

The Department has issued the following air quality plan approvals for the specified companies described below:

Permit: **23-312-208**  
Source: LPG Recovery Unit  
Issued: April 18, 1997  
Company: **Tosco Refining/Tosco Corp.**  
Location: Trainer  
County: **Delaware**

Permit: **23-329-001A**  
Source: Six Stationary Diesel Engines  
Issued: April 18, 1997  
Company: **Sun Refining & Marketing**  
Location: Marcus Hook  
County: **Delaware**

Permit: **09-320-044**  
Source: 3 Web Offset Presses  
Issued: April 18, 1997  
Company: **Moore Business Forms**  
Location: Richland  
County: **Bucks**

Permit: **46-313-093B**  
Source: Chemical Development Facility  
Issued: April 21, 1997  
Company: **SmithKline Beecham Research**  
Location: Upper Providence  
County: **Montgomery**

Permit: **46-313-093C**  
Source: Hydrogenation Facility  
Issued: April 25, 1997  
Company: **SmithKline Beecham Research**  
Location: Upper Providence  
County: **Montgomery**

Permit: **15-320-023**  
Source: Flexographic Printing Press  
Issued: April 25, 1997  
Company: **Dopaco, Inc.**  
Location: Downingtown  
County: **Chester**

Permit: **09-320-047**  
Source: Graphic Art Line No. 2  
Issued: April 25, 1997  
Company: **Specialty Paperboard/Endura, Inc.**  
Location: Quakertown  
County: **Bucks**

Permit: **15-303-012**  
Source: Drum Mix Asphalt Plant  
Issued: May 5, 1997  
Company: **Great Valley Materials/Div. Allan A. Mayers, Inc.**  
Location: Charlestown  
County: **Chester**

**REASONABLY AVAILABLE CONTROL  
TECHNOLOGY  
(RACT)**

**Operating Permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations for an operating permit to comply with 25 Pa. Code § 129.91 for Reasonable Available Control Technology**

*Southeast Regional Office, Bureau of Air Quality, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

The Department has issued the following air quality operating permits for the operation of the air contamination sources and associated air cleaning devices described below for the specified companies:

Permit: **OP-46-0025**  
Source: NOx & VOC Sources  
Issued: April 22, 1997  
Company: **Lonza, Inc.**  
Location: Upper Merion  
County: **Montgomery**

Permit: **OP-15-0018**  
Source: Synthetic NOx & VOC Facility  
Issued: May 2, 1997  
Company: **Wyeth-Ayerst Laboratories, Inc.**  
Location: East Whiteland  
County: **Chester**



Permit: **OP-15-0034**  
 Source: NOx Sources  
 Issued: May 2, 1997  
 Company: **Sanofi Winthrop, Inc.**  
 Location: East Whiteland  
 County: **Chester**

## MINING

### CONDUCT COAL AND NONCOAL ACTIVITIES

#### MINING ACTIVITY ACTIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 water quality certification. Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Quality Control Act (35 P.S. §§ 4401—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

*McMurray District Office, 3913 Washington Rd., McMurray, PA 15317.*

#### *Coal Mining Permits Issued:*

**56831601. Reitz Coal Company** (509-15th Street, Windber, PA 15963), to renew the permit for the Reitz No. 11 preparation plant in Shade Township, **Somerset County** and relate NPDES permit, no additional discharge. Permit issued May 9, 1997.

**32921302. Helvetia Coal Company** (P. O. Box 729, Indiana, PA 15701), to revise the permit for the Marshall Run bituminous deep mine in Young Township, **Indiana County** to add permit and subsidence control plan acres, no additional discharge. Permit issued May 9, 1997.

**32743710. Helvetia Coal Company** (P. O. Box 729, Indiana, PA 15701), to revise the permit for the Helvetia Refuse Disposal Area No. 1 in Center Township, **Indiana County** to add disposal area and an NPDES discharge point, receiving stream unnamed trib. to Blacklick Creek. Permit issued May 8, 1997.

**32841307. Tanoma Coal Company, Inc.** (R. R. 1, Box 594, Marion Center, PA 15759), to revise the permit for the Tanoma bituminous deep mine in Rayne Township, **Indiana County** for E-2 seal borehole and Main E bleeder borehole, no additional discharge. Permit issued May 2, 1997.

**56911302. Rox Coal, Inc.** (P. O. Box 149, Friedens, PA 15541), to revise the permit for the Long T bituminous deep mine in Stoneycreek Township, **Somerset County** to add new treatment ponds and relocate hydraulic barrier, no additional discharge. Permit issued May 9, 1997.

**30871301. Genesis, Inc. dba, Meadow Run Genesis, Inc.** (P. O. Box 317, Stoystown, PA 15563), to revise the permit for the Meadow Run bituminous deep mine in Dunkard Township, **Greene County** to add 114 permit and subsidence control plan acres, no additional discharge. Permit issued May 9, 1997.

## ACTIONS TAKEN UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT ENCROACHMENTS

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment Approval, and requests for Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, telephone (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, telephone (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board, telephone (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

**Actions on applications filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and sections 5 and 402 of The Clean Streams Law (35 P.S. §§ 691.5 and 691.402) and notice of final action for certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).** (*Note:* Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.)

*Southcentral Regional Office: Water Management Program, Soils and Waterways Section, One Ararat Boulevard, Room 126, Harrisburg, PA 17110, telephone (717) 657-4590.*

**E01-173. Encroachment. Craig A. Hartley**, 2558 Old Route 30, Orrtanna, PA 17353. To construct and maintain two 48-inch diameter squash pipes -20 feet long in Marsh Creek for a private drive located 1.5 miles west of Cashtown on SR 0030, 0.5 mile southwest of an existing drive at 2558 Old Route 30 (Caledonia Park, PA Quadrangle N: 2.75 inches; W: 4.0 inches) in Franklin Township, **Adams County**. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E05-240. Encroachment. DCNR Bureau of Forestry District 2**, 400 Rachel Carson Bldg, 8th Fl., Harrisburg, PA 17105. To remove the existing structure and to construct and maintain a 14-foot × 6-foot concrete box culvert along Cove Creek on Wertz Road located about 1.1 miles northwest of Blankley Picnic Area in Buchanan State Forest Beans Cove, PA Quadrangle N: 22.4 inches; W: 8.2 inches) in Colerain Township, **Bedford County**. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E06-488.** Encroachment. **Blase L. Gavlick**, Foundation for the Reading Public Museum, 500 Museum Road, Reading, PA 19611-1412. To construct a parking area within the floodway of Wyomissing Creek at a point at Museum Road and Parkside Drive South (Reading, PA Quadrangle N: 14.1 inches; W: 10.7 inches) in Reading City, **Berks County**. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E21-259.** Encroachment. **PA Dept. of Transportation**, Engineering District 8-0, John Rautzahn, 2140 Herr Street, Harrisburg, PA 17103. To remove the existing structure and to construct and maintain a precast reinforced concrete box culvert having a centerline span of 20 feet 8.5 inches on 75 degrees skew with a minimum underclearance of 3 feet, 6 inches along Alexanders Spring Creek on SR 0641, Section 003, Segment 0404, Offset 1653 located about 3.2 miles west of Carlisle (Carlisle, PA Quadrangle N: 13.95 inches; W: 17.35 inches) in West Pennsboro Township, **Cumberland County**. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E22-360.** Encroachment. **Middletown Borough Authority**, Peter Pappas, 60 W. Emaus Street, Middletown, PA 17057. To construct a well building and treatment facilities in the floodplain of Swatara Creek at a point along Hoffer Street (Middletown, PA Quadrangle N: 14.5 inches; W: 13.1 inches) in Middletown Borough, **Dauphin County**. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E50-181.** Encroachment. **PA Dept. of Transportation**, Engineering District 8-0, John Rautzahn, 2140 Herr Street, Harrisburg, PA 17103. To maintain a bridge having a clear span of 32 feet and an underclearance of 8.5 feet across the channel of Horse Valley Run, constructed under Emergency Permit EP 50-96-07, at a point at SR 3002-001, Segment 0130. (Blair, PA Quadrangle N: 16.72 inches; W: 13.38 inches) in Toboyne Township, **Perry County**. This permit also includes 401 Water Quality Certification.

*Northcentral Region, Water Management—Soils and Waterways, F. Alan Sever, Chief, 208 West Third St., Williamsport, PA 17701.*

**E14-301.** Encroachment. **PA Dept. of Transportation**, 1924-30 Daisy St., Clearfield, PA 16830. To remove the existing structure and to construct and maintain a single span composite prestressed concrete spread box beam bridge with a clear span of 50.0 feet and minimum underclearance of 5.0 feet on a 76-degree skew on Spring Creek on SR 3012, approximately 1,800 feet west of the roadway intersection of SR 3012 and SR 3011 (State College, PA Quadrangle N: 13.0 inches; W: 11.5 inches) in College Township, **Centre County**.

**E19-162.** Encroachment. **Merritt Rimshaw**, 105 St. Johns Dr., Driffton, PA 18221. To construct and maintain a low flow culvert crossing for a private driveway consisting of three 66 inch diameter concrete pipes with a length of 32 feet in Scotch Run. The project is located next to an old railroad grade about 2,500 feet northeast of Mifflin Cross Roads (Shuman, PA Quadrangle N: 18.25 inches; W: 8.25 inches) in Beaver Township, **Columbia County**. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E14-397.** Encroachment. **Lycoming County Water and Sewer Authority**, P. O. Box 29, Montoursville, PA

17754. To construct and maintain two wastewater pump stations in the floodplain of the West Branch Susquehanna River. One station is a submersible type and the other station is a suction lift type housed in a masonry building. The project is located just north of the Conrail tracks at Mill Street and the eastern Montoursville Borough boundary (Montoursville South, PA Quadrangle N: 22.3 inches; W: 7.3 inches) in Montoursville Borough and Fairfield Township, **Lycoming County**. This permit was issued under Section 105.13(e) "Small Projects."

**E53-297.** Encroachment. **John H. Brown**, P. O. Box 268, Roulette, PA 16746. To maintain a 1.1 acre open water area excavated in a Palustrine Emergent/Palustrine Scrub Shrub wetland, to construct and maintain a 0.39 acre palustrine emergent bench around the open water area. To construct and maintain a 2.2 acre wetland mitigation area and to excavate a 1,400 square foot channel connecting an existing pond with the open water area. The site is located at approximately 0.25 mile east of Hester Avenue T-507 (Roulette, PA Quadrangle N: 4.4 inches; W: 3.3 inches) in Roulette Township, **Potter County**.

*Northeast Regional Office: Regional Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 826-5485.*

**E35-273.** Encroachment. **Gouldsboro-Wayne Peat Humus Company**, R. R. 1, Box 1587A, Gouldsboro, PA 18424. To operate and maintain an existing peat mining operation in 23.5 acres of wetlands. The project is located, within the area locally known as the Wildcat Swamp, approximately 1.7 miles northeast of the intersection of S. R. 2013 and S. R. 0435 (Sterling, PA Quadrangle N: 3.8 inches; W: 14.7 inches) in Covington Township, Lackawanna County. This permittee is required to provide 44 acres of wetland in accordance with the Wetland Restoration Plan.

**E35-278.** Encroachment. **Laminations, Inc.**, 1300 Meylert Avenue, Scranton, PA 18509-2021. To construct and maintain approximately 360 linear feet of channel change consisting of trapezoidal channel having a bottom width of 8 feet with 1.5 H: 1.0 V side slopes and R4 riprap channel lining to relocate a portion of Meadow Brook. The project is located approximately 0.1 mile upstream of the confluence of Meadow Brook and Lackawanna River (Scranton, PA Quadrangle N: 9.3 inches; W: 4.6 inches) in the City of Scranton, **Lackawanna County**.

**E39-332.** Encroachment. **Cedar Fair, L. P. Dorney Park and Wild Water Kingdom**, 3830 Dorney Park Road, Allentown, PA 18104. To construct and maintain a roller coaster on a 54 degree skew across Cedar Creek consisting of an outbound track having a total span of 158 feet and an approximate underclearance of 14.0 feet, a return track having a span of 166 feet and an approximate underclearance of 65 feet and 10 associated columns within the floodway. The project is located within Dorney Park approximately 0.66 mile northeast of the intersection of S. R. 0309 and S. R. 0222 (Allentown West, PA Quadrangle N: 14.7 inches; W: 4.85 inches) in South Whitehall Township, **Lehigh County**.

**E48-242.** Encroachment. **Borough of Northampton**, 1401 Laubach Avenue, Northampton, PA 18067. To construct and maintain a single-span box beam bridge having a span of 90 feet and an underclearance of approximately 9 feet across Hokendauqua Creek. This project will provide emergency vehicles with a secondary

access into the Borough and is located at the end of Lerchenmiller Drive, 400 feet south of Smith Street, (Catasauqua PA Quadrangle N: 10.5 inches; W: 15.9 inches) in the Borough of Northampton, **Northampton County**.

**E64-178.** Encroachment. **Anthony V. Herzog and Jane H. McNulty**, 200 Delaware Avenue, Honesdale, PA 18431. To place fill in the minimum areas of wetland less than or equal to 0.05 acre to develop the property for a commercial building and parking lot. This project is located on the east side of S. R. 0191, 0.7 mile south of S. R. 3033 (Honesdale, PA Quadrangle N: 5.3 inches; W: 1.5 inches) in Cherry Ridge Township, **Wayne County**.

**EA39-002NE.** Encroachment. **City of Allentown**, 435 Hamilton Street, Allentown, PA 18101-1699. To remove an abandoned 6-span bridge (former Lehigh Valley Railroad Bridge) having a total span of 220 feet with an underclearance of approximately 10 feet across Jordan Creek. The project is located approximately 750 feet upstream of the intersection of Linden Street and Jordan Creek (Allentown East, Pa Quadrangle N: 19.5 inches; W: 11.5 inches) in the City of Allentown, **Lehigh County**.

*Southeast Regional Office: Program Manager, Water Management Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**E46-763.** Encroachment Permit. **Lower Providence Township**, 100 Parklane Drive, Eagleville, PA 19403. To impact 160 linear feet of an unnamed tributary to Yerkes Creek (TSF) and a minimum amount of adjacent wetland (PFO) associated with the roadway widening of Meadow Road (T-555) and the proposed roadway serving the Runnymede Phase II residential subdivision. The project includes the following activities.

1. To remove two existing culvert endwalls.
2. To install 20 linear feet of 48-inch by 68-inch CMP culvert which is used to extend upstream an existing roadway culvert. Also to install two additional 70-foot long, 48-inch diameter RCP culverts adjacent to the existing roadway culvert and to construct a common endwalls adjoining the three pipe structures.
3. To construct 70 linear feet of stream channel relocation upstream of the proposed culvert, and to place fill in 90 linear feet of original stream channel and adjacent wetland.
4. To install a stormwater outfall structure within the assumed 100-year floodway of Yerkes Creek.
5. To place approximately 110 linear feet of gabion wall protection along the realigned stream channel

The project is located 200 feet west of the intersection of Landis Mill Road (T-320) and Meadow Road (Collegeville, PA Quadrangle N: 8.0 inches; W: 10.9 inches), in Lower Providence Township, **Montgomery County**.

**E09-726.** Encroachment Permit. **Lower Makefield Township**, 1100 Edgewood Road, Yardley, PA 19067. To remove an existing 36-inch CMP culvert which conveys Core Creek (CWF) under Woodside Road, and to install 42 linear feet of twin cell box culvert as a replacement structure. The western cell will be 12.5 feet wide by 4.25 feet high, and the eastern cell will be 12.5 feet wide by 5.25 feet high. The project will include the construction of modified roadway approach fills and an 8-foot wide bike path impacting 0.15 acre of wetland (PFO). Also included is the construction of 258 linear feet of modified stream

channel to serve as transitions to and from the proposed structure. The applicant has met the wetland replacement requirement by participating in the Pennsylvania Wetland Replacement Project. The site is located 1000 feet east of the intersection of Lindenhurst and Woodside Road (Lambertville, PA Quadrangle N: 0.7 inch; W: 2.5 inches) in Lower Makefield Township, **Bucks County**.

**E15-329.** Encroachment Permit. **PA Department of Transportation**, 200 Radnor-Chester Road, St. Davids, PA 19087-5178. To reissue Permit No. E15-329 which authorized you to remove the existing structure and to construct and maintain a bridge having a clear span of 48.5 feet on a 60° skew with an underclearance of 8.9 feet across Hodgson Run at Station 119+89 on S. R. 3005 (L. R. 15015), Segment 0020, Offset 1560 (West Grove, PA-DEL Quadrangle N: 0.45 inch; W: 16.9 inches), in New London Township, **Chester County**.

**E15-535.** Encroachment Permit. **QVC Realty, Inc.**, 1200 Wilson Drive, West Chester, PA 19380-4251. To operate and maintain an existing bridge and to place and maintain fill in a minimum amount of wetlands (PEM) in the floodplain of the East Branch of Chester Creek (TSF) for the purpose of widening and paving an existing service road to provide access to QVC Headquarters' Studio Park Office Complex employee parking lot located along North Five Points Road (West Chester, PA Quadrangle N: 20.5 inches; W: 12.4 inches) in West Goshen Township, **Chester County**.

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## SPECIAL NOTICES

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### **Extended Submission Date for County Recycling Coordinator Grant Applications under the Municipal Waste Planning, Recycling and Waste Reduction Act**

The Department of Environmental Protection announces an extension of the deadline for 1996 County Recycling Coordinator Grant applications under section 903 of the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101) (53 P. S. § 4000.903). The application submission deadline has been extended to 3 p.m., June 30, 1997. Applications received after that date will not be considered. Applications must be on forms provided by the Department. All grant awards will be predicated on the receipt of recycling fees required by section 701 of Act 101 and the availability of moneys in the Recycling Fund. Grant funds may not exceed 50% of the approved cost of the county recycling coordinator's salary and expenses incurred on or after January 1, 1996 to December 31, 1996.

Inquiries concerning this notice should be directed to Evelyn D'Elia, Recycling and Markets Section, Department of Environmental Protection, Bureau of Land Recycling and Waste Management, Division of Waste Minimization and Planning, P. O. Box 8472, Harrisburg, PA 17105-8472.

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### **Availability Of Final General Permits Nos. PAG-7, PAG-8 and PAG-9 For Beneficial Use of Sewage Sludge and Residential Septage By Land Application**

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The Department of Environmental Protection announces the availability of final General Permits (PAG-7, PAG-8 and PAG-9) for Beneficial Uses of Sewage Sludge and Residential Septage By Land Application for use by generators and septage haulers. A notice of the draft general permits was published by the Department on January 25, 1997 in the *Pennsylvania Bulletin* at 27 Pa.B.

482. The notice provided 30 days for submittal of public comments. Several commentators requested additional time to review the permits and related documents. In response to the request, a notice was published on March 8, 1997 in the *Pennsylvania Bulletin* at 27 Pa.B. 1177 that extended the comment period to March 28, 1997.

A total of 40 commentators submitted 250 written comments. The comments ranged from comments on the implementing regulations to comments on the proposed general permits and related draft documents. A comment and response (C&R) document has been prepared which summarizes comments received and the Department's responses to the comments. The final general permits being made available today reflect the responses contained in the C&R document.

Copies of the final general permits, the Notice of Intent (NOI) application form and instructions to complete and submit the NOI and the C&R document are now available. These documents may be obtained by contacting the Department's Water Management field offices or by contacting Mary A. Miller, Bureau of Water Quality Protection, Rachel Carson State Office Building, P. O. Box 8774, Harrisburg, Pa 17105-8774, (717) 787-8184. In the near future, these documents should be available through the Department's World Wide Web site on the Internet which

can be accessed at <http://www.dep.state.pa.us>. Select Bureau of Water Quality Protection, then Division of Wastewater Management.

### Registered and Certified Emission Reduction Credits

The following emission reduction credits (ERCs) have been approved, registered and certified by the Department of Environmental Protection (Department), Commonwealth of Pennsylvania. ERCs are surplus, permanent, quantified and Federally enforceable emission reductions used to offset emission increases of oxides of nitrogen (NOx), volatile organic compounds (VOCs) and the following criteria pollutants: carbon monoxide (CO), lead (Pb), oxides of sulfur (SOx), particulate matter (PM), PM-10 and PM-10 precursors. The certified NOx and VOCs credits shown below, expressed in tons per year (tpy), satisfy the applicable requirements in 25 Pa. Code §§ 127.206—127.209.

For additional information concerning this listing of certified ERCs, contact Virendra Trivedi, Bureau of Air Quality, Division of Permits, Department of Environmental Protection, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325.

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs amount (tpd)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
R. R. Donnelley & Sons Co. Source Location: Lancaster County: Lancaster Ozone nonattainment status: Moderate Contact Person: David A. York Telephone Number: (717) 293-2056	VOCs	15		Internal Use and Trading
DMi Furniture, Inc. Source Location: Gettysburg County: Adams Ozone nonattainment status: Moderate Contact Person: John Rothgerber Telephone Number: (812) 367-1020	VOCs	85.2	12/1/2005	Trading
Mercersburg Tanning Company Source Location: Mercersburg County: Franklin Ozone nonattainment status: Moderate Contact Person: David W. Warne Telephone Number: (717) 765-0746	VOCs	20	10/1/2004	Trading

[Pa.B. Doc. No. 97-838. Filed for public inspection May 23, 1997, 9:00 a.m.]

### Availability of Technical Guidance

#### *Governor's Office List*

Once a year on the first Saturday in August, the Governor's Office publishes a list of the nonregulatory guidance documents of all State agencies in the *Pennsylvania Bulletin*. The first publication of this list was in August 3, 1996, edition of the *Pennsylvania Bulletin*. The next publication of this list will be in the August 2, 1997, *Pennsylvania Bulletin*.

#### *DEP's Technical Guidance Document Inventory*

DEP publishes a list of its technical guidance documents in its Technical Guidance Document Inventory twice a year. The most recent edition of the Inventory is the December 1996 edition. This edition is now available

on DEP's World Wide Web site. DEP's Web address is <http://www.dep.state.pa.us>. To go to the location of the Inventory once on the DEP home page, persons should choose the Public Participation Center/Technical Guidance Document/Basic Inventory.

Bound paper copies of the Inventory are available now for those who do not have access to the Web site. DEP automatically mails a paper copy of the Department 1996 Inventory to persons who received a bound paper copy of the June 1996 Inventory. Persons who wish to add their address to the mailing list should call Nina Huizinga at (717) 783-8727.

#### *DEP's Technical Guidance Documents on the World Wide Web*

DEP'S Web address is <http://www.dep.state.pa.us>. To go to the location of DEP's Technical Guidance Documents

once on the DEP home page, persons should choose the Public Participation Center. The Center contains several links to DEP's Technical Guidance Documents. Persons should look under the heading "Proposals Open to Comment" for the link to "Draft Technical Guidance." Persons should look under the heading "Proposals Recently Finalized" for the link to "Technical Guidance." Persons should look under the heading "Technical Guidance" for one link to the "Basic Inventory" and a second link to "Final Guidance." The final documents menu will list DEP's bureaus. Persons should click on the name of the bureau to get to the list of the documents from that bureau that are currently on the Web. Then, to get to see a document, persons should click on the ID number of the document. DEP will be adding its revised documents to the Web throughout 1997.

*Help Protect the Environment: Use the Web and Save Trees*

DEP encourages members of the public who read these announcements in the *Pennsylvania Bulletin* and DEP's *UPDATE* and who have access to the World Wide Web to avoid the needless duplication of paper copies of DEP's technical guidance documents. Persons can download those DEP documents which are posted on DEP's Web site onto their computers and read them electronically. This method saves both paper and money.

#### *Ordering Paper Copies of DEP Technical Guidance*

Although DEP promotes the use of electronic copies of its technical guidance rather than paper copies, there are still reasons for DEP to continue to provide members of the public with paper copies: 1) It may be more convenient to use some documents in a paper form, 2) Not everyone has access to the World Wide Web and 3) Not all DEP documents are on DEP's Web site yet.

Persons can order an unbound paper copy of the latest Inventory or an unbound paper copy of any of the final documents listed on the Inventory by calling DEP at (717) 783-8727. [Note: This is a change. DEP is now filling these orders in-house. Persons who placed an order with Elwyn, Inc. (the previous printer) on or after April 15, 1997 will have their order forwarded to DEP.]

In addition, bound copies of some of DEP's documents are available as DEP publications. Persons should check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes to Technical Guidance Documents*

Between publication of its Inventory, DEP announces changes to its technical guidance documents in its weekly newsletter, the *UPDATE* and the *Pennsylvania Bulletin*. Here is the current list of recently finalized documents, draft documents and notices of intended changes to technical guidance.

Persons who have any questions or comments about a particular document should call the contact person whose name and phone number is listed with each document. Persons who have questions or comments about the Inventory, the documents on the World Wide Web, the availability of paper copies from the printer or the technical guidance document process in general should call Nina Huizinga at (717) 783-8727.

#### *Final Technical Guidance*

DEP ID: 391-2000-002 Title: Establishment of Alternate Thermal Effluent Limitations Description: This guidance describes the Federal and State provisions and procedures for a discharger of thermal wastes to apply for

alternate less stringent thermal effluent limitations. The discharger must satisfactorily demonstrate that the current limitations, based on water quality standards, are more stringent than necessary to protect the balanced indigenous community of aquatic organisms in the receiving water body. Page Length: 4 pages Location: Volume 29, Tab 02 Contact: Patricia Phillipy at (717) 787-5267.

#### *Draft Technical Guidance*

DEP ID: 383-3301-205 Title: Laboratory Reporting Instructions for Radiological Contaminants in Drinking Water Distribution Systems Background: Previously, the drinking water radiological reporting requirements and the old chemical reporting requirements were combined in a single manual. The chemical contaminant reporting requirements were revised and compiled into a new separate guidance document, number 383-3301-105. The outdated chemical reporting information was deleted from this manual and the radiological requirements were rewritten and improved. This guidance document therefore now contains laboratory reporting instruction information for the current radiological reporting requirements only. Deadline for Submittal of Comments: June 10, 1997 Contact: R. Barry Greenawald at (717) 772-4018.

#### *Notice of Intent to Rescind Technical Guidance*

DEP ID: 560-0600-203 BMR PGM: Section I, Part 9, Subpart 3 Title: Appropriate Enforcement Action on Joint DER/OSM Inspections Background: This 1984 document is OSM guidance to OSM staff on taking enforcement actions during joint inspections with DEP staff. Nothing in the document applies to DEP staff. Rescission will have no effect on the mining program. Effective Date: June 16, 1997 Contact: Evan T. Shuster at (717) 787-7846.

DEP ID: 254-2161-734 Title: Design Requirements/Sewage Sludge Storage Impoundment Background: This guidance document is inconsistent with the new sewage sludge regulations. Effective Date: May 7, 1997 Contact: Josephine Valencia at (717) 787-9870.

DEP ID: 254-2163-741 Title: Beneficial Sludge Products Background: This guidance document is inconsistent with the new sewage sludge regulations. Effective Date: May 7, 1997 Contact: Josephine Valencia at (717) 787-9870.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 97-839. Filed for public inspection May 23, 1997, 9:00 a.m.]

### **Statewide Citizens' Roundtable on Waste Management; Meetings for 1997**

The Statewide Citizens' Roundtable on Waste Management announces its schedule of 1997 meetings. The meetings will be held in the 14th floor Conference Room of the Rachel Carson State Office Building in Harrisburg, commencing at 10 a.m. on the following dates:

June 5, 1997  
September 4, 1997  
November 6, 1997

Questions concerning this schedule or agenda items can be directed to Bill Apgar at (717) 787-6239 or by E-mail at Apgar.William@a1.dep.state.pa.us. This schedule and an agenda for each meeting will be available through the

Public Participation Center on DEP's Worldwide Web Site at <http://www.dep.state.pa.us>.

Persons in need of accommodations, as provided for in the American with Disabilities Act of 1990 should contact Bill Apgar directly at (717) 787-6239 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD), to discuss how the Department may accommodate their needs.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 97-840. Filed for public inspection May 23, 1997, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Application for Lease of Right-of-Way

The Department of Transportation (Department) under the authority contained in section 2002 of The Administrative Code of 1929 (71 P. S. § 512(c)) and in 67 Pa. Code § 495.4, gives notice that an application has been made to the Department by Septa, 1234 Market Street, Philadelphia, PA 19107, to lease the highway right-of-way, State Route 6030, segment 0412/000, station 850+00 along eastbound ramp at Crest Avenue to station 857+00.

In the County of Chester, Township of West Whiteland, Borough of Exton situate at the intersection of the Right-of-Way and Construction baseline of the East-Bound On-Ramp to the Exton Bypass (1) and the Construction Centerline of Crest Avenue. Thence, along the following two courses and distances to the Point of Beginning.

1. S 12 degrees 58' 51.4" E, 172.00 ft. to a point in the centerline of Crest Avenue thence;
2. N 75 degrees 01' 08.6" E, 18.00 ft. to a point at the edge of road of Crest Avenue, and the point of beginning. Thence; beginning at the point described above as the point of beginning, thence along the following four courses and distances.
  1. N 14 degrees 58' 51.4" W, 129.20 ft. to a point, thence, along the right of way fence of "Ramp I";
  2. N 68 degrees 51.23.6" E, 776.73 ft. to a point, thence;
  3. S 21 degrees 08' 36.4" E, 119.00 ft. to a point in the Legal Right-of-Way Line for LR 6030, thence along the same Legal Right-of-Way Line;
  4. South 69 degrees 09' 45.8" W, 780.66 ft. to the point of beginning.

Containing in all 95,690.23 square feet or 2,197 acres.

Interested persons are invited to submit written comments, suggestions or objections to the approval of the application, within 30 calendar days from the date of publication of this notice to Andrew Warren, District

Administrator, Engineering District 6-0, 200 Radnor-Chester Road, St. Davids, PA 19087.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 97-841. Filed for public inspection May 23, 1997, 9:00 a.m.]

### Finding

#### Bucks County

Under the provisions of section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Secretary of Transportation makes the following written finding:

The Department of Transportation plans to replace County Bridge 313 on Letchworth Avenue, in the Borough of Yardley, Bucks County. The project consists of constructing a new bridge to replace County Bridge 313.

The proposed project will have an adverse effect on County Bridge 313, which has been determined eligible for the National Register of Historic Places. There is no feasible and prudent alternative to the removal of the historic bridge. Minimization of impact will be addressed through the recordation of the historic structure, using standards set by the Historic American Engineering Record, and the reuse of the existing trusses as non-load bearing members in the new bridge.

No adverse environmental effect is likely to result from the construction of this bridge.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 97-842. Filed for public inspection May 23, 1997, 9:00 a.m.]

### Retention of Engineering Firms

#### Cameron, Centre, Clearfield, Elk and Juniata Counties Project Reference No. 08430AG2069

The Department of Transportation will retain an engineering firm to perform periodic NBIS inspections for various locally owned bridges in Engineering District 2-0, that is Cameron, Centre, Clearfield, Elk and Juniata Counties. Approximately 212 bridges to be inspected bi-annually during the years of 1998, 2000 and 2002 and approximately 29 Yearly Frequency Inspections during the years of 1999 and 2001 are involved. These structures will be of various structure type and material; that is, reinforced concrete, prestressed concrete, steel beams, steel truss and others. A detailed listing of bridges will be distributed during the scope of work meeting.

These inspections are of locally owned bridges at various locations with inspection due dates from December 30, 1997, to March 11, 2002. The selected engineering firm will be required to provide updated inspection reports including a bridge load capacity rating/derating and/or posting recommendation as warranted, furnish bridge inventory and appraisal data, and completed BMS coding sheets, to provide inventory and operating ratings based on existing conditions for H, HS, and ML 80 loading using the Department's BAR 7 computer program for all of the newly inspected bridges and for some previously inspected bridges, and to provide load posting recommendations in accordance with the Department's current load posting policy.

The second copy of the letter of interest and required forms, (see general requirements and information section) shall be sent to: Vasco Ordnoez, P.E., District 2-0, 1924-30 Daisy Street, P. O. Box 342, Clearfield, PA 16830.

Technical questions concerning the requirements for this project should be directed to C. David Lynn, P.E., District 2-0, at (814) 765-0581.

Questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

**Washington, Green and Westmoreland Counties  
Project Reference No. 08430AG2070**

The Department of Transportation will retain an engineering firm to provide supplementary construction inspection staff of approximately 13 inspectors, under the Department's Inspector-in-Charge, for construction inspection and documentation services on the following 7 projects:

1. S. R. 3003, Section A01, Westmoreland County. Local Name: Speers Run Bridge. This project involves replacement of the existing structures.
2. S. R. 0188, Section B10, Greene County. Local Name: Ten Mile Creek Bridge No. 1. This project involves replacement of the existing structure.
3. S. R. 0188, Section F11, Greene County. Local Name: Ten Mile Creek Bridge No. 2. This project involves replacement of the existing structure.
4. S. R. 0019, Section 08R, Greene County. Local Name: TR 19. This project involves drainage improvements, new guide rail and resurfacing of the pavement and shoulders.
5. S. R. 0221, Section 01R, Greene County. Local Name: TR 221 Curve. This project involves vertical and horizontal adjustments to Traffic Route 221.
6. S. R. 0088, Section 115, Washington County. Local Name: California Park 'N' Ride. This project involves construction of a Park 'N' Ride lot in California Borough.
7. S. R. 0018, Section 18R, Washington County. Local Name: Atlasburg Road. This project involves drainage improvements, new guide rail and resurfacing of the pavement and shoulders.

The Department will establish an order of ranking of a minimum of three firms for the purpose of negotiating an Engineering Agreement based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Number of qualified and experienced inspectors in each payroll classification.
- b. Number of NICET certified inspectors in each payroll classification.
- c. Understanding of Department's requirements, policies and specifications.
- d. Past Performance.
- e. Availability of Inspectors.

The qualifications and experience required of the firm's inspectors will be established by the Department, and the

qualifications of the firm's proposed employes will be reviewed and approved by the Department.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	13 (8)

The number in parenthesis above indicate the number of inspectors in each Classification that must meet at least one of the following requirements:

1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of Transportation Engineering Technology, subfield of Highway Construction, or subfield of Highway Materials, at the Level required for the Inspection Classification.
2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
4. Hold a Bachelor of Science Degree in Civil Engineering or a Bachelor of Science Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.
5. Hold an Associate Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

The maximum reimbursement per hour of inspection for each Department Payroll Classification for calendar year 1997:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour of Inspection</i>
(TCI)	\$33.44

The maximum reimbursement per hour of inspection includes all costs for providing construction inspection services at the project site during the normal work week.

Maximum reimbursement per hour of inspection for subsequent calendar years, if applicable, will be established at the scope of work meeting.

The firm selected may be required to attend a preconstruction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract item; and perform other duties as may be required. Firms applying must have qualified personnel capable of climbing structures during painting, rehabilitation, or construction.

The firm selected will be required to supply the following equipment at no direct cost to the Department:

- 3 Nuclear Densometer Gauges/License
- 3 Vehicles for the Transportation of Nuclear Gauges

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be 15% of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information section after the advertised projects.

The maximum number of resumes to be included in the letter of interest shall be as follows:

<i>Classification</i>	<i>No. of Resumes</i>
TCI	16

The second copy of the letter of interest and required forms (see general requirements and information section) shall be sent to: Michael H. Dufalla, P.E., District Engineer, District 12-0, P. O. Box 459, Uniontown, PA 15401.

Technical questions concerning the requirements for this project should be directed to Anthony M. Dzurko, P. E., District 12-0, at (412) 439-7137.

Questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

**Dauphin, Cumberland and Lebanon Counties  
Project Reference No. 08430AG2071**

The Department of Transportation will retain an engineering firm to develop an Early Deployment Program for Intelligent Transportation System (ITS) technologies in the Harrisburg Metropolitan Area and Engineering District 8-0. Each component of ITI (Intelligent Transportation Infrastructure) is to be addressed in the strategic deployment plan. The project requires public and agency input and must address institutional issues.

The firm will be required to define problems and needs, investigate all applicable ITS user services and each component of ITI, establish performance criteria, develop a User Service Plan, define functional requirements and system architecture, and prepare a Strategic Deployment Plan for the Harrisburg, Lebanon and Carlisle Metropolitan area. The strategic plan for deployment should yield a wide array of services that provide measurable benefits for the Harrisburg area. This plan must be an evolving document with the flexibility to incorporate advances in technology.

The required tasks include defining problems and establishing institutional framework; defining current infrastructure system; defining institutional roles and responsibilities; identifying user services; developing performance criteria; drafting user service plan; circulating draft user service plan with agencies and public and documenting public input process; identifying required functional areas; defining functional requirements and system architecture; identifying and screening alternative technologies; identifying institutional responsibilities and recommendations; and developing a strategic deployment plan.

Key elements of the Department's consultant selection criteria include past experience of the project team, project understanding, software development capabilities, knowledge of State-of-the-Art hardware, knowledge of wire/wireless communication technologies, systems integration experience and public/agency involvement qualifications.

The work is anticipated to start the beginning of 1998 and be completed within 18 months.

The second copy of the letter of interest and required forms (see general requirements and information section)

shall be sent to John Bachman, District 8-0, 2140 Herr Street, Harrisburg, PA 17103-1699.

Technical questions concerning the requirements for this project should be directed to Michael S. Gillespie, District 8-0, at (717) 787-7144.

Questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

**Tioga County  
Project Reference No. 08430AG2072**

The Department of Transportation will retain an engineering firm for a multi-part, specific project to: undertake environmental and preliminary engineering studies; prepare final bridge and roadway plans, specifications and estimates; and perform engineering services during construction for S. R. 6015, Section E61, and S. R. 0015, Sections F12 and F13. The project is located in Richmond and Tioga Townships in north-central Tioga County and encompasses design activities for the completion of three existing 2 on 4 lane limited access sections of relocated U. S. 15. From south to north, the sections involved are: S. R. 6015, Section E61 extending approximately 3.6 miles from Canoe Camp to north of Mansfield (i.e., the Mansfield Bypass); S. R. 0015, Section F12 from north of Mansfield approximately 7.9 miles northward to north of Tioga Borough at S. R. 287; and S. R. 0015, Section F13, the companion structure to the existing 8 span, 1500 foot bridge over Mill Creek. The design portion of this multi-part project is expected to have an overall duration of up to 48 months with shorter, varying schedules for individual parts. The estimated aggregate construction cost of the project is \$75 million.

The selected firm will be required to provide a variety of engineering services including the following: categorical exclusion preparation and supporting environmental studies including air, noise, cultural resources and wetlands; preliminary engineering studies involving field surveys, utility contacts, H&H studies, joint permit preparation, line, grade and typical section development, type, size and location submissions, geologic studies, boring contract administration, erosion and sedimentation control plans and narratives, hydraulic computations, safety reviews, Step 9 submissions, and public involvement; final design activities including pavement designs and analyses, drainage design, right-of-way and traffic control plans, foundation submissions, structure designs and plans preparation, roadway designs and plans preparation, various field and office meetings, and plans, specifications, and estimates preparation; and engineering services during construction including shop drawing, possible contractors redesign reviews and consultation services.

The Department is seeking a moderate to large, multi discipline firm with major highway and multi-span bridge design and rehabilitation, and environmental document preparation experience and/or capability.

Letters of interest will be evaluated at the Engineering District 3-0 office with emphasis on the following factors:

- Preparation of various environmental documents including high level Categorical Exclusions and supporting documents
- New design and rehabilitation of major roadways and multi-span bridges
- Past Performance, if any, on similar PennDOT and/or other public improvement assignments
- Workload; and



- Subconsultants, if any

The District will announce the firms that have been shortlisted at an open public meeting scheduled for June 27, 1997, at 10 a.m. at Engineering District 3-0, 715 Jordan Avenue, Montoursville, PA 17754.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be 15% of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information section after the advertised projects.

The second copy of the letter of interest and required forms (see general requirements and information section) shall be sent to: Paul E. Heise, P. E., District Engineer, District 3-0, 715 Jordan Avenue, Montoursville, PA 17754.

Technical questions concerning the requirements for this project should be directed to John W. Elwell, District 3-0, at (717) 368-4256.

Questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

#### General Requirements and Information

Firms interested in providing the above work and services are invited to submit two copies of a letter of interest and required information for each Project Reference Number for which the applicant wishes to be considered.

The first copy of the letter of interest and required information must be submitted to Charles W. Allwein, P.E., Chief, Consultant Agreement Division, 7th Floor, Forum Place, 555 Walnut Street, Harrisburg, PA 17101-1900.

The letter of interest and required information must be received within 13 calendar days of this notice. The deadline for receipt of a letter of interest at the above address is 4:30 p.m. prevailing time of the thirteenth day.

The second copy of the letter of interest and required information must be submitted to the appropriate District Engineer/Administrator or the Bureau Director as indicated in the individual advertisement. This copy must be postmarked or delivered on or before the deadline indicated above.

If an individual, firm or corporation not authorized to engage in the practice of engineering desires to submit a letter of interest, said individual, firm or corporation may do so as part of a Joint Venture with an individual, firm or corporation which is permitted under the State law to engage in the practice of engineering.

If a Joint Venture responds to a project advertisement, the Department of Transportation will not accept separate letters of interest from the Joint Venture constituents. A firm will not be permitted to submit on more than one Joint Venture for the same Project Reference Number. Also a firm that responds to a project as a prime may not be included as a designated subcontractor to another firm that responds as a prime to the project. Multiple responses under any of the foregoing situations will cause the rejection of all responses of the firm or firms involved. The above does not preclude a firm from being set forth as a designated subcontractor to more than one prime responding to the project advertisement.

If a goal for Disadvantaged Business Enterprise (DBE) participation is established for an advertised project, firms expressing interest in the project must agree to ensure that Disadvantaged Business Enterprise (DBE)

firms as defined in the Intermodal Surface Transportation Efficiency Act of 1991 and currently certified by the Department of Transportation, shall have the maximum opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The act requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of Disadvantaged Business Enterprise (DBE). The goal for DBE participation shall be as stated in the individual project advertisement. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they were defined prior to the act), WBEs or combinations thereof.

Proposing DBE firms must be certified at the time of submission of the letter of interest. If the selected firm fails to meet the established DBE participation goal, it shall be required to demonstrate its good faith efforts to attain the goal.

Responses are encouraged by small firms, Disadvantaged Business Enterprise (DBE) firms, and other firms who previously have not performed work for the Department of Transportation.

Each letter of interest must include the following information, and the information must be packaged and presented in the following order:

1. Transmittal Letter (maximum of two typed pages, one side)

The subject heading of the transmittal letter must include the project reference number for which the applicant wishes to be considered, the firm's legal name, fictitious name (if applicable) and the firm's Federal identification number. If the project advertisement indicated the Department will retain an engineering firm for the project, the applicant must indicate in the body of their transmittal letter the names and Professional Engineer License Number of individuals who are directing heads or employes of the firm who have responsible charge of the firm's engineering activities, and whose names and seals shall be stamped on all plans, specifications, plats and reports issued by the firm.

2. Project Organization Chart (one page, one side)

This chart should show key staff from the prime and each subconsultant and their area of responsibility.

3. Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project" (one Form 255 for the project team)

The Standard Form 255 must be signed, dated and filled out in its entirety, including Item No. 6 listing the proposed subconsultants and the type of work or service they will perform on the project. Under Item 4 of this form, Column A should include the number of subconsultant personnel and Column B should include the number of prime consultant personnel to be assigned to work on this project reference number.

If a Disadvantaged Business Enterprise (DBE) goal is specified for the project, the DBE must be currently certified by the Department of Transportation, and the name of the DBE and the work to be performed must be indicated in Item No. 6. If a Woman Business Enterprise (WBE) firm is substituted for the DBE, the WBE firm must also be presently certified by the Department of Transportation and indicated in Item 6.

4. Standard Form 254, "Architect-Engineer for Related Services Questionnaire"

A Standard Form 254, not more than 1 year old as of the date of this advertisement, must accompany each letter of interest for the firm, each party to a Joint Venture, and for each subconsultant the firm or Joint Venture is proposing to use for the performance of professional services regardless of whether the subconsultant is an individual, a college professor or a company, unless an acceptable Standard Form 254 for the prime and each subconsultant/subcontractor is on file in both the Bureau of Design and the Engineering District Office or Central Office Bureau identified in the individual project advertisement.

If the Standard Form 254 is not submitted with the letter of interest, the transmittal letter shall indicate the dates that the Standard Forms 254 were submitted to the Bureau of Design and appropriate Engineering District/Central Office Bureau.

These forms shall be assembled with the prime's first, followed by the subconsultant's in the same order as they appear in Item 6 of Form 255.

#### 5. Workload Projection Graph (not required for Construction Inspection Services)

A Workload Projection Graph for the prime and each subconsultant should indicate the firm's current and anticipated workload compared to the anticipated capacity available for the next 2-year time frame. The Workload Projection Graph should be submitted for the offices where the work would be performed and should only include the personnel classifications required for providing the advertised services and work.

#### 6. Authorization Letters (if required)

If the advertisement requires a letter signed by individuals giving their approval to use their names in the letter of interest, the letters from proposed prime employees should be first, followed by subconsultant employees, in the same order as shown in Item 6 of Form 255.

#### 7. Registration To Do Business

Firms with out-of-State headquarters or corporations not incorporated in this Commonwealth must include, with each letter of interest, a copy of their registration to do business in this Commonwealth as provided by the Department of State. Firms who are not registered to do business in this Commonwealth at the time of this advertisement must document that they have applied for registration to the Department of State, Corporation Bureau. The telephone number for the Corporation Bureau is (717) 787-1057 or (717) 787-2004.

#### 8. Overhead Rates (one page)

This page must show the latest audited overhead rate developed in accordance with Federal Acquisition Regulations (FAR) for the prime consultant and each subconsultant. If a FAR rate is not available, the latest rate available from a Certified Public Account must be indicated. New firms should indicate how long the firm has been in existence and when an audited overhead rate would be available.

#### 9. Additional Information

Additional information, not to exceed ten one sided pages or five double sided pages may be included at the discretion of the submitting firm.

The assignment of the agreement/contract for the above advertisements will be made to one of the firms who submitted an acceptable letter of interest in response to the project advertisement. The assignment will be made

based on the Department's evaluation of the firm's qualification and capabilities. The Department reserves the right to reject all letters submitted, to cancel the solicitations requested under this notice and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 97-843. Filed for public inspection May 23, 1997, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### Earl Bobbert v. DEP and Amerikohl Mining, Inc.; Doc. Nos. 96-227-MR and 96-241-MR

Amerikohl Mining, Inc. (Amerikohl) conducted coal mining reclamation activities at a site known as the Adobe No. 2 Mine, located in Washington Township, Lawrence County, under Bituminous Underground Permit No. 37891301 issued by the Department of Environmental Protection (Department). Portions of the Adobe No. 2 Mine site are on or adjacent to surface property owned by Earl Bobbert. On September 26, 1996, the Department granted Amerikohl Stage I bond release for the Adobe No. 2 Mine. Earl Bobbert appealed the grant of Stage I bond release to Amerikohl, which appeal was docketed at EHB Docket No. 96-227-MR. In his appeal, Earl Bobbert raised four objections: 1) Improper backfill and grading; (2) ineffective drainage; 3) removal of topsoil without permission; and 4) refusal to address repeated complaints.

On October 29, 1996, the Department issued Stage II bond release to Amerikohl for portions of the Adobe No. 2 Mine outside the surface property owned by Earl Bobbert. Earl Bobbert appealed the grant of Stage II bond release, which appeal was docketed at EHB Docket No. 96-241-MR. In this appeal Bobbert objected to the Department's breakage of bonding increments so as to benefit Amerikohl.

The Department, Amerikohl and Earl Bobbert have agreed to a settlement of the above matter, the major provisions of which include:

1. Earl Bobbert's appeals at EHB Docket Nos. 96-227-MR and 96-241-MR are terminated.

2. The termination of these appeals shall not prejudice Earl Bobbert's right to appeal future grants of bond release at the Adobe No. 2 Mine, or to object the adequacy of soil replacement, drainage controls, final grading, revegetation or the remaining bond posted for the Adobe No. 2 Mine.

Copies of the full agreement are in the possession of:

Steven Lachman, Assistant Counsel, Department of Environmental Protection, Office of Chief Counsel, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4262;

Stanley R. Geary, Esquire, Attorney for Amerikohl Mining, Inc., Buchanan Ingersoll, P.C., One Oxford Centre, 301 Grant Street, 20th Floor, Pittsburgh, PA 15219-1410, (412) 562-8800;

Earl J. Bobbert, 447 Old Mercer Road, Volant, PA 16156;

and at the offices of the Environmental Hearing Board, and may be reviewed by any interested person on request during normal business hours.

Any person believing himself aggrieved by the above settlement has a right to appeal to the Environmental Hearing Board, Second Floor, Market Street State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457. Appeals must be filed within 20 days of this publication.

If information concerning this notice is required in an alternative form, please contact the Secretary to the Board at (717) 783-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Service at 1 (800) 654-5984.

The Environmental Hearing Board is empowered to approve this settlement if no objection is timely filed with the Board.

GEORGE J. MILLER,  
*Chairperson*

[Pa.B. Doc. No. 97-844. Filed for public inspection May 23, 1997, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Filing of Final-Form Rulemakings

The Independent Regulatory Review Commission received, on the dates indicated, the following final-form regulations for review. The regulations will be considered within 30 days of their receipt at a public meeting of the Commission. To obtain the date and time of the meeting, interested parties may contact the office of the Commission at (717) 783-5417. To obtain a copy of the regulation, interested parties should contact the agency promulgating the regulation.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
105-3	Board of Claims Rules of Procedures	5/9/97

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 97-845. Filed for public inspection May 23, 1997, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Approval To Acquire Additional Shares

Richard R. Cavanaugh has filed an application to acquire additional shares of American Fidelity & Liberty Insurance Company, a Pennsylvania domiciled stock casualty insurance company. The filing was made under the requirements set forth under the Insurance Holding Companies Act, 40 P. S. § 991.1402, *et seq.* Person wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is

addressed, and a concise statement with sufficient detail and relevant facts to inform the Insurance Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, or by fax to (717) 787-8557.

Ronald L. Felty has filed an application to acquire additional shares of American Fidelity & Liberty Insurance Company, a Pennsylvania domiciled stock casualty insurance company. The filing was made under the requirements set forth under the Insurance Holding Companies Act, 40 P. S. § 991.1402, *et seq.* Person wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed, and a concise statement with sufficient detail and relevant facts to inform the Insurance Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, or by fax to (717) 787-8557.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 97-846. Filed for public inspection May 23, 1997, 9:00 a.m.]

### Application for Approval to Redomesticate

Mercer Mutual Insurance Company, a New Jersey mutual casualty insurance company, has submitted a Plan of Redomestication, whereby it proposes to redomesticate from the State of New Jersey to the Commonwealth of Pennsylvania. The filing was made under the requirements set forth under the Business Corporation Law of 1988, 15 Pa.C.S. § 1 *et seq.* Persons wishing to comment on the redomestication are invited to submit a written statement to the Insurance Department within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed, and a concise statement with sufficient detail and relevant facts to inform the Insurance Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Pennsylvania Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, or by fax to (717) 787-8557.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 97-847. Filed for public inspection May 23, 1997, 9:00 a.m.]

### Hartford Insurance Company of the Midwest; Private Passenger Automobile Rate Revision

On May 12, 1997, the Insurance Department received from Hartford Insurance Company of the Midwest a filing for a rate level change for private passenger automobile insurance.

The company requests an overall 1.1% decrease amounting to -\$505,830 annually, to be effective July 1, 1997 for new business and August 18, 1997 for renewal business.

Unless formal administrative action is taken prior to July 11, 1997, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Insurance Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Michael W. Burkett, Insurance Department, Bureau of Regulation of Rate and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 97-848. Filed for public inspection May 23, 1997, 9:00 a.m.]

### List of Names of Qualified Unlicensed Reinsurers

Under section 319.1 of The Insurance Company Law of 1921 (40 P. S. § 442.1), the Insurance Commissioner hereby lists reinsurers not licensed by the Insurance Department which shall be considered qualified to accept

reinsurance from insurers licensed by the Insurance Department.

This listing of qualified unlicensed reinsurers shall be published in the *Pennsylvania Bulletin* when additions to or deletions from such listing are made by the Insurance Commissioner. This present listing shall replace in their entirety previously published listings of qualified unlicensed reinsurers which appeared at 6 Pa.B. 2423 (September 25, 1976); 6 Pa.B. 3140 (December 18, 1976); 7 Pa.B. 501 (February 19, 1977); 7 Pa.B. 1766 (June 25, 1977); 8 Pa.B. 276 (January 28, 1978); 8 Pa.B. 1646 (June 17, 1978); 8 Pa.B. 3461 (December 2, 1978); 9 Pa.B. 4235 (December 22, 1979); 11 Pa.B. 38 (January 3, 1981); 12 Pa.B. 37 (January 2, 1982); 12 Pa.B. 2368 (July 23, 1982); 13 Pa.B. 657 (February 5, 1983); 13 Pa.B. 2826 (September 10, 1983); 14 Pa.B. 1053 (March 24, 1984); 14 Pa.B. 3065 (August 18, 1984); 15 Pa.B. 402 (February 2, 1985); 15 Pa.B. 3214 (September 7, 1985); 16 Pa.B. 290 (January 25, 1986); 17 Pa.B. 461 (January 24, 1987); 17 Pa.B. 5368 (December 26, 1987); 18 Pa.B. 5540 (December 10, 1988); 19 Pa.B. 713 (February 18, 1989); 19 Pa.B. 3129 (July 22, 1989); 19 Pa.B. 5476 (December 23, 1989); 20 Pa.B. 6227 (December 15, 1990); 21 Pa.B. 3286 (July 20, 1991); 21 Pa.B. 5445 (November 23, 1991); 22 Pa.B. 4591 (September 5, 1992); 23 Pa.B. 60 (January 2, 1993); 23 Pa.B. 48 (November 27, 1993); 24 Pa.B. 33 (August 13, 1994); 24 Pa.B. 49 (December 3, 1994); 25 Pa.B. 50 (December 16, 1995) and 26 Pa.B. 46 (November 16, 1996)

#### Insurance Department's Qualified Unlicensed Reinsurers List

1. 37958 Acceptance Insurance Company, Omaha, Nebraska
2. 37532 Agricultural Excess and Surplus Insurance Company, Wilmington, Delaware
3. 10103 American Agricultural Insurance Company, Indianapolis, Indiana
4. 41858 American Dynasty Surplus Lines Insurance Company, Wilmington, Delaware
5. 37990 American Empire Insurance Company, Cincinnati, Ohio
6. 26883 American International Specialty Lines Insurance Company, Anchorage, Alaska
7. 91785 American Phoenix Life and Reassurance Company, Hartford, Connecticut
8. 27898 Americas Insurance Company, New Orleans, Louisiana
9. 10316 Appalachian Insurance Company, Johnston, Rhode Island
10. Assicurazioni General Di Trieste, Rome, Italy
11. Associated Electric & Gas Insurance Services, Ltd., Hamilton, Bermuda
12. 27189 Associated International Insurance Company, Woodland Hills, California
13. 50687 Attorneys' Title Insurance Fund, Inc., Orlando, Florida
14. 19925 Audubon Indemnity Company, Jackson, Mississippi
15. 18988 Auto-Owners Insurance Company, Lansing, Michigan
16. 36552 Axa Reinsurance Company, Wilmington, Delaware
17. 61395 Beneficial Life Insurance Company, Salt Lake City, Utah
18. 61417 Beneficial Standard Life Insurance Company, Los Angeles, California
19. British Aviation Insurance Company, Ltd., London, England
20. 36617 Capital Assurance Company, Inc., Coral Gables, Florida
21. 10021 Capital Mortgage Reinsurance Company, New York, New York
22. 30180 Capital Reinsurance Company, New York, New York
23. 33596 Centre Reinsurance Company of New York, New York
24. 36951 Century Surety Company, Columbus, Ohio
25. 38989 Chubb Custom Insurance Company, Dover, Delaware
26. 80322 Citicorp Life Insurance Company, Phoenix, Arizona

27. CNA Reinsurance Company Limited, London, England
28. 39993 Colony Insurance Company, Richmond, Virginia
29. 40371 Columbia Mutual Insurance Company, Columbia, Missouri
30. Commercial Union Assurance Company, P.L.C., London, England
31. 37567 Commonwealth Insurance Company, Vancouver, British Columbia, Canada
32. 20923 Continental Reinsurance Corporation, San Francisco, California
33. Copenhager Reinsurance Company (U. K.), Ltd., (The), London, England
34. 17400 Coregis Indemnity Company, Durham, North Carolina
35. 42048 Diamond State Insurance Company, Indianapolis, Indiana
36. 10928 Eagle Insurance Company, Jersey City, New Jersey
37. E+S Ruckversicherungs-AG, Hannover, Germany
38. 40509 EMC Reinsurance Company, Des Moines, Iowa
39. 21334 Empire Indemnity Insurance Company, Oklahoma City, Oklahoma
40. 90670 ERC Life Reinsurance Corporation, Jefferson City, Missouri
41. 39020 Essex Insurance Company, Wilmington, Delaware
42. 29700 European Reinsurance Corporation of America, Manchester, New Hampshire
43. 35378 Evanston Insurance Company, Evanston, Illinois
44. 44792 Executive Risk Specialty Insurance Company, Simsbury, Connecticut
45. 32018 First Excess and Reinsurance Corporation, Jefferson City, Missouri
46. 85472 First ING Life Insurance Company of New York, New York
47. 37184 First Reinsurance Company of Hartford, Avon, Connecticut
48. 34916 First Specialty Insurance Corporation, Jefferson City, Missouri
49. 38776 Folksamerica Reinsurance Company, New York, New York
50. Gan Insurance Company Limited, London, England
51. 37362 General Star Indemnity Company, Stamford, Connecticut
52. 34991 Genesis Indemnity Insurance Company, Bismarck, North Dakota
53. 92673 Gerling Global Life Insurance Company, Toronto, Canada
54. 22098 Grain Dealers Mutual Insurance Company, Indianapolis, Indiana
55. 40193 Great Lakes American Reinsurance Company, New York, New York
56. 14117 Grinnell Mutual Reinsurance Company, Grinnell, Iowa
57. Guardian Royal Exchange Assurance Public Limited Company, London, England
58. 42811 Gulf Underwriters Insurance Company, Raleigh, North Carolina
59. Hannover Ruckversicherungs-Aktiengesellschaft, Hannover, Germany
60. 39187 Hansa Reinsurance Company of America, Tarrytown, New York
61. 87572 Harbourton Reassurance, Inc., Wilmington, Delaware
62. 36200 Health Providers Insurance Company, Deerfield, Illinois
63. 78972 Healthy Alliance Life Insurance Company, St. Louis, Missouri
64. 42374 Houston Casualty Company, Houston, Texas
65. Illinois Insurance Exchange, Chicago, Illinois
66. 27960 Illinois Union Insurance Company, Chicago, Illinois
67. Indemnity Marine Assurance Company, Ltd., London, England
68. 10040 Inner Harbor Reinsurance, Inc., Baltimore, Maryland
69. 22829 Interstate Fire & Casualty Company, Chicago, Illinois
70. 11622 Investors Insurance Company of America, Red Bank, New Jersey
71. 93505 ITT Hartford International Life Reassurance Corporation, Westport, Connecticut
72. 16187 John Hancock Property and Casualty Insurance Company, Wilmington, Delaware
73. (La) Concorde, Campagnie, D'Assurances, S. A., Paris, France
74. 33138 Landmark American Insurance Company, Englewood, Colorado
75. 35637 Landmark Insurance Company, San Francisco, California

76.	29912	Legion Indemnity Company, Chicago, Illinois
77.	19437	Lexington Insurance Company, Wilmington, Delaware
78.		Lloyd's Underwriters, London, England
79.	98078	Manulife Reinsurance Corporation (USA), Buffalo, New York
80.	32089	Medmarc Mutual Insurance Company, Vergennes, Vermont
81.	97071	Mercantile and General Life Reassurance Company of America, Lansing, Michigan
82.	84565	Mercantile and General Reinsurance Company, Limited, London, England
83.	23531	Millers Mutual Fire Insurance Company, Ft. Worth, Texas
84.	33189	Monticello Insurance Company, Wilmington, Delaware
85.	20079	National Fire & Marine Insurance Company, Omaha, Nebraska
86.	33510	Neumann Insurance Company, Denver, Colorado
87.	41629	New England Reinsurance Corporation, Hartford, Connecticut
88.		Northern Assurance Company, Ltd., London, England
89.		Ocean Marine Insurance Company, Ltd., London, England
90.	31143	Old Republic Union Insurance Company, Montgomery, Alabama
91.	88099	Optimum Re Insurance Company, Dallas, Texas
92.	37338	Pacific Insurance Company, Los Angeles, California
93.		Phoenix Assurance Public Limited Company, London, England
94.	29807	PXRE Reinsurance Company, Edison, New Jersey
95.	15466	Realm National Insurance Company, New York, New York
96.	88340	Reassurance Company of Hannover, Orlando, Florida
97.	24481	Reliance Insurance Company of Illinois, Chicago, Illinois
98.		River Thames Insurance Company, Ltd., London, England
99.	38636	SAFR Reinsurance Corporation of the U. S., New York, New York
100.		St. Paul Reinsurance Company, Ltd., London, England
101.	21911	San Francisco Reinsurance Company, Novato, California
102.	41297	Scottsdale Insurance Company, Columbus, Ohio
103.	23388	Shelter Mutual Insurance Company, Columbia, Missouri
104.		Sphere Drake Insurance PLC, London, England
105.		Terra Nova Insurance Company, Limited, London, England
106.		Through Transport Mutual Insurance Association, Ltd., Hamilton, Bermuda
107.	37982	Tudor Insurance Company, Keene, New Hampshire
108.	24319	Ulico Indemnity Company, Little Rock, Arkansas
109.		Unionamerica Insurance Company, Limited, London, England
110.	36048	Unione Italiana Reinsurance Company of America, Inc., New York, New York
111.	39330	United Capitol Insurance Company, Atlanta, Georgia
112.	28053	United Coastal Insurance Company, Phoenix, Arizona
113.	13021	United Fire & Casualty Company, Cedar Rapids, Iowa
114.	29220	United Republic Insurance Company, Houston, Texas
115.	38032	US International Reinsurance Company, Manchester, New Hampshire
116.	26425	Wausa General Insurance Company, Lisle, Illinois
117.	21067	Westchester Surplus Lines Insurance Company, Honolulu, Hawaii
118.	29548	Western Indemnity Insurance Company, Houston, Texas
119.	13196	Western World Insurance Company, Keene, New Hampshire
120.		Yorkshire Insurance Company, Ltd., York, England
121.		Zurich International (Bermuda), Ltd., Hamilton, Bermuda
122.		Zurich Re (U. K.). Limited, London, England

*Changes to the Qualified Unlicensed Reinsurers List Since It Was Published on November 16, 1996*

The following companies have been removed from the list since it was published on November 16, 1996:

Allianz Underwriters Insurance Company, Burbank, California

Columbia Universal Life Insurance Company, Austin, Texas

Equity Mutual Insurance Company, Kansas City, Missouri

Folksam International Insurance Company (U. K.), London, England

Frankona Reinsurance Company (U. S. Branch), Kansas City, Missouri

Gerling Global Life Reinsurance Company, Nashville, Tennessee

Gotham Insurance Company, New York

Keystone Insurance Company of New Jersey, Voorhees, New Jersey

Melbourne Reinsurance Corporation, Wilmington, Delaware

NAMIC Insurance Company, Inc., Indianapolis, Indiana

North American Capacity Insurance Company, Manchester, New Hampshire

Permanent General Assurance Corporation, Nashville, Tennessee

Resolute Reinsurance Company, New York, New York

Royal Surplus Lines Insurance Company, Glastonbury, Connecticut

Sheffield Insurance Corporation, Birmingham, Alabama

Steadfast Insurance Company, Schaumburg, Illinois

Underwriters Indemnity Company, Houston, Texas

Wellington Life Insurance Company, Phoenix, Arizona

The following company has been removed from the list since it was published on November 16, 1997 because it became licensed in Pennsylvania:

Deerbrook Insurance Company, Northbrook, Illinois

The following company was removed from the list because it merged into a Pennsylvania licensed insurer since the list was published on November 16, 1996:

CIGNA Specialty Insurance Company, Los Angeles, California

The following companies have changed their names since the list was published on November 16, 1996:

CNA International Reinsurance Company Limited, London, England has changed its name to CNA Reinsurance Company Limited, London, England

Consumer Benefit Life Insurance Company, Nashville, Tennessee has changed its name to Gerling Global Life Reinsurance Company, Nashville, Tennessee

Dearborn Insurance Company, Chicago, Illinois has changed its name to Legion Indemnity Company, Chicago, Illinois

Eisen und Stahl Ruckversicherungs-Aktiengesellschaft, Hannover, Germany has changed its name to E+S Ruckversicherungs-AG, Hannover, Germany

Lloyds New York Insurance Company, New York, New York has changed its name to Realm National Insurance Company, New York, New York

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 97-849. Filed for public inspection May 23, 1997, 9:00 a.m.]

**Review Procedure Hearings; Cancellation or Refusal of Insurance**

The following insureds have requested a hearing, as authorized by section 9(a) of the act of June 5, 1968 (P. L. 140, No. 78) (40 P. S. § 1008.9(a)) in connection with their company's termination of the insured's automobile policies.

The hearings will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Dilzer, Lorraine; file no. 97-280-32206; Royal Insurance Company; doc. no. PH97-05-009; June 26, 1997, at 10 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files, documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The insured must bring any evidence which the insured may want to offer at the hearing. The hearing will be held in accordance with the requirements of sections 9 and 10 of the act (40 P. S. §§ 1008.9 and 1008.10) and 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4289.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 97-850. Filed for public inspection May 23, 1997, 9:00 a.m.]

**Review Procedure Hearings under The Unfair Insurance Practices Act**

The following insureds have requested a hearing as authorized by section 8 of The Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their company's termination of the insured's policies.

The hearing will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Caracappa, Joseph and Virginia Ann; file no. 97-215-32174; Allstate Insurance Company; doc. no. PH97-05-010; June 26, 1997, at 11 a.m.;

Appeal of Leberman, H. Patricia; file no. 97-267-31953; State Auto Insurance Co.; doc. no. PH97-05-008; June 26, 1997, at 1 p.m.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files and other necessary evidence. The insured must bring all documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); section 8 of The Unfair Insurance Practices Act (40 P. S. § 1171.8) and the regulations set forth at 31 Pa. Code § 59.7(e) (relating to appeal procedures). Under 31 Pa. Code § 59.7(e)(5), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is given.

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4289.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 97-851. Filed for public inspection May 23, 1997, 9:00 a.m.]

### George Seidman; Doc. No. SC97-03-024

The hearing is scheduled for July 1, 1997 at 9 a.m., in the Administrative Hearing Office, Suite 200, 901 North Seventh Street, Harrisburg, PA 17102.

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508, 701—704 (relating to the Administrative Agency Law) and 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

Pending hearing, parties will exchange proposed exhibits, the names of witnesses and provide an offer of proof with respect to each witness, and informally attempt to resolve undisputed facts by stipulation.

Motions preliminary to those at hearing, protests, petitions to intervene, or notices of intervention, if any, must be filed in writing, with the Docket Clerk, Insurance Department, Suite 200, 901 North Seventh Street, Harrisburg, PA 17102 on or before June 10, 1997.

A prehearing teleconference initiated by the Administrative Hearing Office is scheduled for June 10, 1997 at 1 p.m. All parties shall provide the Docket Clerk at (717) 783-2126 a telephone number where they can be contacted.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 97-852. Filed for public inspection May 23, 1997, 9:00 a.m.]

### Philip Seidman; Seidman Insurance Agency; Doc. No. SC97-03-205

The hearing is scheduled for July 3, 1997 at 9 a.m., in the Administrative Hearing Office, Suite 200, 901 North Seventh Street, Harrisburg, PA 17102.

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508, 701—704 (relating to the Administrative Agency Law) and 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

Pending hearing, parties will exchange proposed exhibits, the names of witnesses and provide an offer of proof with respect to each witness, and informally attempt to resolve undisputed facts by stipulation.

Motions preliminary to those at hearing, protests, petitions to intervene, or notices of intervention, if any, must be filed in writing, with the Docket Clerk, Insurance Department, Suite 200, 901 North Seventh Street, Harrisburg, PA 17102 on or before June 13, 1997.

A prehearing teleconference initiated by the Administrative Hearing Office is scheduled for June 13, 1997 at 9 a.m. All parties shall provide the Docket Clerk at (717) 783-2126 a telephone number where they can be contacted.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 97-853. Filed for public inspection May 23, 1997, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board lease will expire:

Northampton County, Wine and Spirits Shoppe # 4802, 111 Northampton Street, Easton, PA 18042-3633.

*Lease Expiration Date:* May 31, 1998

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,000 to 5,000 useable square feet of new or existing retail commercial space within the City of Easton.

*Proposals due:* June 20, 1997 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661  
**Contact:** Charles D. Mooney, (717) 657-4228



Allegheny County, Wine & Spirits Shoppe #0212, 959 Liberty Avenue, Pittsburgh, PA 15222-3701.

*Lease Expiration Date:* April 30, 1998

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 2,500 net useable square feet of new or existing retail commercial space in downtown Pittsburgh. Storeroom must be located in the 800-900 block of Liberty Avenue and have rear or side loading capabilities.

*Proposals due:* June 20, 1997 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, Pittsburgh State Office Bldg., Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Joseph J. Molhoek, (412) 565-5130

Clearfield County, Wine & Spirits Shoppe #1702, Sandy Plaza Rt. 255, RR 3, Box 146E, DuBois, PA 15801-8965

*Lease Expiration Date:* April 30, 1998

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 4,000 net useable square feet of new or existing retail commercial space in a shopping center environment within 1.0 mile of the intersection of State Route 255 and Shaffer Road serving the DuBois area.

*Proposals due:* June 20, 1997 at 12 noon

**Department:** Pennsylvania Liquor Control Board  
**Location:** Bureau of Real Estate, Pittsburgh State Office Bldg., Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Joseph J. Molhoek, (412) 565-5130

JOHN E. JONES, III,  
*Chairperson*

[Pa.B. Doc. No. 97-854. Filed for public inspection May 23, 1997, 9:00 a.m.]

# PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY AND DEPARTMENT OF ENVIRONMENTAL PROTECTION

**Water Pollution Control Revolving Fund Projects  
 Federal FY 1997 Intended Use Plan**

The Pennsylvania Infrastructure Investment Authority and the Department of Environmental Protection have

received approval from the Environmental Protection Agency of the final fiscal year 1997 Intended Use Plan (IUP) list of municipal sewerage projects to be considered for a construction loan from funds Pennsylvania will receive from fiscal year 1997 Federal appropriation Acts to capitalize the Water Pollution Control Revolving Fund (WRCRF) program.

Projects listed on the FY 1997 IUP list are on Pennsylvania's approved FY 96/97 Project Priority List. The Notice of preparation of the Intended Use Plan and the list of projects was mailed to all projects on the FY 96/97 Project Priority List and areawide clearinghouses in Pennsylvania and was printed in the September 28, 1996, issue of the *Pennsylvania Bulletin* for the purpose of receiving comments from the public.

The final FY 1997 IUP follows this notice.

Interested persons may direct questions relating to the status of a project or its priority rating to the appropriate regional office of the Department. A list of the Department's regional offices follows:

**Southeast Region:**  
 Water Management Program Manager  
 Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428  
 (610) 832-6130

**Northeast Region:**  
 Water Management Program Manager  
 2 Public Square, Wilkes-Barre, PA 18711-0790  
 (717) 826-2553

**Southcentral Region:**  
 Water Management Program Manager  
 One Ararat Boulevard, Harrisburg, PA 17110  
 (717) 657-4590

**Northcentral Region:**  
 Water Management Program Manager  
 208 West 3rd Street, Williamsport, PA 17701  
 (717) 327-3669

**Southwest Region:**  
 Water Management Program Manager  
 400 Waterfront Drive, Pittsburgh, PA 15222-4745  
 (412) 442-4000

**Northwest Region:**  
 Water Management Program Manager  
 230 Chestnut Street, Meadville, PA 16335-3481  
 (814) 332-6942

**PENNVEST**  
 22 S. Third Street, 4th Floor, Keystone Building,  
 Harrisburg, PA 17101  
 (717) 787-8137

JAMES M. SEIF,  
*Secretary*

*Department of Environmental Protection*

PAUL K. MARCHETTI,  
*Executive Director*

*Pennsylvania Infrastructure Investment Authority*

PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY AND DEPARTMENT OF ENVIRONMENTAL PROTECTION  
 WATER POLLUTION CONTROL REVOLVING FUND  
 FINAL FY 1997 INTENDED USE PLAN PROJECT LIST

EXPLANATION OF COLUMNAR HEADINGS (EXCEPT THOSE THAT ARE SELF-EXPLANATORY)

NEEDS CATEGORY:

- I — SECONDARY TREATMENT
- II — TREATMENT MORE STRINGENT THAN SECONDARY
- IIIA — INFILTRATION/INFLOW CORRECTION
- IIIB — MAJOR SEWER SYSTEM REHABILITATION
- IVA — NEW COLLECTOR SEWERS AND APPURTENANCES
- IVB — NEW INTERCEPTORS AND APPURTENANCES
- V — CORRECTION OF COMBINED SEWER OVERFLOWS

PROJECT TYPE:

- STP — SEWAGE TREATMENT PLANT
- STPMOD — SEWAGE TREATMENT PLANT MODIFICATION
- INT — INTERCEPTOR
- PS — PUMP STATION
- FM — FORCE MAIN
- SS — SEWER SYSTEM
- SS REH — SEWER SYSTEM REHABILITATION
- FL EQ — FLOW EQUALIZATION BASIN

NPDES PERMIT NUMBER:

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PERMIT NUMBER

PROJECT NUMBER:

FEDERAL LOAN PROJECT IDENTIFICATION NUMBER

ELIGIBLE PROJECT COSTS:

ESTIMATED LOAN AMOUNT FOR ELIGIBLE PROJECT

APPLICANT NAME ADDRESS CITY	STATE	COUNTY ZIPCODE	PROJECT TYPE NPDES PERMIT NUMBER	PROJECT NUMBER PRIORITY RATING	PROJECT RANKING
NEEDS CATEGORIES I: IVA:	NEEDS CATEGORIES II: IVB:	NEEDS CATEGORIES IIIA: V:	NEEDS CATEGORY IIIB:	ELIGIBLE PROJECT COST	
ALLEGHENY TWP M A COMMUNITY BUILDING LEECHBURG	PA	WESTMORELAND 15656	SS	CS421951-01 23	174
I: \$0 IVA: \$1,370,000	II: \$0 IVB: \$0	IIIA: \$0 V: \$0	IIIB: \$0	\$1,370,000	
AVONDALE BOROUGH PO BOX 263 AVONDALE	PA	CHESTER 19311	STPMOD PA0025488	CS421664-01 34	76
I: \$1,646,000 IVA: \$0	II: \$0 IVB: \$0	IIIA: \$0 V: \$0	IIIB: \$0	\$1,646,000	
CONYNGHAM BOROUGH AUTH		LUZERNE	STP MOD, SS REH	CS421625-01	

APPLICANT NAME ADDRESS CITY	STATE	COUNTY ZIPCODE	PROJECT TYPE NPDES PERMIT NUMBER	PROJECT NUMBER PRIORITY RATING	PROJECT RANKING
NEEDS CATEGORIES I: IVA:	NEEDS CATEGORIES II: IVB:	NEEDS CATEGORIES III A: V:	NEEDS CATEGORY IIIB:	ELIGIBLE PROJECT COST	
PO BOX 469 CONYNNGHAM	PA	18219	PA00420048	20	229
I: \$0 IVA: \$81,000	II: \$0 IVB: \$1,145,000	III A: \$0 V: \$298,000	IIIB: \$19,000	\$1,543,000	
DUBLIN TWP SUPERVISORS HRC 75 BOX 240 FORT LITTLETON	PA	FULTON 17223	STP SS	47	9
I: \$600,000 IVA: \$2,199,000	II: \$0 IVB: \$0	III A: \$0 V: \$0	IIIB: \$0	\$2,799,000	
GIRARD TWP BOS RR 1 BOX 394 FRENCHVILLE	PA	CLEARFIELD 16836	STP INT SS	12	286
I: \$226,742 IVA: \$526,367	II: \$0 IVB: \$56,686	III A: \$0 V: \$0	IIIB: \$0	\$809,795	
NORTHEASTERN SCHUYLKILL JMA RD 2 BOX 105-A BARNESVILLE	PA	SCHUYLKILL 18214	STP PS SS	31	104
I: \$1,465,000 IVA: \$4,697,000	II: \$0 IVB: \$175,400	III A: \$0 V: \$0	IIIB: \$0	\$6,337,400	
SHINGLEHOUSE BOROUGH 40 HONEOYE STREET SHINGLEHOUSE	PA	POTTER 16748	STP MOD PA5391403	23	195
I: \$327,272 IVA: \$0	II: \$0 IVB: \$0	III A: \$72,738 V: \$0	IIIB: \$0	\$400,010	
SMITHTON BOROUGH MUN AUTH PO BOX 350 SMITHTON	PA	WESTMORELAND 15479	STP PS INT SS PA0024881	38	41
I: \$450,000 IVA: \$1,000,000	II: \$0 IVB: \$450,000	III A: \$0 V: \$0	IIIB: \$0	\$1,900,000	
SOMERSET BOROUGH MA 340 WEST UNION STREET SOMERSET	PA	SOMERSET 15501	INT PS	18	255
I: \$0 IVA: \$0	II: \$0 IVB: \$0	III A: \$0 V: \$0	IIIB: \$1,750,000	\$1,750,000	
SUMMERVILLE BOROUGH PO BOX 277 SUMMERVILLE	PA	JEFFERSON 15864	STP SS PS	24	172
I: \$683,000 IVA: \$1,805,000	II: \$0 IVB: \$0	III A: \$0 V: \$0	IIIB: \$0	\$2,488,000	

APPLICANT NAME ADDRESS CITY	STATE	COUNTY ZIPCODE	PROJECT TYPE NPDES PERMIT NUMBER	PROJECT NUMBER PRIORITY RATING	PROJECT RANKING
NEEDS CATEGORIES I: IVA:	NEEDS CATEGORIES II: IVB:	NEEDS CATEGORIES III A: V:	NEEDS CATEGORY IIIB:	ELIGIBLE PROJECT COST	
WALKER TWP SUPERVISORS RD #1 BOX 201 Z THOMPSONTOWN	PA	JUNIATA 17094	STP PS SS	CS421838-01	
I: \$1,190,000 IVA: \$2,402,000	II: \$0 IVB: \$0	III A: \$0 V: \$0	IIIB: \$0	55	2
				\$3,592,000	
WASHINGTON TWP PO BOX 27 SLATEDALE	PA	LEHIGH 18079	STPMOD INT SS	CS421738-01	
I: \$374,649 IVA: \$3,047,995	II: \$0 IVB: \$221,176	III A: \$0 V: \$0	IIIB: \$0	26	149
				\$3,643,820	

[Pa.B. Doc. No. 97-855. Filed for public inspection May 23, 1997, 9:00 a.m.]

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

## Addendum to Interconnection Agreement

**A-310397.** Joint Petition of Bell Atlantic—Pennsylvania, Inc. and Commonwealth Communications, Inc. for Approval of Addendum to Interconnection Agreement.

Bell Atlantic—Pennsylvania, Inc. and Commonwealth Communications Inc., by its counsel, filed on April 18, 1997, at the Public Utility Commission, a Joint Petition for approval of Addendum to an Interconnection Agreement.

Interested parties may file comments concerning the application and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. All comments are due on or before 20 days after the date of publication of this notice. Copies of the Bell Atlantic—Pennsylvania, Inc. and Commonwealth Communications, Inc. Joint Petition of Addendum to Interconnection Agreement are on file with the Pennsylvania Public Utility Commission and are available for public inspection. The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, 787-7466.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 97-856. Filed for public inspection May 23, 1997, 9:00 a.m.]

## Addendum to Interconnection Agreement

**A-310071F0002.** Joint Petition of Bell Atlantic—Pennsylvania, Inc. and Commonwealth Long Distance Company for Approval of Addendum to Interconnection Agreement.

Bell Atlantic—Pennsylvania, Inc. and Commonwealth Long Distance Company, by its counsel, filed on April 18, 1997, at the Public Utility Commission, a Joint Petition for approval of Addendum to an Interconnection Agreement.

Interested parties may file comments concerning the application and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. All comments are due on or before 20 days after the date of publication of this notice. Copies of the Bell Atlantic—Pennsylvania, Inc. and Commonwealth Long Distance Company Joint Petition of Addendum to Interconnection Agreement are on file with the Pennsylvania Public Utility Commission and are available for public inspection. The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, 787-7466.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 97-857. Filed for public inspection May 23, 1997, 9:00 a.m.]

**IntraLATA Presubscription Implementation; Doc. No. I-00940034; Petition for Regional Implementation of Permanent Local Number Portability; Doc. No. P-00961103**

Public Meeting held  
May 8, 1997

*Commissioners Present:* John M. Quain, Chairperson; Robert K. Bloom, Vice Chairperson; John Hanger; David W. Rolka; Nora Mead Brownell

### Order

*By the Commission:*

On December 14, 1995, this Commission entered an order at Docket No. I-00940034 captioned "Investigation Into IntraLATA Interconnection Arrangements." This December 14, 1995, order (1995 Order) addressed many issues pertaining to intraLATA presubscription (this term, synonymous with intraLATA dialing parity, refers to the ability of telephone service subscribers to select in advance intraLATA toll service providers). The issue of intraLATA presubscription again came before the Commission under a petition filed by MCI Telecommunications Corporation captioned "Petition for Regional Implementation of Permanent Local Number Portability". On January 7, 1997, the Commission entered an order which established a Task Force to make initial recommendations on matters relating to local number portability (LNP); however, this Task Force was also directed to make recommendations on intraLATA presubscription issues.

By Secretarial letter dated January 7, 1997, the Commission notified the telecommunications industry of the establishment of the Task Force and invited, inter alia, all interested parties to present their positions on various intraLATA presubscription issues. Task Force meetings were held on January 17, February 5 and March 14 of 1997. These meetings were attended by representatives of telecommunication interexchange carriers (IXCs), incumbent and competitive local exchange carriers (ILECs and CLECs), the OCA, the Pennsylvania Telephone Association (PTA) and Commission staff.

During these meetings, the Task Force members discussed various intraLATA presubscription matters in an attempt to reach a consensus on technical and policy issues. To better analyze industry positions since the industry was unable to reach a consensus, Commission staff requested that industry representatives draft a report (IXC report) on the various dialing parity issues. In addition, the PTA drafted a dissenting paper on these issues. The following is a summary of these position papers and the Commission's decisions on the addressed intraLATA presubscription issues. However, we will continue to monitor all ongoing governmental and industry dialing parity implementation activities which are related to these and other issues.

### *Cost Recovery*

This issue is the main area of contention among Task Force members. In the FCC's *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-98, *Second Report and Order and Memorandum Opinion and Order*, released August 8, 1996 (*Second Report and Order*), the FCC directed all intraLATA toll service providers, including LECs, to share

in the cost of intraLATA presubscription implementation through a competitively neutral assessment mechanism. This mandate directly contravenes the provisions of the Commission's 1995 Order at I-00940034 which excludes LECs from sharing in these implementation costs. (paragraph 5 of the 1995 Order).

The PTA argues that the FCC does not have the authority to adopt standards for intrastate communications service unless Congress expressly provides the FCC with that authority. PTA asserts that Congress did not provide the FCC with the authority to regulate intraLATA presubscription matters. Therefore, PTA avers that the FCC's *Second Report and Order* is not binding on the Commission and that the Commission should continue to follow all provisions of its December 14, 1995, order on intraLATA presubscription. PTA also notes that the FCC's *Second Report and Order* is currently on appeal before the U. S. Court of Appeals for the Eighth Circuit. The PTA asserts that should the Commission choose to comply with the *Second Report and Order*, it should not act until the Eighth Circuit Court rules on the legality of the FCC's action.<sup>1</sup> Finally, PTA argues that the cost recovery issues are factual, and can only be reconsidered if the record of the Commission's December 14, 1995, Order at Docket No. I- 00940034 is reopened for additional testimony.

In contrast, the other Task Force members believe that the FCC had legitimate authority to promulgate the *Second Report and Order*, and that the Commission is preempted from any action which contravenes that FCC pronouncement. These members assert that the appeal of the FCC's order before the Eighth Circuit Court does not diminish that Order's force and effect, since the order has not been stayed. These members urge the Commission to assess implementation costs against all intraLATA toll providers, including LECs, in accordance with the FCC's *Second Report and Order*. (paragraphs 94 and 95). The IXC report recommends the adoption, as a cost recovery method, of a competitively neutral Equal Access Recovery Charge (EARC). This charge is to be assessed against all toll providers based on relative intraLATA "1+" and "0+" minutes for each carrier.

This is a difficult issue. If the Eighth Circuit Court reverses the FCC's *Second Report and Order*, then all provisions of the Commission's December 14, 1995, Order can stand. However, we cannot wait for the Eighth Circuit Court to act. Absent a stay, the Commission must comply with the *Second Report and Order*, and we should proceed accordingly.

As noted, PTA argues that should the Commission alter the cost recovery holding of its 1995 Order, then the Commission must reopen the prior record to receive new evidence on the cost recovery issues. We agree. The potential change in responsibility for implementation costs will give rise to factual issues (such as reallocated costs, continued use of the EARC, and cost amortization), which are sufficient to require amendment of the 1995 Order. Pursuant to 66 Pa.C.S. § 703(g), we must provide affected parties notice and the opportunity to be heard.

Since time is of the essence, we will reopen the record of the Commission's December 14, 1995, Order at I-00940034 to receive written comments limited to issues pertaining to the recovery of intraLATA presubscription implementation costs. These comments will enable the

<sup>1</sup> Commission staff believes that during the course of Task Force deliberations, a PTA representative agreed that this Commission and the telecommunication carriers under our jurisdiction would be required to abide by the decision of the Eighth Circuit Court should that Court affirm the FCC's *Second Report and Order*.

Commission to quickly respond to any judicial confirmation of the *Second Report and Order*, and will satisfy the due process requirements of Section 703(g). *Diamond Energy v. Pa. P.U.C.*, 653 A.2d 1360 (1995) (in the absence of a statutory requirement for "oral hearing", the paper hearing provided by the Commission satisfies the due process requirement for hearing). We will attempt to resolve factual cost recovery issues without formal hearings before an Administrative Law Judge. However, we expressly reserve the right to schedule hearings as may be required to address factual averments in the written comments filed pursuant to this Order. Any comments raising factual averments must, of course, be accompanied with an appropriate verification.

We note that the Commission has already permitted GTE North to establish an Equal Access Cost Recovery Charge by our July 19, 1995, Order at Docket No. R-00963672. Therefore, we also request comments on additional action the Commission should undertake regarding GTE North's Cost Recovery Charge. We seek comments on whether GTE North should implement a refund mechanism or adjust its Equal Access Cost Recovery Charge mechanism (on a forward going basis only) in accordance with future Commission directives. However, GTE North's current tariffs based on the Equal Access Cost Recovery Charge mechanism (implemented at R-00963672) shall remain in effect at this time.

#### *Date of Implementation*

PTA notes that the Commission's December 14, 1995, order established December 31, 1997, as the conversion date for LECs serving less than 250,000 access lines. (1995 Order, paragraph 2). June 30, 1997, was established as the conversion date for carriers with greater than 250,000 access lines, but this date was changed to July 31, 1997, under a Commission order entered January 24, 1997. "Application of MFS Intelenet of PA, Inc.", at Docket No. A-310203F0002. The FCC-mandated implementation date is February 8, 1999. PTA states that if the Commission revises its Prior 1995 Order, then the date for implementation should change to February 8, 1999.

We believe that the Commission's two 1997 implementation dates should stand. Prior to the FCC's actions, all carriers presumably intended to meet the deadlines set forth in the Commission's December 14, 1995, Order. In addition, various carriers (Bell Atlantic-PA, Inc., North Pittsburgh Telephone Company, MFS Intelenet of Pennsylvania, Inc. and Citizens Telecommunications Company of New York, Inc.) have already filed implementation plans in accordance with the FCC's *Second Report and Order*. There is no reason to extend the conversion date deadline to February 1999 merely because the FCC permits it. The cost recovery issues addressed above should not affect the Commission's implementation dates either, as the cost recovery mechanism is effectively independent of dialing parity implementation. Where allocations are unresolved at the time of implementation, costs can be accounted or allocated at a later date.

#### *Customer Notice*

The IXC position is that neutrally worded "informational" LEC billing inserts should be used to inform customers about the implementation of intraLATA presubscription. These members believe that the Commission (and other IXCs) should have an opportunity to review these inserts for content and neutrality at least 30 days prior to the customer mailing date, and this mailing date should be at least 30 days prior to the implementation date. The PTA believes that the IXCs have sufficient

motivation to make customers aware of intraLATA presubscription, and that the Commission should not require LECs to send informational billing inserts to their customers.

We agree with PTA that telecommunication carriers should be motivated to inform customers about intraLATA presubscription. Therefore, we will allow LECs to use neutral, informational billing inserts on a voluntary basis. If a LEC chooses to use billing inserts, then the carrier must submit the inserts to the Commission for review of content at least 30 days prior to the customer mailing date, with this mailing date at least 30 days prior to the implementation date. However, we do not believe that the cost of the inserts is a general implementation cost to be shared by all carriers. Therefore, if a LEC volunteers to send billing inserts, the cost of these billing inserts should be borne by the IXC's (and other telecommunication carriers) who wish to be included on the billing insert as a provider of intraLATA phone service within the LEC's service area.

#### *Presubscription Implementation Plans*

The FCC's *Second Report and Order* requires LECs to file with a State commission a plan which addresses the means by which that LEC will obtain dialing parity. This plan has a filing deadline of 180 days prior to the LEC's implementation of presubscription. The PTA feels that this filing requirement is unnecessary, because the Commission's 1995 Order constitutes a complete presubscription plan. In addition, PTA avers that a LEC's tariff filings (required to recover implementation costs) are subject to Commission review and could substitute for the plan filing. The other Task Force members state that they will abide by the FCC requirement to file an implementation plan. However, some members request that the Commission take steps to ensure that these plans are sufficiently detailed, and address specific implementation issues.

We agree that implementation plans should be filed notwithstanding the 1995 Order, and that these plans must contain sufficient detail to apprise the Commission of the plan's implementation methodology. We note that on November 6, 1996, Bell Atlantic-Pennsylvania (Bell) filed with this Commission (also at Docket No. I-00940034) its Motion for Approval of an IntraLATA Presubscription Implementation Plan. Three other carriers (listed *supra*) have also filed implementation plans. We will address the implementation plans already filed in separate orders.

#### *Competitive Neutrality Issues*

All Task Force members agreed on the following marketing "safeguards" to maintain competitive neutrality:

1. Customer service representatives (CSR) shall be prohibited from commenting on a customer's choice of intraLATA PIC (Primary Interexchange Carrier) when the customer contacts the CSR to change the PIC.

2. IntraLATA PIC selections should be implemented in the same manner and under the same time parameters as interLATA PIC changes.

3. CSRs should respond to customer inquiries about intraLATA carriers in a competitively neutral way, with the list of carriers (including the CSR's own LEC) subject to "rotation" so that each carrier's list position regularly changes.

The IXCs also request additional marketing safeguards, which PTA asserts are cumbersome, expensive and unnecessary. The additional safeguards are as follows:

4. A LEC's CSR must not answer questions about the LEC's intraLATA toll services, but can do the following: (a) transfer the call to a LEC CSR for intraLATA toll services, but only if the LEC is willing to provide the same transfer service to other carriers, or (b) provide a separate telephone number that the customer can call for information about the LEC intraLATA toll service, but only if the LEC is also willing to provide telephone numbers for other carriers.

5. The LEC must provide a carrier with reasonable, accurate, timely mechanized access to a listing of all (a) new service connections, (b) transfers of service, (c) disconnects and (d) out-PICs (from that carrier only). For the out-PICs, the LEC should provide the billing telephone number, name and address, reason for change and the identity of the new carrier.

6. The LEC should provide a "no PIC" or "PIC of none" designation for those customers who do not wish to choose a carrier.

7. CSRs should not receive additional compensation or awards for increasing or maintaining the LEC's level of presubscribed customers.

We agree with the parties that safeguards 1 through 3 are useful, and we will require carriers to implement these safeguards. It is clear that safeguards 4 through 7 can provide additional protection against anticompetitive behavior. Although we will not direct the adoption and implementation of safeguards 4 through 7, we strongly encourage the incorporation of these safeguards into all LEC presubscription plans filed in response to the *Second Report and Order*. If gross anticompetitive marketing tactics are encountered, these tactics can be addressed by the Commission or other governmental bodies at that time. The Commission will also observe LEC marketing to check for anticompetitive practices.

#### *IntraLATA PIC Freeze*

The IXCs assert that the Commission should prohibit LECs from offering a PIC freeze option (a PIC freeze, designed to prevent slamming, requires a customer to take some affirmative action to switch intraLATA carriers). These Task Force members aver that if this freeze option is offered in the early stages of presubscription, LECs could use this option in an anticompetitive manner to delay requests from customers for a PIC change or to try and dissuade that customer from changing PICs. However, these members state that the PIC freeze option should be available once consumers have selected their initial intraLATA toll service provider or if slamming problems develop in the local exchange market.

The OCA requests that the Commission allow a PIC freeze option without delay. The OCA asserts that a PIC freeze option can effectively prevent slamming and that a PIC freeze option should not inhibit intraLATA competition. However, the OCA also urges the Commission to monitor for anticompetitive PIC freeze misuse. The PTA has no position on this PIC freeze issue.

We agree with the OCA that precautions are needed to avoid the problem of slamming. This problem has been significant in the realm of interLATA toll service, and intraLATA service is equally susceptible to slamming. Although a PIC freeze would make it somewhat more difficult for competitors to switch intraLATA toll customers away from the ILEC, we believe that the potential for slamming is too great not to include this protective device. Therefore, we will allow carriers to offer a PIC freeze option without the moratorium requested by the

IXCs. An aggrieved party has the ability to come before the Commission should issues of competitive abuse arise; therefore,

*It Is Ordered That:*

1. The record of the Commission's Order Entered December 14, 1995 at Docket No. I-00940034, "Investigation Into IntraLATA Interconnection Arrangements", is hereby reopened to receive comments limited to the issue of recovery for intraLATA presubscription implementation costs.

2. Comments pursuant to paragraph 1, above, shall be filed 15 days from the entry of this Order.

3. Consistent with the Commission's December 14, 1995, order at I-00940034 and January 24, 1997 order at A-310203F0002, all local exchange carriers shall implement intraLATA presubscription pursuant to the following schedule:

a. Local exchange carriers serving in excess of 250,000 access lines shall implement intraLATA presubscription by July 31, 1997.

b. Local exchange carriers serving 250,000 access lines or less shall implement intraLATA presubscription by December 31, 1997.

4. Local exchange carriers shall use neutrally worded billing inserts to inform customers about intraLATA presubscription under the following conditions:

a. The use of such billing inserts by a local exchange carrier shall be voluntary.

b. A local exchange carrier which uses billing inserts shall submit the inserts to the Commission for review of content at least 30 days prior to the customer mailing date.

c. A local exchange carrier which uses billing inserts shall send these inserts to customers at least 30 days prior to the implementation date of intraLATA presubscription.

d. The cost of billing inserts shall be borne by interexchange carriers and/or other telecommunication carriers who request to be listed on the billing insert as a provider of service within the service area of the local exchange carrier that sends the billing inserts.

5. Local exchange carriers shall file a Presubscription Implementation Plan with this Commission pursuant to the following conditions:

a. This plan shall be filed at least 180 days prior to the local exchange carrier's implementation of intraLATA presubscription.

b. This plan shall contain information sufficient to apprise this Commission of the plan's implementation methodology.

c. That local exchange carriers shall file a revised tariff to reflect rate changes which result from the implementation of intraLATA presubscription notice.

6. Marketing safeguards to prevent anticompetitive behavior by telecommunication carriers shall be implemented consistent with the language in the body of this Order under the heading of Competitive Neutrality Issues.

7. Local exchange carriers shall offer, without delay, a PIC freeze option to customers.

8. This Order shall be served upon all Task Force members.

9. A copy of this Order shall be forwarded to the *Pennsylvania Bulletin* for publication.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 97-858. Filed for public inspection May 23, 1997, 9:00 a.m.]

**Petition for Regional Implementation of Permanent Local Number Portability; Doc. No. P-00961103**

Public Meeting held  
May 8, 1997

*Commissioners Present:* John M. Quain, Chairperson;  
Robert K. Bloom, Vice Chairperson; John Hanger;  
David W. Rolka; Nora Mead Brownell

**Order**

*By the Commission:*

By this Order, the Commission is establishing guidelines for local number portability. This matter is before the Commission because of a petition filed by MCI Telecommunications Corporation captioned "Petition for Regional Implementation of Permanent Local Number Portability". Briefly, number portability is the ability of telecommunication customers to retain, at the same location, their existing telephone numbers (without any decline in quality, reliability or convenience) when they switch from one telecommunication carrier to another. 47 U.S.C. § 153(a)(46). This terminology is known in the industry as "service provider portability". True "geographic" number portability (that is, the ability of a customer to retain a telephone number while moving throughout the country) is beyond the scope of this Order.

In response to this petition, on January 7, 1997, the Commission entered an order which established a Task Force to make initial recommendation on matters relating to local number portability (LNP). We note that the FCC requires the implementation of permanent LNP in the Philadelphia Metropolitan Statistical Area (MSA) by March 31, 1998, and in the Pittsburgh MSA by June 30, 1998. *First Memorandum Opinion and Order on Reconsideration (First Reconsideration Order)* CC Docket No. 95-116, FCC 97-74 (released March 11, 1997) *clarifying In the Matter of Telephone Number Portability, First Report and Order and Further Notice of Proposed Rulemaking, (LNP Order)* CC Docket No. 95-116, FCC 96-286 (released July 2, 1996). LNP implementation is also required in other Pennsylvania MSAs at future dates.

By Secretarial letter dated January 7, 1997, the Commission notified the telecommunications industry of the establishment of this Task Force and invited all interested parties to present their positions on various LNP issues. This Task Force was also charged to examine intraLATA presubscription/dialing parity issues, which will be addressed in another Commission order at the Docket Nos. P-00961103 and I-00940034. Task Force meetings were held on January 17, February 5 and March 14 of 1997. These meetings were attended by representatives of telecommunication interexchange carriers (IXCs), incumbent and competitive local exchange carriers (ILECs and CLECs), the OCA, the Pennsylvania Telephone Association (PTA) and Commission staff.

During these meetings, the Task Force members discussed various LNP matters in an attempt to reach a consensus on technical and policy issues. To better ana-



lyze the various industry positions, and because the industry was unable to reach total consensus, Commission staff requested that industry representatives draft a report (IXC report) on the various LNP issues. In addition, the PTA drafted a dissenting paper on these issues. The following is a summary of the party positions and the Commission's decision on those addressed LNP issues. However, we will continue to monitor all ongoing governmental and industry LNP implementation activities which are related to these and other issues.

#### *Scope of LNP Implementation*

On this issue, all Task Force Members assert that the Commission should implement LNP on a regional basis, rather than on a Pennsylvania-only basis. The Commission agrees with the Task Force members on this issue. The FCC's *LNP Order* recommended the creation of regional databases for the administration of LNP, and regional databases are the most economical and efficient option for Pennsylvania telecommunications carriers and their customers. The fixed costs of the database services would be spread across a larger customer base, and the regional method eliminates duplication of fixed database costs for the individual states. Regional databases will also allow individual carriers to avoid the deployment of multiple number portability databases over various geographic areas.

#### *Choice of Regional LNP Administrator*

The FCC's *LNP Order* directed the North American Numbering Counsel (NANC) to select independent, non-governmental entities to serve as LNP administrators (LNPAs). NANC has until May 1, 1997, to select LNPAs to administer the regional databases (47 C.F.R. § 52.25(c)), and has not yet acted. However, extensive efforts to implement LNP are already underway by the Mid-Atlantic Carrier Acquisition Company (MCAC), a limited liability corporation originally formed in Maryland in 1995 to address regional LNP issues. Task Force members disagree on the actual authority of MCAC to contract for and supervise a neutral LNPA, when MCAC has no official recognition or approval from NANC.

To comply with the FCC's *LNP Order*, an LNPA must:

- A. select the network architecture to be used;
- B. prepare a Request for Proposal (RFP) for the creation of an LNP database and distribute the RFP to vendors;
- C. review the submitted bid proposals; and
- D. select the vendor who must then test and perfect the database system.

All parties agree that MCAC has already performed many actions to develop permanent LNP for the Mid-Atlantic region. The IXCs note that MCAC has already completed the above steps A through C, and has selected a vendor. This industry faction wants the Commission to mandate that Pennsylvania LECs either join or become participants with MCAC to implement LNP in an efficient manner. They note that NANC has not completed any of the above steps to procure the LNPA. These Task Force members also aver that it is likely that NANC will approve MCAC as the proper entity to procure the LNPA, and that the FCC's implementation deadline provides NANC with insufficient time to establish a different approach to LNP implementation.

In contrast, the PTA notes that MCAC is not yet recognized by the FCC or NANC to perform the tasks to procure an LNPA. PTA wants the Commission to mandate

that telecommunication providers only use a regional LNP database and LNPA which are approved by NANC.

We recognize that MCAC has not yet received official authorization from NANC to procure a regional LNPA. There is the risk that MCAC will never receive this authorization. However, as the deadlines for LNP implementation approach, the Commission cannot continue to wait for NANC to act. It would be an inefficient use of time and resources to duplicate MCAC's efforts at this point. If NANC were to select a different entity to establish or procure an LNPA, this new entity could "build" upon MCAC's accomplishments. Therefore, we will continue to work with MCAC to further the goals of LNP, and we direct Pennsylvania LECs to work similarly with MCAC. We do not mandate that LECs must contractually join MCAC, only that they participate in MCAC's efforts.

On a related matter, PTA also asserts that LECs should be permitted either to enter into direct service contracts with the ultimate database provider or subcontract with a Commonwealth service provider who has a direct service contract with the database provider. However, the IXCs note that this situation could allow for the misuse or unauthorized resale of the database information.

We agree with PTA on this point. The contract already in place between MCAC and the database vendor allows telecommunications companies (telcoms) to contract directly with the vendor, but at the same contract price that MCAC has with the vendor. At this time, we do not believe that any telcom which directly contracts with the database vendor would receive any competitive advantage over telcoms who deal through MCAC for database access. However, an aggrieved party always has the ability to come before the Commission to complain about access or competitive difficulties.

In response to security concerns, we believe that adequate protections can be incorporated in the database system to prevent the unauthorized access and use of the information. For example, telcoms can contract with an appropriate third-party entity to guard the database so that telcoms can only access their own information.

#### *Implementation Methodology*

The Task Force members have examined the issue of implementation methodology, and all members agree that the Location Routing Number (LRN) architecture should be used to establish LNP. (LRN is a method that routes calls to a centralized database containing information on ported telephone numbers). Additionally, the FCC appears to have adopted the LRN method in its *First Reconsideration Order* (Paragraphs 46 and 47). We agree with the parties, and will direct that telcoms use LRN methodology to establish LPN.

Looking to another implementation issue, PTA requests that the Commission allow telecommunications carriers to accomplish permanent LNP through the use of existing direct call routing techniques, or by contracting with another service provider to tandem switch ported number calls directly to the ported number's serving switch. PTA avers that this procedure would allow cost effective permanent LNP in rural areas for those carriers without Signaling System 7 (SS7) and permanent LNP capabilities. The IXCs agree that carriers without SS7 capability should be permitted to contract with other carriers to obtain this capability.

We will allow carriers without SS7 capability to contract with other carriers to obtain this technology. Additionally, we will allow the use of existing direct call routing for permanent LNP. This is not an interim

method to provide LNP. Rather, this is an efficient method for smaller telcoms to provide LNP, and is a proven method currently in use to provide 800 service.

#### *Cost Recovery*

Turning to the issue of cost recovery, all parties note that the FCC has not yet issued a final cost recovery methodology for the expense of LNP deployment. In its *LNP Order*, the FCC described various recovery methods but failed to decide on any particular approach. The FCC is expected to issue comprehensive guidance on this recovery matter in mid 1997.

All parties assert that the Commission need not consider any cost recovery issues until the FCC acts on this matter. The PTA asserts that it is "premature" for carriers to track these implementation costs. In contrast, the IXCs assert that the Commission should require incumbent LECs to track their LNP deployment costs in preparation for ultimate FCC action on this matter. We believe that this is a logical suggestion. Although we presently do not mandate any specific tracking mechanism, we hereby direct LECs to track their LNP implementation costs to ensure the availability of this information in the future.

#### *Rural Carriers Switches and MSAs*

The PTA also discussed the issue of rural service area carriers who have limited subscriber lines in one of the 100 Metropolitan Service Areas (MSAs) in which LNP is mandated. PTA asserts that if these carriers otherwise fit within the rural exemption for permanent LNP deployment, then these carriers should be granted an exception from the requirements of LNP implementation. The FCC has acted on this matter, requiring that LECs only need to provide number portability (within the 100 largest MSAs) in those switches for which a competing carrier has made a specific request for LNP. *First Reconsideration Order*, paragraph 60.

Subsequent to the FCC's *First Reconsideration Order*, on March 24, 1997, PTA filed additional comments regarding this Commission's role in evaluating specific LNP requests for particular switches. These comments were well reasoned and were not challenged by the other Task Force members. However, these comments request that the Commission undertake particular actions (relating to LNP implementation) which are more properly addressed in the context of specific LNP requests or disputes. While we will not discuss the specific actions requested by PTA at this time, we will follow the FCC's mandate that within the 100 largest MSAs, LECs only need to provide LNP on those switches which another carrier has specifically requested the provision of number portability.

#### *E911/911 Issues*

The Commission, as well as all involved parties, recognize the importance of maintaining an effective E911/911 system in conjunction with LNP. Task Force members note that industry standards are under current development at both the National and regional level. These standards will require timely notification of all ported number activity and accurate (and secure) record keeping by carriers. The members ask that the Commission implement the 911 industry standards once these standards are finalized by the industry, the Association of Public-Safety Communications Officials and the National Emergency Number Association.

The Mid-Atlantic LNP Regional Operations Team, a consortium of industry and government representatives (including representatives from this Commission), has

held regular meetings to address E911/911 issues. Important issues are the concern that additional service providers will negatively impact database integrity, the ability of 911 operators to handle the increased work activity caused by LNP, the potential that increased 911 trunk traffic will overload 911 trunks, and the need for law enforcement personnel to quickly identify the service providers of individuals.

We will continue to monitor the development of E911/911 industry standards and the resolution of issues, and we will implement these standards as soon as practicable; *Therefore,*

#### *It Is Ordered That:*

1. Jurisdictional telecommunications companies implement LNP on a regional basis.
2. LECs operating in this Commonwealth cooperate with MCAC as appropriate to further the goals of LNP.
3. Telecommunications carriers without Signaling System 7 (SS7) capability may contract with other carriers to access this technology.
5. Telecommunications companies operating in this Commonwealth use Location Routing Number architecture to establish LNP.
4. Telecommunications carriers without SS7 capability may use existing direct call routing techniques to provide permanent LNP.
6. LECs operating in this Commonwealth track LNP implementation costs.
7. LECs operating in this Commonwealth only need to provide number portability, within the 100 largest MSAs, in those switches for which a competing carrier has made a specific request for LNP.
8. This order shall be served upon all Task Force Members.
9. A copy of this Order shall be forwarded to the *Pennsylvania Bulletin* for publication.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 97-859. Filed for public inspection May 23, 1997, 9:00 a.m.]

### **Service of Notice of Motor Carrier Applications**

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before June 16, 1997, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

**Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons as described under each application.**

**A-00113947. Tracy W. Harmon, t/d/b/a TR's Limo Service** (R. D. #1, Box 24, Mayport, Clarion County, PA 16240)—persons in limousine service between points in the counties of Venango, Clarion and Armstrong, and from said counties, to points in Pennsylvania and return. *Attorney:* Kent S. Pope, Ten Grant Street, Clarion, PA 16214.

**A-00113964. Edwin Joseph Androwick, t/d/b/a Spruce Hill Coach & Carriage** (R. R. #1, Box 504, Port Royal, Juniata County, PA 17082)—persons in limousine service (1) from points in the counties of Juniata, Mifflin, Perry, Snyder, Franklin, Huntingdon and Centre, to the Harrisburg Train Station and the Harrisburg International Airport, both located in Dauphin County, the Philadelphia International Airport in the city and county of Philadelphia and the township of Tinicum, Delaware County, the Greater Pittsburgh International Airport, in Allegheny County and the Lehigh Valley International Airport, in Lehigh County, and vice versa; and (2) between points in the counties of Juniata, Mifflin, Perry, Snyder, Franklin, Huntingdon and Centre, and from points in said counties, to points in Pennsylvania and return. Application for temporary authority has been filed at A-00113964, seeking the rights cited above.

**A-00113974. Carl W. Gross** (200 Ridgewood Road, Wilkes-Barre, Luzerne County, PA 18702)—persons in group and party service, between points in the counties of Luzerne, Lackawanna, Pike, Wayne, Susquehanna, Monroe, Wyoming, Carbon and Columbia, and from points in the said counties, to points in Pennsylvania and return. *Attorney:* Richard T. Mulcahey, Jr., Two Penn Center, Suite 1400, 1500 John F. Kennedy Boulevard, Philadelphia, PA 19102-1890.

**Applications of the following for approval of discontinuance of service for the transportation of persons as described under each application.**

**A-00108771, Folder 1, Am-A. Charles H. Blanchard** (R. R. 1, Box 422, Honesdale, Wayne County, PA 18431)—discontinuance of service—persons in airport transfer service, from points in the township of Dyberry, Wayne County to the Wilkes-Barre/Scranton International Airport, located in the borough of Avoca and the township of Pittston, Luzerne County.

**Applications of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under each application.**

**A-00110765, Folder 2, Susquehanna Valley Limousine, Inc.** (R. R. #1, Ridge Road, Box 373Q, Northumberland, Northumberland County, PA 17857), a corporation of the Commonwealth of Pennsylvania—additional rights—persons in group and party service, between points in the counties of Northumberland, Union, Snyder, Columbia and Montour, and from points in said counties, to points in Pennsylvania and return. *Attorney:* David B. Marateck, Pennsylvania National Bank Building, P. O. Box L, Shamokin, PA 17872.

**Application of the following for approval amendment of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods by transfer of rights as described under each application.**

**A-00105019, Folder 1, Am-C. J. J. Brandt Moving & Storage Co.** (218 North Ninth Street, Lebanon, Lebanon County, PA 17042), a corporation of the Commonwealth of Pennsylvania, inter alia—Class D carrier—household goods in use, from points in the county of

Lebanon, to points in Pennsylvania, and vice versa: *so as to permit* the transportation, as a Class D carrier, household goods in use, between points in the borough of New Holland, Lancaster County, and within 10 miles, by the usually traveled highways of the limits of said borough; which is to be a transfer of part of the rights authorized under the certificate issued at A-00092813, F. 3, Right No. 13 to Lester R. Summers, Inc., a corporation of the Commonwealth of Pennsylvania, subject to the same limitations and conditions. *Attorney:* J. Bruce Walter, Dauphin Bank Building, 12th Floor, One South Market Square, P. O. Box 1146, Harrisburg, PA 17108-1146.

**Property, Excluding Household Goods In Use**

The following applications for the authority to transport property, excluding household goods in use, between points in Pennsylvania, have been filed with the Pennsylvania Public Utility Commission. Public comment to these applications may be filed, in writing with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265 on or before June 9, 1997.

- A-00113965 James P. Krasinski, t/d/b/a James P. Krasinski Trucking & Excavating  
R. D. #1, Box 243, Morrisdale, PA 16858
- A-00113966 Bishop's Moving Services, Inc.  
2015 Chapel Avenue, Cherry Hill, NJ  
08002
- A-00113967 Hornet Express, LLC  
P. O. Box 2341, Westfield, NJ 07091
- A-00113969 Castle Trucking, Inc.  
3238 Greentree Circle, New Castle, PA  
16105
- A-00113970 Ronald D. Grazio, t/d/b/a Ronald D. Grazio  
Trucking  
R. D. #2, Box 674, Drums, PA 18222
- A-00113971 Teledyne Industries, Inc., t/d/b/a Teledyne  
Coordinators Division  
P. O. Box 427, Irwin, PA 15642
- A-00113972 Vaughn J. Shoemaker, t/d/b/a Vaughn Shoe-  
maker Trucking  
P. O. Box 154, Dayton, PA 16222; Dwight  
L. Koerber, Jr., P. O. Box 1320, Clearfield,  
PA 16830
- A-00113973 Magnum Trucking & Leasing, Co., Inc.  
125 North Warren Street, West Hazleton,  
PA 18201

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 97-860. Filed for public inspection May 23, 1997, 9:00 a.m.]

**Water Service  
Without Hearing**

**A-230475F2000. Valley Utilities Co., Inc.** Application of Valley Utilities Co., Inc. for Approval of (1) the transfer, by sale, of all sewer system property and rights to Eagle Rock Community Association, Inc., and (2) the abandonment by Valley Utilities Co., Inc. of all sewer service to the public in portions of East Union and North Union

Townships, Schuylkill County, and Black Creek and Hazle Townships, Luzerne County.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before June 9, 1997, under 52 Pa. Code (relating to public utilities).

*Applicants:*

Eagle Rock Community Association, Inc., 25 Butler Drive, Hazleton, PA 18201;

Valley Utilities Co., Inc., 1022 Court Street, Honesdale, PA 18431.

*Through and By Counsel:*

Charles B. Zwally, Esquire, Guy P. Beneventano, Esquire, Mette, Evans and Woodside, 3401 North Front Street, Harrisburg, PA 17110-0950;

Alan P. Young, Esquire, Hanna, Young, Upright & Catina, 800 Main Street, Stroudsburg, PA 18360;

John J. Martin, Esquire, 1022 Court Street, Honesdale, PA 18431.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 97-861. Filed for public inspection May 23, 1997, 9:00 a.m.]

**Water Service  
Without Hearing**

**A-210075. Eagle Rock Utility Corporation.** Application of Eagle Rock Utility Corporation for the approval to begin to offer or furnish water service to the public in portions of East Union and North Union Townships, Schuylkill County, and Black Creek and Hazle Townships, Luzerne County.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before June 9, 1997, under 52 Pa. Code (relating to public utilities).

*Applicants:*

Eagle Rock Utility Corporation, 25 Butler Drive, Hazleton, PA 18201;

Oneida Water Company, 1022 Court Street, Honesdale, PA 18431.

*Through and By Counsel:*

Charles B. Zwally, Esquire, Guy P. Beneventano, Esquire, Mette, Evans and Woodside, 3401 North Front Street, Harrisburg, PA 17110-0950;

John J. Martin, Esquire, 1022 Court Street, Honesdale, PA 18431;

Alan P. Young, Esquire, Hanna, Young, Upright & Catina, 800 Main Street, Stroudsburg, PA 18360.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 97-862. Filed for public inspection May 23, 1997, 9:00 a.m.]

**Water Service  
Without Hearing**

**A-210075F002. Eagle Rock Utility Corporation and Oneida Water Company.** Application of Eagle Rock Utility Corporation and Oneida Water Company for approval of the transfer, by sale, of all water system property and rights of Oneida Water Company to Eagle Rock Utility Corporation.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before June 9, 1997, under 52 Pa. Code (relating to public utilities).

*Applicants:*

Eagle Rock Utility Corporation, 25 Butler Drive, Hazleton, PA 18201;

Oneida Water Company, 1022 Court Street, Honesdale, PA 18431.

*Through and By Counsel:*

Charles B. Zwally, Esquire, Guy P. Beneventano, Esquire, Mette, Evans and Woodside, 3401 North Front Street, Harrisburg, PA 17110-0950;

John J. Martin, Esquire, 1022 Court Street, Honesdale, PA 18431;

Alan P. Young, Esquire, Hanna, Young, Upright & Catina, 800 Main Street, Stroudsburg, PA 18360.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 97-863. Filed for public inspection May 23, 1997, 9:00 a.m.]

**Water Service  
Without Hearing**

**A-210043F2002. National Utilities, Inc.—Lazybrook Division.** Application of National Utilities, Inc.—Lazybrook Division for the approval of the abandonment or permanent discontinuance of all water service to the public.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before June 9, 1997, 52 Pa. Code (relating to public utilities).

*Applicant:* National Utilities, Inc.—Lazybrook Division, 1120 South Washington Avenue, Scranton, PA 18505

*By and Through Counsel:* Anthony C. Lomma, Esquire, 1120 South Washington Avenue, Scranton, PA 18505

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 97-864. Filed for public inspection May 23, 1997, 9:00 a.m.]

### Water Service Without Hearing

**A-212220F2000. Oneida Water Company.** Application of Oneida Water Company for the approval of the abandonment of all water service to the public.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before June 9, 1997, under 52 Pa. Code (relating to public utilities).

*Applicant:*

Oneida Water Company, 1022 Court Street, Honesdale, PA 18431.

*By and Through Counsel:*

Charles B. Zwally, Esquire, Guy P. Beneventano, Esquire, Mette, Evans and Woodside, 3401 North Front Street, Harrisburg, PA 17110-0950;

John J. Martin, Esquire, 1022 Court Street, Honesdale, PA 18431;

Alan P. Young, Esquire, Hanna, Young, Upright & Catina, 800 Main Street, Stroudsburg, PA 18360.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 97-865. Filed for public inspection May 23, 1997, 9:00 a.m.]

### The Woodward Water Company *De Facto* Abandonment; Doc. No. A-213510F2000

*Commissioners Present:* John M. Quain, Chairperson; Robert K. Bloom, Vice Chairperson; John Hanger; David W. Rolka; Nora Mead Brownell

Public Meeting held  
May 8, 1997

#### Tentative Order

*By the Commission:*

By letter dated March 3, 1997, the East Haines Township Water Company, Inc. (East Haines) informed the Commission that the Woodward Water Company (Woodward), a certified water utility, has abandoned service. Woodward was organized in 1872, and subsequently received operating authority from the Public Service Commission, predecessor to this Commission, to provide water distribution service to the public of eastern Haines Township, Centre County. As a grandfathered public utility, Woodward was assigned utility code 213510 by the Commission. The Office of the Prothonotary assigned Woodward the above "A-docket" number for this tentative order.

In its March 3, 1997 letter, East Haines informed the Commission that the Woodward stockholders disbanded Woodward and transferred all its assets to East Haines,

an incorporated non-jurisdictional cooperative. These actions were effective as of February 1, 1996.

To the best of the Commission's knowledge, all jurisdictional service by the Woodward Water Company has been abandoned and is now being provided by the East Haines Township Water Company, Inc. Consequently, absent any contrary responses from concerned parties, this Commission will cancel the operating authority issued to the Woodward Water Company. *Therefore,*

*It Is Ordered That:*

1. The operating authority issued to the Woodward Water Company will be deemed abandoned if no response objecting to this action is received by this Commission within 20 days of the publication date of this order in the *Pennsylvania Bulletin*.

2. A copy of this order shall be served upon the Woodward Water Company at its last known address.

3. A copy of this order shall be served upon the East Haines Township Water Company, Inc., P. O. Box 133, Mountain Avenue, Woodward, PA 16882.

4. The Secretary shall certify this order and deposit it with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

5. If no objection to this order is filed with the Commission within 20 days of the publication date in the *Pennsylvania Bulletin*, this order shall become final, and the Office of the Prothonotary of the Commission is hereby directed to cancel the operating authority of the Woodward Water Company and mark this file as closed.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 97-866. Filed for public inspection May 23, 1997, 9:00 a.m.]

## STATE ETHICS COMMISSION

### Thresholds for Disclosure on the Statement of Financial Interests

Section 5 of the Public Official and Employee Ethics Law (Ethics Law) (65 P. S. § 405) which sets forth the requirements for disclosure for Statements of Financial Interests filed under the Ethics Law, includes certain categories for which there are threshold dollar amounts at or beyond which disclosure must be made. Section 5(d) (65 P. S. § 405(d)) requires that the State Ethics Commission biennially review these threshold dollar amounts to determine whether they should be increased to assure appropriate disclosure. Upon a final determination of the appropriate reporting increases, the Commission is required to publish a schedule of the increases in the *Pennsylvania Bulletin* in 2 successive months. See 65 P. S. § 405(d); 51 Pa. Code § 19.5(d).

On February 21, 1997, the State Ethics Commission reviewed and increased the dollar amounts set forth in section 5, subparagraphs (b)(4), (b)(5), (b)(6) and (b)(7)(i)

of Act 9 of 1989, such that the reporting thresholds shall be as follows effective beginning with the forms that are due to be filed in 1998:

- The dollar amount in section 5(b)(4) involving creditors shall increase from \$5,000 to \$6,500;
- The dollar amount in section 5(b)(5) involving sources of income shall increase from \$1,000 to \$1,300;
- The dollar amount in section 5(b)(6) involving gifts shall increase from \$200 to \$250; and
- The dollar amount in section 5(b)(7)(i) involving certain paid/reimbursed actual expenses shall increase from \$500 to \$650.

JOHN J. CONTINO,  
*Executive Director*

[Pa.B. Doc. No. 97-536. Filed for public inspection April 4, 1997, 9:00 a.m.]

## TURNPIKE COMMISSION

### Notice to Bidders

In the event that the Turnpike Commission does not exercise its option to renew existing purchase orders, the Commission will solicit bid proposals for selected commodities during the months as shown below. Bid Proposal Forms and Conditions may be obtained, free of charge, by communicating with the Purchasing Bid Clerk, (717) 939-9551, extension 2830, no later than the 15th day of the month preceding the month shown below for the solicitation. Please refer to the Commodity Description.

#### COMMODITY

<i>July</i> —	Pest Control and Extermination
<i>August</i> —	Tires and Tubes (Auto, Truck)
<i>October</i> —	Janitorial Supplies Trash Removal Service Structural and Vehicle Paint
<i>December</i> —	Glass Beads Low Heat Traffic Paint

Interested parties not now on the Bidders Mailing List may obtain the necessary documents by contacting: Turnpike Commission, Attention: Purchasing Department, P. O. Box 67676, Harrisburg, PA 17106, (phone) (717) 939-9551, ext. 2830

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 97-867. Filed for public inspection May 23, 1997, 9:00 a.m.]

### Request for Bids

The Turnpike Commission is requesting a sealed bid for Toll Collection Uniforms—Trousers and Slacks. Bid Open Date: June 12, 1997 at 11 a.m.

Bids will be received by the Purchasing Manager not later than the time indicated above. Bid proposal Forms and Conditions may be obtained, free of charge, by

communicating with the Bid Clerk, Purchasing Dept., (717) 939-9551, ext. 2830.

JAMES A. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 97-868. Filed for public inspection May 23, 1997, 9:00 a.m.]

### Request for Expanded Letters of Interest; Retention of Engineering Firm

#### Frankling County Reference No. 2-052

The Turnpike Commission will retain an engineering firm to design the total reconstruction project between Mileposts 187.00 and 197.00 in Franklin County. The selected firm will be responsible for the Pre-Final and Final Design.

The engineering services required would include supplemental field surveys, cross sections, evaluation of utility conflicts and potential relocations, development of erosion and sedimentation control plans and specifications, preparation of hydraulic reports for waterway approvals, preliminary and final traffic control plans, roadway core borings, preparation of preliminary and final construction plans and specifications in order for the Commission to bid the total reconstruction of the roadway between Milepost 187.00 and 197.00. The intent is to rebuild the roadway utilizing the existing 10-foot median and not impact the numerous mainline structures in the area. The intent is to either rubblize or remove the existing concrete and overlay with bituminous material. An entirely new drainage system will be installed.

Also, low-level photography has been performed on this area to an accuracy of  $\pm 0.05$  feet. Hard copies of the mapping and a disk will be provided to the consultant. A digital terrain model in AUTOCAD format will also be provided. The consultant will be required to perform supplemental surveys and reestablish the existing centerline of the Turnpike. Also, cross sections will be cut and plotted from the available information.

Direct inquiries to Michael D. Shaak, P.E., at (717) 939-9551, Extension 5380.

#### General Requirements and Information

Firms interested in performing the above services are invited to submit Expanded Letters of Interest to Barry L. Troup, P.E., Assistant Chief Engineer—Design, Administration Building located on Eisenhower Boulevard at the Harrisburg-East Interchange near Highspire, PA (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676).

The Expanded Letters of Interest must include in the heading the project reference number indicated in the advertisement. A Standard Form 254, "Architect-Engineer and Related Services Questionnaire," not more than 1 year old as of the date of this advertisement, and Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project," must accompany each letter of interest. If the firm has multiple offices, the location of the office performing the work must be identified.

Firms with out-of-State headquarters or corporations not incorporated in this Commonwealth must include with each letter of interest a copy of their registration to

do business in this Commonwealth as provided by the Department of State.

The Turnpike Commission currently limits its participation in the remuneration of principals or consultant employees performing work on projects to \$72,800 per annum or \$35 per hour or their actual audited remuneration, whichever is less. The Commission currently limits its participation in the consultant's indirect payroll costs (overhead) on design projects to 130% or the consultant's actual audited overhead rate, whichever is less.

The following factors will be considered by the Committee during their evaluation of the firms submitting letters of interest:

- (A) Specialized experience and technical competence of firm.
- (B) Past record of performance with respect to cost control, work quality and ability to meet schedules. The specific experience of individuals who would be involved in the project shall be considered, including the Project Manager.
- (C) Expanded Letters of Interest should include an indication of the prime consultant's and subconsultant's current workload by submitting Form D-427 (as revised 6/89) listing all Department of Transportation and Turnpike Commission projects.
- (D) Location of consultant's office where the work will be performed.
- (E) Listing of subconsultants intended. Any deviation from the subconsultants listed in the letter of interest will require written approval from the Commission, if selected.
- (F) Special requirements of the project.
- (G) An organization chart for the project identifying key personnel. Only resumes of key personnel should be included.
- (H) Other factors, if any, specific to the project.

Each firm shall demonstrate in its Expanded Letter of Interest its ability to perform the specific requirements indicated for this project by including a maximum three page report on this subject.

The Expanded Letters of Interest and required forms must be received by 12 noon, Friday, June 6, 1997. Any letters of interest received after this date and time will be time-stamped and returned.

Based on an evaluation of acceptable Expanded Letters of Interest in response to this solicitation, one firm will be selected for this project. The order of preference will be established for the purpose of negotiating an agreement with the highest ranked firm established by the Technical Review Committee and approved by the Selection Committee. Technical Proposals will not be requested for final selection.

The Commission reserves the right to reject all letters of interest submitted, to cancel the solicitation requested under this notice and/or to readvertise solicitation for these services.

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 97-869. Filed for public inspection May 23, 1997, 9:00 a.m.]

## Request for Expanded Letters of Interest; Retention of Engineering Firm

### Systemwide Reference No. 3-094

The Turnpike Commission will retain an engineering firm to provide environmental services on an open-end basis on various projects being performed by the Turnpike. The type of tasks to be addressed may include, but are not limited to, the following: Project need documentation; alternatives analysis evaluation; farmlands evaluations and ALCAB presentations; historical structures inventories; Phase I, II, and III archeological investigations; wetlands identification and delineation, value and function analysis, and mitigation design; surface water quality and aquatic biota investigations; hazardous waste investigations; noise monitoring, modeling and abatement evaluations; and air quality investigations.

The contract will be for a maximum cost of \$500,000, or for a period of 2 years, whichever occurs first.

Direct inquiries to Nancy K. Heigel at (717) 939-9551, Extension 3480.

### General Requirements and Information

Firms interested in performing the above services are invited to submit Expanded Letters of Interest to Barry L. Troup, P.E., Assistant Chief Engineer—Design, Administration Building located on Eisenhower Boulevard at the Harrisburg-East Interchange near Highspire, PA (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676).

The Expanded Letters of Interest must include in the heading the project reference number indicated in the advertisement. A Standard Form 254, "Architect-Engineer and Related Services Questionnaire," not more than 1 year old as of the date of this advertisement, and Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project," must accompany each letter of interest. If the firm has multiple offices, the location of the office performing the work must be identified.

Firms with out-of-State headquarters or corporations not incorporated in this Commonwealth must include with each letter of interest a copy of their registration to do business in this Commonwealth as provided by the Department of State.

The Turnpike Commission currently limits its participation in the remuneration of principals or consultant employees performing work on projects to \$72,800 per annum or \$35 per hour or their actual audited remuneration, whichever is less. The Commission currently limits its participation in the consultant's indirect payroll costs (overhead) on design projects to 130% or the consultant's actual audited overhead rate, whichever is less.

The following factors will be considered by the Committee during their evaluation of the firms submitting Letters of interest:

- (A) Specialized experience and technical competence of firm.
- (B) Past record of performance with respect to cost control, work quality and ability to meet schedules. The specific experience of individuals who would be involved

in the project shall be considered, including the Project Manager.

(C) Expanded Letters of Interest should include an indication of the prime consultant's and subconsultant's current workload by submitting Form D-427 (as revised 6/89) listing all Department of Transportation and Turnpike Commission projects.

(D) Location of consultant's office where the work will be performed.

(E) Listing of subconsultants intended. Any deviation from the subconsultants listed in the letter of interest will require written approval from the Commission, if selected.

(F) Special requirements of the project.

(G) An organization chart for the project identifying key personnel. Only resumes of key personnel should be included.

(H) Other factors, if any, specific to the project.

Each firm shall demonstrate in its Expanded Letter of Interest its ability to perform the specific requirements indicated for this project by including a maximum three page report on this subject.

The Expanded Letters of Interest and required forms must be received by 12 noon, Friday, June 6, 1997. Any letters of interest received after this date and time will be time-stamped and returned.

Based on an evaluation of acceptable Expanded Letters of Interest in response to this solicitation, one firm will be selected for this project. The order of preference will be established for the purpose of negotiating an agreement with the highest ranked firm established by the Technical Review Committee and approved by the Selection Committee. Technical Proposals will not be requested for final selection.

The Commission reserves the right to reject all letters of interest submitted, to cancel the solicitation requested under this notice and/or to readvertise solicitation for these services.

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 97-870. Filed for public inspection May 23, 1997, 9:00 a.m.]



# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

**EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.**

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". A qualified small business concern is an independently owned, operated for profit, business employing 100 or fewer employes and is not a subsidiary or affiliate of a corporation otherwise not qualified.

Such penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter. The small business concern must include on every invoice submitted to the Commonwealth: "(name of vendor) is a qualified small business concern as defined at 4 Pa. Code § 2.32".

For information on the required payment date and annual interest rate, please call the Pennsylvania Department of Commerce, Small Business Action Center, 483 Forum Building, 783-5700.

### Reader's Guide

#### Legal Services & Consultation—26

- ① Service Code Identification Number
- ② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services  
 Location: Harrisburg, Pa.  
 Duration: 12/1/93-12/30/93  
 Contact: Procurement Division  
 787-0000

③ Contract Information

④ Department

⑦

⑤ Location

(For Commodities: Contact:)  
 Vendor Services Section  
 717-787-2199 or 717-787-4705

⑥ Duration

#### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

## GET THAT COMPETITIVE EDGE—FOR FREE!

Do you want to do business with your state government? The Treasury Department's office of Contract Information Services can assist you by providing you with information that may be helpful to you in successfully bidding on State contracts.

Act 244 of 1980 requires Commonwealth departments and agencies to file with the Treasury Department a copy of all contracts involving an expenditure of \$5,000 or more.

These fully executed contracts usually contain the vendor's name, dollar value, effective and termination dates and contract specifications. Some contracts also include the names of other bidding vendors and the bid proposal compiled by the awarded vendor. There is a minimal cost for photocopying contracts.

Allow the Treasury Department to "make a difference for you." For contract information call the office of Contract Information Services TOLL-FREE (in Pennsylvania) at 1-800-252-4700 or (717) 787-4586. Or you may write or visit the office at Room G13, Finance Building, Harrisburg, Pa. 17120.

BARBARA HAFER,  
*State Treasurer*

**Online Subscriptions At <http://www.statecontracts.com> 1-800-334-1429 x340**

### Commodities

**1615156** Communication equipment—3 each Sony digital betacam editing recorder/player Model DVW-A500 with analog composite card, rack mount kit and service manuals; 1 each Sony DAT audio tape recorder Model PCM-7040 with rack mount rails, adaptor and service manuals.

**Department:** General Services  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**8104340** Computer equipment and related supplies—40 each pen-based field computer data collectors. Mounted docking stations: 28 each vehicle; 1 each console; 12 each desktop; 27 each pedestal mounting assembly; Power/Recharger System External: 30 each AC; 14 each automobile and 40 each external removable-media disk drive.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**8970060** Construction, mining, excavating and highway maintenance equipment—3 each latest model loader, backhoe, 1.5 CY with extended dipper stick and 9 each latest model loader, backhoe, 1.5 CY with extended dipper stick and with clam bucket.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**8970070** Construction, mining, excavating and highway maintenance equipment—16 each latest model loader, 1.75 CY with quick disconnect; 14 each latest model loader, 1.75 CY and 3 each latest model loader, 3.0 CY with quick disconnect.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**8970080** Construction, mining, excavating and highway maintenance equipment—3 each latest model excavator, hydraulic, 39K, 4X4, dual wheels.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**8970100** Construction, mining, excavating and highway maintenance equipment—3 each latest model excavator, hydraulic, 44K, track.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**8970160** Construction, mining, excavating and highway maintenance equipment—2 each tank, asphalt storage, 2K gallon, electric; 2 each 10K gallon, electric—3 phase/60HZ.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**8970280** Construction, mining, excavating and highway maintenance equipment—4 each plow, multi-position with American coupler.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**8970410** Construction, mining, excavating and highway maintenance equipment—88 each latest model spreader, air velocity.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**8970420** Construction, mining, excavating and highway maintenance equipment—18 each plow, reverse, 42' and 20 each plow, reverse, 50'.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**1976116** Food preparation and serving equipment—1870 cases; three (3) compartment styrofoam trays with three (3) section hinged lid, all plastic china foam, 250/case.

**Department:** Corrections  
**Location:** Camp Hill, Cumberland County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**1986046** Laboratory instruments, equipment and supplies—20 kits, Aflatoxin No. 8030; 30 kits, Vomitoxin No. 8330; 36 kits: Zearalenone No. 8110, T-2 Toxin No. 8210, Fumonisin No. 8830. All items "or equal."

**Department:** Agriculture  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**1966156** Lighting fixtures, lamps and clocks—1 lot; furnish and set up, ready to operate: Mark VII dimmer cabinet—Mark VII dimmerbank with accessories.

**Department:** University of Pittsburgh  
**Location:** Greensburg, Westmoreland County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**1051227** Marine equipment and supplies—78 barrels; Paracide F or Paracide S (Formalin) containing 9-12.5% methanol for stabilization. Material to be used in treatment for fungal and parasitic diseases of fish and fish eggs.

**Department:** Fish and Boat Commission  
**Location:** Bellefonte, Centre County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**8970020** Motor vehicles, trailers and cycles—27 each latest model crew cab and chassis, dual rear wheels, automatic transmission; 10 each latest model crew cab and chassis, dual rear wheels, automatic transmission with body, fiberglass (utility); 9 each latest model crew cab and chassis, dual rear wheels, manual transmission with body, service (steel) and 7 each latest model crew cab and chassis, dual rear wheels, manual transmission with body, service.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**8970090** Motor vehicles, trailers and cycles—7 each latest model truck, 1 ton, shop, service body, dual rear wheels, automatic transmission.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**8970230** Motor vehicles, trailers and cycles—79 each 1997 or 1998 model sedan, compact.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**8970360** Motor vehicles, trailers and cycles—4 each 1997 or 1998 model truck, 1/2 ton, automatic transmission, full size with air conditioning.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**1869256** Office equipment—10 each paper shredders, medium duty, cross cut.

**Department:** Probation and Parole  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**1016187** Paper and printing—25M; decals, 1998 cigarette vending machine license decals.

**Department:** Revenue  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**1025127** Paper and printing—133.2M; Assessment forms and 30M; development plans.

**Department:** Labor and Industry  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**1932116** Security systems and related equipment—14 each Lathem Tourscan guard tour system TS1000 kit to include reader unit, rechargeable battery, holster with belt strap, related accessories and software.

**Department:** Corrections  
**Location:** Camp Hill, Cumberland County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

**2008116** Construction & Building Materials—Various sizes/quantities of materials for security fencing. Includes band clamps and clamp rail ends, galvanized, stainless steel wire ties, coil razor wires, posts, top caps, fences, rails & cross connectors.

**Department:** Corrections  
**Location:** Pittsburgh, Allegheny County, PA  
**Duration:** FY 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

## SERVICES

### Computer Related Services—8

**ME718227** The Department is soliciting proposals from OEMs to supply, install and maintain a new mainframe computer. The Department currently operates an IBM mainframe. It desires either an upgrade to a newer model or a plug-compatible substitute for this newer model. The contract will include five years maintenance beyond installation.

**Department:** Revenue  
**Location:** Bureau of Information Systems, Strawberry Square, Harrisburg, PA  
**Duration:** Five years  
**Contact:** Gerry Miller, (717) 772-9730

**ITQ-BMC-IT** The Office of Administration, Bureau of Management Consulting is seeking qualified research and consulting support vendors to provide independent research and consulting support for information technology. The vendor must provide research and consulting support to all participating Commonwealth agencies for information relative to Technology Initiatives. The vendor will only provide such services in the form of CDROM, Internet, or other electronic media. In addition, the vendor will provide telephone support, white papers teleconferencing and other services to all participating Commonwealth agencies.

**Department:** Office of Administration  
**Location:** Bureau of Management Consulting, Statewide; all participating Commonwealth agencies  
**Duration:** Initial two year contract with three optional one year extensions  
**Contact:** Paul Hindmarsh, (717) 783-9450

### Construction and Construction Maintenance—9

**080970** Erie County Group 1-97-200; Berks County Group 5-97-POC1A; Chester County Group 6-97-ST34; Montgomery County Group 6-97-ST40; District Wide Group 110-97-7651-1; Allegheny County SR 79 (A04/X10).

**Department:** Transportation  
**Location:** Districts 1-0, 5-0, 6-0, 11-0  
**Duration:** FY 1996-97  
**Contact:** V. C. Shah, (717) 787-5914

**DGS A 376-4 Rebid** Project title: Replacement of Gutters and Downspouts, Unit B and C. Brief description: replacement of gutters and downspouts on building B and C. Install new snow melting cables in gutters, downspouts and halfway up valleys and necessary electrical work. General and electrical construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, Pennsylvania 17125. (717) 787-3923. Bid date: Wednesday, June 4, 1997 at 11:00 a.m.

**Department:** General Services  
**Location:** State Correctional Institution, Laurel Highlands, Somerset, Somerset County, PA  
**Duration:** 150 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS A 504-67** Project title: Partial Roof Replacement. Brief description: remove existing roofing systems. Install a new sprayed urethane foam and stone roofing system including new gravel stop, drains, etc. Note: existing built-up roof flashings contains asbestos. General construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, Pennsylvania 17125. (717) 787-3923. Bid date: Wednesday, June 11, 1997 at 11:00 a.m.

**Department:** General Services  
**Location:** Embreeville Center, Coatesville, Chester County, PA  
**Duration:** 90 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS A 504-68** Project title: Partial Roof Replacement. Brief description: remove existing roofing systems, etc. Install a new sprayed urethane foam and stone roofing system including new gravel stop, drains, etc. and repair metal roof decking. Note: existing built-up roof flashing contains asbestos. General construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, Pennsylvania 17125. (717) 787-3923. Bid date: Wednesday, June 11, 1997 at 11:00 a.m.

**Department:** General Services  
**Location:** Embreeville Center, Coatesville, Chester County, PA  
**Duration:** 90 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS A 509-100** Project title: Replace Roof. Brief description: remove existing roofing systems and install new foam and stone roof system including new gravel stop system, etc. Note: existing roof flashings have been tested and found to contain asbestos. General construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, Pennsylvania 17125. (717) 787-3923. Bid date: Wednesday, June 4, 1997 at 11:00 a.m.

**Department:** General Services  
**Location:** Norristown State Hospital, Norristown, Montgomery County, PA  
**Duration:** 90 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS A 553-63** Project title: Recover Mansard Roofs. Brief description: remove existing shingles on mansard roofs and install new fiberglass shingles. Install liquid coating on existing painted copper cornice. General construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, Pennsylvania 17125. (717) 787-3923. Bid date: Wednesday, June 4, 1997 at 11:00 a.m.

**Department:** General Services  
**Location:** Hamburg Center, Hamburg, Berks County, PA  
**Duration:** 125 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS A 553-78** Project title: Replace Roof on Building No. 15. Brief description: new spray polyurethane foam and coating roof system. New gutters and downspouts. General construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, Pennsylvania 17125. (717) 787-3923. Bid date: Wednesday, June 4, 1997 at 2:00 p.m.

**Department:** General Services  
**Location:** Selinsgrove Center, Selinsgrove, Snyder County, PA  
**Duration:** 120 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS A 555-63** Project title: Recover Mansard Roofs. Brief description: remove existing shingles on mansard roofs and install new fiberglass shingles. Install liquid coating on existing painted copper cornice. General construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, Pennsylvania 17125. (717) 787-3923. Bid date: Wednesday, June 4, 1997 at 11:00 a.m.

**Department:** General Services  
**Location:** Hamburg Center, Hamburg, Berks County, PA  
**Duration:** 125 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS A 960-71** Project title: Building Renovation. Brief description: renovate existing coal storage bin for storage for reproduction area. Install a new concrete slab, cut opening and install new doors, new lights and heating unit. General construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, Pennsylvania 17125. (717) 787-3923. Bid date: Wednesday, June 4, 1997 at 2:00 p.m.

**Department:** General Services  
**Location:** Fort Indiantown Gap, Annville, Lebanon County, PA  
**Duration:** 90 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS 964-23** Project title: New Armory. Brief description: construction of new single story 24,400 S.F. National Guard Armory with paved parking lot, fencing and site improvements. Building is steel structure with masonry walls, with HVAC, plumbing and electrical systems. General, HVAC, plumbing and electrical construction. Plans deposit: \$210 per set. Payable to: DRS Hundley Kling Gmitter. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: DRS Hundley Kling Gmitter, One Gateway Center, 17th Floor, Ford City, PA 15222-1416. (412) 391-4850. Bid date: Wednesday, June 18, 1997 at 11:00 a.m.

**Department:** General Services  
**Location:** New Armory, Ford City, Armstrong County, PA  
**Duration:** 300 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DGS 1104-38** Project title: Renovation and Conversion of College Hall. Brief description: work includes selective demolition, exterior masonry repair, steel framing, roofing and window replacement. General construction. Plans deposit: \$87.00 per set. Payable to: Voith & MacTavish Architects. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: Voith & MacTavish Architects, 1616 Walnut Street, 24th Floor, Philadelphia, PA 19103-5397. (215) 545-4544. Bid date Wednesday, June 18, 1997 at 11:00 a.m. A pre-bid conference has been scheduled for Monday, June 2, 1997 at 2:00 p.m. in Room 102, Curtis Hall, North Side and Montgomery Avenue between Broad Street and 13th Street, Philadelphia, PA. Contact: Marvin Gerstein at (215) 204-8113. All contractors who have secured plans and specifications are invited and urged to attend.

**Department:** General Services  
**Location:** Temple University, Philadelphia, Philadelphia County, PA  
**Duration:** 195 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**IN-727** Road and Site Development South Campus. Work consists of road and site development, South Campus Area consisting of removing existing ground, trees, shrubs, topsoil, grass, weeds, etc., to furnish and install new concrete masonry units, lintels, doors, insulation, paint, plywood, exhaust fans, ductwork, gas fired unit heaters, plumbing fixtures, floor drains, water piping, water fountains, hot water heaters, telephone cable, data cable, CATV cable, electric wiring, light fixtures, receptacles, light switches, bituminous paving, concrete sidewalks, baseball fields, chain link fencing, precast manholes, bleachers, topsoil, grass seed, etc. Notice to Contractors must be requested from IUP. Phone: (412) 357-2289, Fax: (412) 357-6480.

**Department:** State System of Higher Education  
**Location:** Indiana University of Pennsylvania, Indiana, PA 15705-1087  
**Duration:** 6 months  
**Contact:** Ronald E. Wolf, Procurement Specialist, (412) 357-4851

## Court Reporting—10

**97-003** Purpose of contract will arrange for the recording and transcription services of meeting minutes for the Bureau of Professional and Occupational Affairs. All requests for the Invitation for Bid must be in writing and can be faxed to: (717) 783-2724.

**Department:** State  
**Location:** Statewide  
**Duration:** July 1, 1997 to June 30, 2002  
**Contact:** Andrea Quigley, (717) 783-7202

## Drafting and Design Services—12

**SP-344813** Provide all labor, materials, equipment and transportation to provide Graphic Services to the Department of Public Welfare, including: artistic drawings; sketches, charts, posters and illustrations; composition of text and type setting, preparation of mechanicals including paste-ups; making PNT prints, mounting of charts, posters, etc., on form core; preparation of materials and making 35mm slides, lamination of materials and shooting of negatives. Complete details and specifications may be obtained by contacting the Procurement Office.

**Department:** Public Welfare  
**Location:** Division of Management Services, 2nd Floor Bertolino Building, 1401 North 7th Street, Harrisburg, PA 17120  
**Duration:** 07/01/97 to 06/30/99 with three additional one-year renewals  
**Contact:** Linda Reynolds, (717) 783-9699

## Environmental Maintenance Services—15

**OSM 02(1943)101.1** Abandoned Mine Reclamation Project at McDowell Run. Involves 975 tons of rock to backfill mine shaft, concrete demolition and 400 tons of soil backfill. One Hundred Percent (100%) of this project is financed by the Federal Government. Federal funds available for this program total \$22 million dollars for Pennsylvania's 1996 AML Grant.

**Department:** Environmental Protection  
**Location:** Fawn Township, Allegheny County, PA  
**Duration:** 45 days after Notice to Proceed  
**Contact:** Construction Contracts Unit, (717) 783-7994

**OSM PA (820)106.5** On call Angular Core Boring Subsurface Investigation in the Anthracite Coal Region. Involves an estimated 5 work sites, 500 L. F. of Angular Overburden Drilling, 1,500 L. F. of 2 1/8" size Angular Core Drilling, 200 L. F. Reaming Angular Corehole, 200 L. F. of 4" I.D. casing pipe. One hundred percent (100%) of this project is financed by the Federal Government. Federal funds available for this program total \$9 million for Pennsylvania's 1997 AML Grant.

**Department:** Environmental Protection  
**Location:** Counties of Columbia, Lackawanna, Luzerne, Northumberland and Schuylkill, PA  
**Duration:** 365 days after Notice to Proceed  
**Contact:** Construction Contracts Unit, (717) 783-7994

## Food—19

**3811** Coffee, concentrate, decaffeinated, frozen, liquid. Successful bidder to furnish, install and maintain at no additional cost to the hospital all dispensing equipment as specified in bid.

**Department:** Public Welfare  
**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, Lackawanna County, PA 18411-9505  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Stanley Rygelski, Purchasing Agent, (717) 587-7291

**8299** Juices and juice drinks, 4/3 liter express pak. Delivery date(s), special delivery instructions and quantities may be obtained from the hospital. Award to be made on an aggregate basis. Delivery schedules 8 a.m.—3:30 p.m., Monday—Friday except State and National holidays.

**Department:** Public Welfare  
**Location:** Warren State Hospital, Institutional Storeroom, Route 62 North, North Warren, Warren County, PA 16365  
**Duration:** July 1997 to June 1998  
**Contact:** BD Muntz, (814) 726-4496

**320-183616** Groceries and frozen foods. Additional information can be obtained by contacting this facility.

**Department:** Military and Veterans Affairs  
**Location:** PA Soldiers and Sailors Home, 560 East 3rd Street, P. O. Box 6239, Erie, PA 16512-6239  
**Duration:** July 1, 1997 to September 30, 1997  
**Contact:** Jeanette Gualtieri, (814) 878-4930

**8710-0400-000** Flour, bleached and/or unbleached. PA Specification F-031 shall be applicable. Preferred packaging shall be one hundred (100) pounds per unit.

**Department:** Corrections  
**Location:** State Regional Correctional Facility-Mercer, 801 Butler Pike, Mercer, PA 16137-9651  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** John J. Pitonyak, Purchasing Agent, (412) 662-1837, ext. 194

**8970-1000-000** Frozen beef, poultry, fish, vegetables, processed foods, eggs and margarine prints. Items to be bid quarterly (90-day) basis with scheduled deliveries. Approximate velocities of consumption are carcass and process beef products—20m lbs.; carcass and processed chicken products—31m lbs.; carcass and processed turkey products—33m lbs.; vegetables—4.5m; processed foods—6m lbs.; vegetable pie—180 cases; waffles—280 cases; eggs—640 cases; and margarine prints—2m cases. Specifications for these requested items shall be contained within bid format. All quantities are approximations.

**Department:** Corrections  
**Location:** State Regional Correctional Facility-Mercer, 801 Butler Pike, Mercer, PA 16137-9651  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** John J. Pitonyak, Purchasing Agent, (412) 662-1837, ext. 194

**8970-1300-000** Cheese products as follows: yellow, Grade B or better, processed cheese—8m lbs.; mozzarella—5m lbs.; and cheddar—4m lbs. All items shall be bid on a quarterly basis with scheduled deliveries. Cheese specifications shall be contained within the quote format. Poundages per item are approximations.

**Department:** Corrections  
**Location:** State Regional Correctional Facility-Mercer, 801 Butler Pike, Mercer, PA 16137-9651  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** John J. Pitonyak, Purchasing Agent, (412) 662-1837, ext. 194

**FS 001** Condiments—including but not limited to catsup, dressings, mustard, pickles/relish, spices, horseradish, jelly, etc.

**Department:** Corrections  
**Location:** State Correctional Institution-Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Peggy A. Chilcote, Purchasing Agent, (814) 643-6520, ext. 125

**FS 002** Noodles and pasta.

**Department:** Corrections  
**Location:** State Correctional Institution-Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Peggy A. Chilcote, Purchasing Agent, (814) 643-6520, ext. 125

**FS 003** Produce—fresh fruits and vegetables, ready-to-use vegetables—including but not limited to garlic, lettuce, celery, cucumbers, carrots, oranges, apples, potatoes, onions, kale, spinach, bananas, cabbage, grapefruit, tomatoes, peppers, watermelon, tangerines, cantaloupe and similar items. Items to be bid as needed.

**Department:** Corrections  
**Location:** State Correctional Institution-Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Peggy A. Chilcote, Purchasing Agent, (814) 643-6520, ext. 125

**FS 004** Bread—fresh, white, 23 ounce loaves, 28 usable slices, excluding heels. Items to be bid as needed.

**Department:** Corrections  
**Location:** State Correctional Institution-Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Peggy A. Chilcote, Purchasing Agent, (814) 643-6520, ext. 125

**FS 005** Fish and seafood—haddock and cod. Breaded and unbreaded, minced clams, and other seafood as required.

**Department:** Corrections  
**Location:** State Correctional Institution-Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Peggy A. Chilcote, Purchasing Agent, (814) 643-6520, ext. 125

**FS 006** Bread and roll bases—including but not limited to half-n-half rye bread maker and conditioner, base: Bak-Krisp Instant Bread and Roll Base; Half-n-Half Wheat Bread Base and No. 20 Dinner Roll Base. Items to be bid as needed.

**Department:** Corrections  
**Location:** State Correctional Institution-Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Peggy A. Chilcote, Purchasing Agent, (814) 643-6520, ext. 125

**FS 007** Canned vegetables—as needed.

**Department:** Corrections  
**Location:** State Correctional Institution-Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Peggy A. Chilcote, Purchasing Agent, (814) 643-6520, ext. 125

**FS 008** Processed meats—including but not limited to turkey ham, turkey bologna, turkey salami, beef, Lebanon bologna, bacon, turkey franks, veal patties and Pullman hams.

**Department:** Corrections  
**Location:** State Correctional Institution-Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Peggy A. Chilcote, Purchasing Agent, (814) 643-6520, ext. 125

**FS 009** Vega-Jel desserts—all vegetable products.

**Department:** Corrections  
**Location:** State Correctional Institution-Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Peggy A. Chilcote, Purchasing Agent, (814) 643-6520, ext. 125

**FS 010** Prepared foods—including but not limited to Rellendos De Papas and Alcapurrias.

**Department:** Corrections  
**Location:** State Correctional Institution-Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Peggy A. Chilcote, Purchasing Agent, (814) 643-6520, ext. 125

**FS 011** Beans, dry: PA Spec. B-72, Eff. 3/77, and Amend, No. 1 Eff. 6/79. 100 lb. bags net weight, including but not limited to lima, Type A, Extra No. 1; Type C, choice handpicked; red kidney, Type E, U. S. No. 1, blackeyed peas, pinto beans and other related items as required.

**Department:** Corrections  
**Location:** State Correctional Institution-Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Peggy A. Chilcote, Purchasing Agent, (814) 643-6520, ext. 125

**FS 019** Ice cream/coffee creamers/cottage cheese—ice cream: vanilla and Neapolitan slices and similar items as required (no pork products). Coffee creamers, cottage cheese, large curd.

**Department:** Corrections  
**Location:** State Correctional Institution-Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Peggy A. Chilcote, Purchasing Agent, (814) 643-6520, ext. 125

**FS 020** Cheese—consisting of yellow or white American cheese, shredded mozzarella or various block cheeses and related items, as required.

**Department:** Corrections  
**Location:** State Correctional Institution-Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Peggy A. Chilcote, Purchasing Agent, (814) 643-6520, ext. 125

**FS 021** Baking products—including but not limited to canned sauces and related items as required. Bid as required. Items to consist of some of the following: waffles, pizza shells, tacos, taco seasonings, baking soda, baking powder, yeast, various extracts, pizza sauces, flour/wheat, all purpose cake blend, 100 lb. bag, cheese pizzas, and oleomargarine. Bid when required on quarterly basis. Bid proposal on file in agency purchasing department prior to bid solicitation.

**Department:** Corrections  
**Location:** State Correctional Institution-Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Peggy A. Chilcote, Purchasing Agent, (814) 643-6520, ext. 125

**FS 022** Frozen eggs/frozen egg products.

**Department:** Corrections  
**Location:** State Correctional Institution-Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Peggy A. Chilcote, Purchasing Agent, (814) 643-6520, ext. 125

**FS 023** Poultry and poultry products: chicken fryers, turkey roast, ground turkey, stewing chickens, chicken wing dings, drumsticks, chicken breast fillets, whole turkeys and related items as required.

**Department:** Corrections  
**Location:** State Correctional Institution-Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Peggy A. Chilcote, Purchasing Agent, (814) 643-6520, ext. 125

**FS 024** Eggs—shell, white, Grade A, Class 1, medium, naturals, Pa. Spec. E-10, Eff. 05/01/74, 30 dozen per case. Item to be bid periodically as needed. Eggs must be delivered in a refrigerated truck.

**Department:** Corrections  
**Location:** State Correctional Institution-Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Peggy A. Chilcote, Purchasing Agent, (814) 643-6520, ext. 125

**FS 025** Frozen items—including but not limited to vegetables, bakery products, entrees, pizza, etc.

**Department:** Corrections  
**Location:** State Correctional Institution-Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Peggy A. Chilcote, Purchasing Agent, (814) 643-6520, ext. 125

**Inquiry No. 113-0002** Milk and milk products to be delivered to Southwestern PA Veterans Center. Specifications of contract available upon request.

**Department:** Military and Veteran Affairs  
**Location:** Southwestern PA Veterans Center, 7060 Highland Drive, Pittsburgh, PA 15206-1297  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Ken Wilson, (412) 365-5594

**8935** Snack foods: corn twists, potato chips, pretzels. Amounts to be delivered as requested during the contract period.

**Department:** Public Welfare  
**Location:** Selinsgrove Center, Box 500, Route 522, Selinsgrove, PA 17870  
**Duration:** July 1 1997 to September 30, 1998  
**Contact:** Arletta K. Ney, Purchasing Agent, (717) 372-5070

**HVAC—22**

**Project No. 923** Provide emergency and routine repair work for heating system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts provided by his firm for a 90-day period. Bid proposal forms used to submit bids are available from the State Armory Board.

**Department:** Military and Veterans Affairs  
**Location:** OMS No. 4, Rapps Dam Road, Phoenixville, Chester County, PA  
**Duration:** October 1, 1997 to September 30, 2000  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 924** Provide emergency and routine repair work for heating system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

**Department:** Military and Veterans Affairs  
**Location:** OMS No. 22, 826 Crane Avenue, Pittsburgh, Allegheny County, PA  
**Duration:** October 1, 1997 to September 30, 2000  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 925** Provide emergency and routine repair work for heating system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

**Department:** Military and Veterans Affairs  
**Location:** OMS No. 13A, 324 Emerson Street, Pittsburgh, Allegheny County, PA  
**Duration:** October 1, 1997 to September 30, 2000  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 926** Provide emergency and routine repair work for heating system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

**Department:** Military and Veterans Affairs  
**Location:** OMS, 2601 River Road, Reading, Berks County, PA  
**Duration:** October 1, 1997 to September 30, 2000  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 927** Provide emergency and routine repair work for heating system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

**Department:** Military and Veterans Affairs  
**Location:** OMS No. 2, 1800 Gibson Street, Scranton, Lackawanna County, PA  
**Duration:** October 1, 1997 to September 30, 2000  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 928** Provide emergency and routine repair work for heating system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

**Department:** Military and Veterans Affairs  
**Location:** AASF, 125 Goodridge Lane, Washington, Washington County, PA  
**Duration:** October 1, 1997 to September 30, 2000  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 929** Provide emergency and routine repair work for heating system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

**Department:** Military and Veterans Affairs  
**Location:** OMS No. 28, 1300 Penn Street, Williamsport, Lycoming County, PA  
**Duration:** October 1, 1997 to September 30, 2000  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 930** Provide emergency and routine repair work for heating system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

**Department:** Military and Veterans Affairs  
**Location:** OMS No. 8, 280 Market Street, Wilkes-Barre, Luzerne County, PA  
**Duration:** October 1, 1997 to September 30, 2000  
**Contact:** Emma Schroff, (717) 861-8518

**0830-9701** Electrical maintenance and repair services at various sites within the boundaries of Franklin County.

**Department:** Transportation  
**Location:** Franklin County, PA  
**Duration:** 12 months  
**Contact:** Perry Goetz, (717) 264-4171

**M-SP-96-008** The contractor shall provide preventive maintenance and repairs to the following six (6) sections of power equipment: generator interface/control units, outdoor 15KV in-coming switchgear, generator 5KV switchgear section, load bus switchgear, thirteen (13) satellite motor operated switch gear and fuse and battery system. This equipment is located at the State Correctional Institution at Coal Township.

**Department:** Corrections  
**Location:** State Correctional Institution-Coal Township, 1 Kelley Drive, Coal Township, PA 17866  
**Duration:** July 1, 1997 to June 30, 2000  
**Contact:** Faith Gilger, (717) 644-7890, ext. 143

**WC 642** Using the existing underground manhole and 5" conduit and duct system, replace the 5KV feeder with a premium grade 5KV shielded EPR insulated cable. The cable will run from the main substation to Ramsey Hall, Tyson Hall, the maintenance garage, Goshen Hall and Mitchell Hall. Prevailing wages apply.

**Department:** State System of Higher Education  
**Location:** West Chester University, West Chester, PA 19383  
**Duration:** 100 calendar days from Notice to Proceed  
**Contact:** Jacki Marthinsen, Contracts Manager, (610) 436-2705

**X107142** Provide regular routine and emergency service of the electrical system on-board Mobile Analytical Units.

**Department:** Environmental Protection  
**Location:** Bureau of Laboratories, 3rd and Reily Streets, Harrisburg, PA  
**Duration:** July 1, 1997 to June 30, 2000  
**Contact:** Ally Castaneira, (717) 787-2471

**Janitorial Services—23**

**050-302** Operation and maintenance of Roadside Rest Area and Welcome Center in Monroe County both located on I-80 eastbound. A separate contract for each site will be prepared. Requests for bid packages must be requested on or before close of business 4 p.m., June 6, 1997.

**Department:** Transportation  
**Location:** Monroe County, I-80 Eastbound  
**Duration:** One year from effective date  
**Contact:** William E. Bellas, (610) 798-4190

**Mailing Services—28**

**SP 327833** Provide interstate and intrastate pick-up and delivery of packages. Shipments will be made on a daily basis at designated offices and on an as-needed basis at other office locations designated by the PA Board of Probation and Parole.

**Department:** Board of Probation and Parole  
**Location:** Statewide  
**Duration:** July 1, 1997 to June 30, 1999  
**Contact:** Michelle Carl, Purchasing Agent, (717) 787-8879

**Medical Services—29**

**9751** Ear, nose and throat services for Warren State Hospital patients. Specifications may be obtained from the hospital. Award to be made on an aggregate 3 year basis.

**Department:** Public Welfare  
**Location:** Warren State Hospital, Route 62 North, North Warren, Warren County, PA 16365  
**Duration:** October 1997 to September 2000  
**Contact:** BD Muntz, (814) 726-4496

**300761 (Rebid)** Animal Assisted Therapy Program: the service is consultation to the Animal-Assisted Therapy (AAT) Program. The consultant has to be familiar with the rationale and operating procedures of the program. During on-site visits, he/she will observe one or two AAT sessions and provide both oral and written critique. He/she will meet with therapists and committee members on an hourly schedule to review practices, assist problem solving and make recommendations. On occasion, he/she may meet with administrators to plan direction of the program.

**Department:** Public Welfare  
**Location:** Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300  
**Duration:** July 1, 1997 to June 30, 2000, a period of three years  
**Contact:** Jack W. Heinze, Purchasing Agent III, (717) 772-7435

**321049** Provide service as a medical specialist in the field of Urology to patients of the Norristown State Hospital on a "fee for services" basis at a hospital building. Yearly estimates of service are: 35 each cystoscopies; 90 each new patient consultation; 175 each follow-up visits. Other procedures, if any, at DPW Manual Rates. Provider must be PA Board Certified and be licensed in PA.

**Department:** Public Welfare  
**Location:** Norristown State Hospital, 1001 Sterigere Street, Norristown, Montgomery County, PA 19401  
**Duration:** July 1, 1997 to June 30, 2000 with renewals  
**Contact:** Rita Hanly, D.O., (610) 270-1106

**Property Maintenance—33**

**4610** Micro-surfacing approximately 6,000 square yards of equipment division parking lot.

**Department:** Transportation  
**Location:** 17th and Arsenal Boulevard, Harrisburg, PA 17120—See above contract description  
**Duration:** July 1997 to October 1997  
**Contact:** Carla Crist, (717) 787-2335

**FM-45** Furnish all labor, materials and equipment to cut, trim and maintain grass area; trimming of shrubs; and fertilization at the PA State Police, Kittanning Station, R. D. 8, Box 49, Kittanning, PA 16201. Supply all equipment to perform service and remove all clippings, trimmings and debris from premises. Detailed work schedule and bid specifications must be obtained from Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Facility Management Division, Kittanning Station, R. D. 8, Box 49, Kittanning, PA 16201  
**Duration:** August 1, 1997 to June 30, 2000  
**Contact:** Deshawn Lewis or Joan Berkoski, (717) 783-5484

**SP344808** Provide interior office painting at the Warren County Assistance Office, Building 29, located on the grounds of the Warren State Hospital. The contractor shall supply all labor, equipment, paint and materials necessary to patch and paint all painted surfaces. Complete details and specifications may be obtained by contacting the Procurement Office.

**Department:** Public Welfare  
**Location:** P. O. Box 397, Building No. 29, State Hospital Grounds, Warren, PA 16365  
**Duration:** July 1, 1997 to December 31, 1997  
**Contact:** Lori Vessella, (717) 783-9281

**WC 646** Remove and dispose of all existing ballast built-up roofing assembly, insulation and flashing, then install new EPDM membrane and insulation, fasteners and necessary flashing. Work also includes proper removal and disposal of all perimeter wall flashings and equipment curb flashing only. These flashings contain asbestos, except the six (6) new roof top air handlers' curbs and one (1) exhaust curb flashing that do not contain asbestos. Prevailing wages apply.

**Department:** State System of Higher Education  
**Location:** West Chester University, Peoples Building, West Chester, PA 19383  
**Duration:** 60 calendar days from Notice to Proceed  
**Contact:** Jacki Marthinsen, Contracts Manager, (610) 436-2705

**Real Estate Services—35**

**00703 000 96 RFP-EMV-1** Development Project. The Pennsylvania Historical and Museum Commission (PHMC) is soliciting qualification proposals (RFQI) from parties interested in becoming a developer/lessee for a portion of the Eckley Miners' Village historic site located near Weatherly, Pennsylvania. The project includes the preservation and adaptive use of up to 33 historic miners' houses. The ultimate uses of the houses will be as proposed by the developer, and approved by the PHMC. The site will continue to be operated by the PHMC as an historic site interpreting life in a 19th century anthracite coal mining town. The 33 available properties will be open for inspection on June 4 and 13, 1997, from 10 a.m. to 5 p.m. An on-site preproposal meeting is scheduled for July 9, 1997, at 10 a.m., at which time the 33 properties will also be open for inspection. Qualification proposals, in response to the RFQI package, are due at the PHMC offices no later than noon, August 6, 1997. Qualified lessees then will be requested to submit detailed project proposals. Copies of the RFQI package and additional information about the project is available from the Pennsylvania Historical and Museum Commission, Division of Architecture and Conservation, Third and North Streets, P. O. Box 1026, Harrisburg, Pennsylvania, 17108-1026, (717) 772-2401.

**Department:** Historical and Museum Commission  
**Location:** Bureau of Historic Sites and Museums, Eckley Miners Village, Rural Route 2, Box 236, Weatherly, PA 18255  
**Duration:** Approximately 39 years  
**Contact:** Judi Yingling or Jim Caufield, PA (717) 772-2401

**Sanitation—36**

**Project No. 001** Remove trash and refuse from Combined Support Maintenance Shop on a weekly basis. Trash will be in 2—6 cubic yard containers.

**Department:** Military and Veterans Affairs  
**Location:** CSMS, 835 Fifth Avenue, Coraopolis, Allegheny County, PA  
**Duration:** October 1, 1997 to September 30, 2000  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 002** Remove trash and refuse from Organizational Maintenance Shop on a weekly basis. Trash will be in 1—8 cubic yard container.

**Department:** Military and Veterans Affairs  
**Location:** OMS, 350 East 6th Street, Erie, Erie County, PA  
**Duration:** October 1, 1997 to September 30, 2000  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 003** Remove trash and refuse from Organizational Maintenance Shop on a weekly basis. Trash will be in 1—6 cubic yard and 1—3 cubic yard containers.

**Department:** Military and Veterans Affairs  
**Location:** OMS, 14th and Calder Streets, Harrisburg, Dauphin County, PA  
**Duration:** October 1, 1997 to September 30, 2000  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 004** Remove trash and refuse from Organizational Maintenance Shop on a weekly basis. Trash will be in 1—4 cubic yard container.

**Department:** Military and Veterans Affairs  
**Location:** OMS, 599 Chesapeake Street, Lancaster, Lancaster County, PA  
**Duration:** October 1, 1997 to September 30, 2000  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 005** Remove trash and refuse from Organizational Maintenance Shop on a weekly basis. Trash will be in 1—3 cubic yard and 1—8 cubic yard containers.

**Department:** Military and Veterans Affairs  
**Location:** OMS, 2736 Southampton Road, Philadelphia, Philadelphia County, PA  
**Duration:** October 1, 1997 to September 30, 2000  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 006** Remove trash and refuse from Organizational Maintenance Shop on a weekly basis. Trash will be in 1—8 cubic yard container.

**Department:** Military and Veterans Affairs  
**Location:** OMS, Building 56, Ft. Mifflin, Philadelphia, Philadelphia County, PA  
**Duration:** October 1, 1997 to September 30, 2000  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 007** Remove trash and refuse from Army Aviation Support Facility on a weekly basis. Trash will be in 1—4 cubic yard container.

**Department:** Military and Veterans Affairs  
**Location:** AASF, Mid-State Airport, Phillipsburg, Centre County, PA  
**Duration:** October 1, 1997 to September 30, 2000  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 008** Remove trash and refuse from Organizational Maintenance Shop on a weekly basis. Trash will be in 2—2 cubic yard containers.

**Department:** Military and Veterans Affairs  
**Location:** OMS, 324 Emerson Street, Pittsburgh, Allegheny County, PA  
**Duration:** October 1, 1997 to September 30, 2000  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 009** Remove trash and refuse from Army Aviation Support Facility on a weekly basis. Trash will be in 2—6 cubic yard containers.

**Department:** Military and Veterans Affairs  
**Location:** AASF, Goodridge Lane, Washington, Washington County, PA  
**Duration:** October 1, 1997 to September 30, 2000  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 010** Remove trash and refuse from Organizational Maintenance Shop on a weekly basis. Trash will be in 1—4 cubic yard and 1—6 cubic yard containers.

**Department:** Military and Veterans Affairs  
**Location:** OMS, 280 Market Street, Wilkes-Barre, Luzerne County, PA  
**Duration:** October 1, 1997 to September 30, 2000  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 011** Remove trash and refuse from Organizational Maintenance Shop on a weekly basis. Trash will be in 1—2 cubic yard container.

**Department:** Military and Veterans Affairs  
**Location:** OMS, 1300 Penn Street, Williamsport, Lycoming County, PA  
**Duration:** October 1, 1997 to September 30, 2000  
**Contact:** Emma Schroff, (717) 861-8518

**Fly-97-01-R** The contractor shall remove "fly ash" from State Correctional Institution-Houtzdale as generated by the coal boiler. The contractor shall possess all necessary licenses and permits to provide such service.

**Department:** Corrections  
**Location:** State Correctional Institution-Houtzdale, State Route 2007, Houtzdale, PA 16698-1000  
**Duration:** July 1, 1997 to June 30, 1999  
**Contact:** Diane K. Davis, Purchasing Agent II, (814) 378-1000

**Security Services—37**

**SP344806** Provide security guard services for the Washington County Assistance Office—North Charleroi Office. One unarmed security guard will be needed 8 hours per day—5 days per week. Complete details and specifications may be obtained by contacting the Procurement Office.

**Department:** Public Welfare  
**Location:** 805 Liberty Avenue, P. O. Box 205, North Charleroi, PA 15022-0205  
**Duration:** July 1, 1997 to June 30, 2000 with 2 additional one-year renewals  
**Contact:** Lori Vessella, (717) 783-9281

**SP344807** Provide security guard services for the Washington County Assistance Office—North Main Street Office. One unarmed security guard will be needed 8 hours per day—5 days per week. Complete details and specifications may be obtained by contacting the Procurement Office.

**Department:** Public Welfare  
**Location:** 167 North Main Street, Box 5004, Washington, PA 15301-1154  
**Duration:** July 1, 1997 to June 30, 2000 with 2 additional one-year renewals  
**Contact:** Lori Vessella, (717) 783-9281

**Vehicle, Heavy Equipment—38**

**321050** Provide all labor, equipment, material and supervision for the rental of 1 30,000 pph water tube boiler, 1 40,000 pph water tube boiler and installation of 1 fuel oil tank. Includes equipment transportation, training and piping installation.

**Department:** Public Welfare  
**Location:** Norristown State Hospital, 1001 Sterigere Street, Norristown, Montgomery County, PA 19401  
**Duration:** September 1, 1997 to August 31, 2000  
**Contact:** Gary Raisner, F.M.M., (610) 270-1469

**SP322391** Vendor to supply services for repairs and maintenance on ten forklifts and seven hand trucks for the Federal and State Surplus Distribution Centers for Fiscal Year July 1, 1997 and ending June 30, 1998. Vendor will indicate hourly rate for labor and cost for parts.

**Department:** General Services  
**Location:** Bureau of Supplies and Surplus Operations, 2221 Forster Street, Harrisburg, PA  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Larry M. Davis, (717) 787-6148, ext. 3210

**SP322392** Vendor to supply services for repairs and maintenance on five forklifts and two hand trucks for the Commodity Distribution Center for the Fiscal Year July 1, 1997 and ending June 30, 1998. Vendor will indicate hourly rate for labor and cost for parts.

**Department:** General Services  
**Location:** Bureau of Supplies and Surplus Operations, 2221 Forster Street, Harrisburg, PA  
**Duration:** July 1, 1997 to June 30, 1998  
**Contact:** Larry M. Davis, (717) 787-6148, ext. 3210



**Miscellaneous—39**

**4610** Walk-off mats. Furnish, pickup, clean and even exchange every week for the contract period. 5—3'x5', 12—4'x6', 10—3'x10'.

**Department:** Transportation  
**Location:** 17th and Arsenal Boulevard, Harrisburg, PA 17120—See above contract description  
**Duration:** July 1997 to June 2001  
**Contact:** Carla Crist, (717) 787-2335

**CHAP 01** The contractor shall provide chaplaincy service for inmates of the Islamic faith at the State Correctional Institution at Smithfield, Huntingdon, PA. This service will include conducting religious services (Jumu's) and instructional classes (Talim), visitation and counseling as needed.

**Department:** Corrections  
**Location:** State Correctional Institution at Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652  
**Duration:** July 1, 1997 to June 30, 2000  
**Contact:** Peggy A. Chilcote, Purchasing Agent, (814) 643-6520

**PDA 397** Services of a Board Certified Veterinarian Pathologist with an interest in Equine Species. An estimated 2,000 hours of service will be needed. The number of hours of service is estimated and may be more or less than stated. Contractor will be paid for the actual number of hours worked. All travel expenses will be at the State approved travel rate.

**Department:** Agriculture  
**Location:** State Veterinary Diagnostic Laboratory, Harrisburg, PA 17110  
**Duration:** One year with four 1 year options to renew  
**Contact:** Michael Mesaris, (717) 787-5674

**SP-336363** Provide transportation of Liquor Control Board supplies and forms Statewide, on an as-needed basis.

**Department:** Liquor Control Board  
**Location:** Pennsylvania  
**Duration:** September 1, 1997 to August 31, 1998  
**Contact:** Betty J. Goodling, (717) 787-6360

[Pa.B. Doc. No. 97-871. Filed for public inspection May 23, 1997, 9:00 a.m.]

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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,  
*Secretary*

STATE CONTRACT INFORMATION

2623

**Contract Awards**

The following awards have been made by the Department of General Services, Bureau of Purchases:

<b>Requisition or Contract #</b>	<b>Awarded On</b>	<b>To</b>	<b>In the Amount Of</b>
1003117-01	05/09/97	Parish Manufacturing	35,120.00
1020157-01	05/07/97	Woodhouse Post and Beam Homes	125,000.00
1421156-01	05/09/97	Wenger Corp.	12,250.00
1579116-01	05/09/97	Detroit Stoker Company	74,132.87
1597116-01	05/09/97	Bay Wholesale, Inc.	17,376.00
1626116-01	05/09/97	Tri-State Restaurant Equip., Inc.	15,888.00
1628216-01	05/13/97	Todd Devin Food Equipment	15,223.00
1651116-01	05/13/97	Hoffman/New Yorker, Inc.	9,718.00
1652116-01	05/13/97	Erie Strayer Company	21,891.85
1658306-01	05/09/97	Sentinel Structures, Inc.	10,050.00
1659116-01	05/09/97	Schuylkill Materials Handling	11,843.00
1665356-01	05/09/97	Jum of North America	43,700.00
1682116-01	05/06/97	Suburban Textile Equip. Co.	148,024.58
1684216-01	05/06/97	Sani-Med Distributors, Inc.	29,788.00
1712356-01	05/13/97	Environmental Express	20,427.00
1715226-01	05/06/97	IA Construction Corp.	23,430.00
1721206-01	05/13/97	Beta Star Corp.	16,125.00
1731116-01	05/06/97	AM-MAC Incorporated	8,234.64
1733356-01	05/13/97	North Central X Ray, Inc.	10,600.00
1734116-01	05/09/97	Artic Air Refrigeration, Inc.	10,630.00
1745116-01	05/13/97	Buffalo Rest. Equip.	4,296.00
1758136-01	05/09/97	Yale Industrial Trucks	15,975.00

<b>Requisition or Contract #</b>	<b>Awarded On</b>	<b>To</b>	<b>In the Amount Of</b>
1760356-01	05/06/97	Cambria Tractor and Equipment Co.	62,005.00
1775136-01	05/06/97	Griffin Motors Co.	19,590.00
1787156-01	05/06/97	Secco, Inc.	32,500.00
1794356-01	05/09/97	VWR Scientific, Inc.	15,823.00
1815046-01	05/06/97	CE Elantech, Inc.	29,950.00
1822216-01	05/06/97	Powerhouse Technology, Inc.	17,939.50
1827356-01	05/13/97	Environmental Systems Corp.	99,450.00
1828356-01	05/13/97	Rupprecht & Patashnick Co.	34,950.00
1871116-01	05/06/97	York Corrugating Co.	10,394.00
1886206-01	05/07/97	B & C Auto Parts Warehouse	44,487.28
1914126-01	05/13/97	JTL Enterprises, Inc.	9,500.00
1921116-01	05/13/97	Pittsburgh Plumbing and Heating Corp.	14,960.00
1939076-01	05/09/97	Moore Business Forms, Inc.	6,450.00
1942386-01	05/07/97	Trans National Printing and Copy Center/Century Press	51,499.56
1960136-01	05/09/97	Phoenix Contract, Inc.	176,400.00
7313780-01	05/06/97	Dornisch Discount	48,375.00
7313810-01	05/09/97	Rittenhouse LLC	40,450.00
7510-10	05/15/97	National Office and School Supply	287,435.10
7510-10	05/15/97	Wallace	8,726.85
7510-10	05/15/97	Office Works Companies, Inc.	11,060.00
7510-10	05/15/97	Adolph Sufrin, Inc.	256,903.00

## STATE CONTRACT INFORMATION

Requisition or Contract #	Awarded On	To	In the Amount Of	Requisition or Contract #	Awarded On	To	In the Amount Of
7510-10	05/15/97	The Mireagan Group, Inc.	1,163.26	8217160-01	05/09/97	Applied Test Systems	13,030.00
7510-10	05/15/97	ATD American Company	7,890.00	8503730-01	05/06/97	Oldcastle Pre- cast East, Inc.	44,896.00
7510-10	05/15/97	Logans Mar- keting	105,877.80	8503810-01	05/09/97	Terre Hill Concrete Products	30,900.00
7510-10	05/15/97	Windtree En- terprises, Inc.	5,669.10	8503820-01	05/13/97	Vehicle Main- tenance Pro- gram, Inc.	50,690.00
7510-10	05/15/97	Unisource Midatlantic	8,993.50				
7510-10	05/15/97	Eliscu & Com- pany, Inc.	2,600.00				
8205810-01	05/09/97	Brooks Elec- tronic Prepress Systems	34,686.00				

GARY E. CROWELL,  
*Secretary*

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