



Volume 27 (1997)

Pennsylvania Bulletin
Repository

4-19-1997

April 19, 1997 (Pages 1909-2026)

Pennsylvania Legislative Reference Bureau

Follow this and additional works at: http://digitalcommons.law.villanova.edu/pabulletin_1997

Recommended Citation

Pennsylvania Legislative Reference Bureau, "April 19, 1997 (Pages 1909-2026)" (1997). *Volume 27 (1997)*. 16.
http://digitalcommons.law.villanova.edu/pabulletin_1997/16

This April is brought to you for free and open access by the Pennsylvania Bulletin Repository at Villanova University Charles Widger School of Law Digital Repository. It has been accepted for inclusion in Volume 27 (1997) by an authorized administrator of Villanova University Charles Widger School of Law Digital Repository. For more information, please contact Benjamin.Carlson@law.villanova.edu.

PENNSYLVANIA BULLETIN

Volume 27

Number 16

Saturday, April 19, 1997 • Harrisburg, Pa.

Pages 1909—2026

See Part II page 2011
for the State Board of
Education Certification
of Professional Personnel

Part I

Agencies in this issue:

The Governor
The Courts
Board of Claims
Board of Pardons
Department of Banking
Department of Conservation and Natural
Resources
Department of Environmental Protection
Department of General Services
Department of Health
Department of Public Welfare
Department of Transportation
Environmental Hearing Board
Fish and Boat Commission
Independent Regulatory Review Commission
Insurance Department
Legislative Reference Bureau
Liquor Control Board
Pennsylvania Public Utility Commission
Philadelphia Regional Port Authority
State Board of Education
Turnpike Commission

Detailed list of contents appears inside.

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

No. 269, April 1997

PENNSYLVANIA

BULLETIN

(ISSN 0162-2137)

published weekly by Fry Communications, Inc. for the Commonwealth of Pennsylvania, Legislative Reference Bureau, 647 Main Capitol Building, State & Third Streets, Harrisburg, Pa. 17120, under the policy supervision and direction of the Joint Committee on Documents pursuant to Part II of Title 45 of the Pennsylvania Consolidated Statutes (relating to publication and effectiveness of Commonwealth Documents). Subscription rate \$80.50 per year, postpaid to points in the United States. Individual copies \$2. Checks for subscriptions and individual copies should be made payable to "Fry Communications, Inc." Periodicals postage paid at Harrisburg, Pennsylvania.

Postmaster send address changes to:

FRY COMMUNICATIONS
Attn: *Pennsylvania Bulletin*
800 W. Church Rd.
Mechanicsburg, Pennsylvania 17055-3198
(717) 766-0211 ext. 340
(800) 334-1429 ext. 340 (toll free, out-of-State)
(800) 524-3232 ext. 340 (toll free, in State)

Orders for subscriptions and other circulation matters should be sent to:

Fry Communications, Inc.
Attn: *Pennsylvania Bulletin*
800 W. Church Rd.
Mechanicsburg, PA 17055-3198

Copyright © 1997 Commonwealth of Pennsylvania
ISBN 0-8182-0004-9

Editorial preparation, composition, printing and distribution of the *Pennsylvania Bulletin* is effected on behalf of the Commonwealth of Pennsylvania by FRY COMMUNICATIONS, Inc., 800 W. Church Road, Mechanicsburg, Pennsylvania 17055-3198.

Contents

THE GOVERNOR

EXECUTIVE ORDERS

Governor's Travel and Tourism Council..... 1918

THE COURTS

CIVIL PROCEDURAL RULES

Amendment of rules governing subpoenas and discovery; no. 277; doc. no. 5 1921

JUDICIAL CONDUCT

Amendment to rules relating to initiation of formal charges; doc. no. 1 JD 94..... 1920

Amendment to rules relating to trial procedures; doc. no. 1 JD 94 1920

LOCAL COURT RULES

Delaware County

Amendment to Local Rules 206(B)(1)(d); misc. no. 97.4901 1927

Schuylkill County

Amendment to Civil Rules of Procedure 206A(e); S-667 1997 1927

EXECUTIVE AGENCIES

BOARD OF CLAIMS

Proposed Rulemaking

Rules of procedure 1939

BOARD OF PARDONS

Rules and Regulations

General provisions 1929

DEPARTMENT OF BANKING

Notices

Action on applications..... 1946

Maximum lawful rate of interest for residential mortgages for the month of May 1997..... 1947

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Notices

Conservation and Natural Resources Advisory Council; meeting notice 1948

Retention of engineering/construction management firm..... 1948

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices

Applications, actions and special notices..... 1949

Availability of technical guidance 1980

DEPARTMENT OF GENERAL SERVICES

Notices

Contract awards 2008

State contract information..... 1996

State surplus property division 1981

DEPARTMENT OF HEALTH

Proposed Rulemaking

Drugs which may be used by qualified optometrists; schedules of controlled substances 1939

DEPARTMENT OF PUBLIC WELFARE

Notices

Office of Social Programs; Bureau of Blindness and Visual Services; public meetings 1982

DEPARTMENT OF TRANSPORTATION

Notices

Finding 1983

Retention of engineering firm..... 1983

ENVIRONMENTAL HEARING BOARD

Notices

Springfield Township v. DEP:

EHB doc. no. 97-071-MR 1986

EHB doc. no. 97-071-MR, 3/1/97 NPDES Permit

No. PA0051284 1986

FISH AND BOAT COMMISSION

Rules and Regulations

Fishing and boating..... 1934

Statements of Policy

Fishing 1944

INDEPENDENT REGULATORY REVIEW COMMISSION

Notices

Actions taken by the Commission..... 1987

Notice of filing of final-form rulemakings..... 1987

INSURANCE DEPARTMENT

Proposed Rulemaking

Deductible program 1941

Notices

Alleged violation of insurance laws; Philip J. Bosh; doc. no. SC97-03-028 1988

Application and request for a Certificate of Authority 1988

Application for approval to acquire additional shares 1988

Review procedure hearings; cancellation or refusal of insurance 1988

Review procedure hearings under The Unfair Insurance Practices Act 1989

Surplus lines filing requirements 1989

LEGISLATIVE REFERENCE BUREAU

Notices

Documents filed but not published..... 1990

LIQUOR CONTROL BOARD

Notices

Expiration of leases 1990

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Notices

Bell Atlantic-Pennsylvania, Inc. and:
 AT&T Wireless Services, Inc.; telecommunications
 service 1993
 Intermedia Communications, Inc.; telecommu-
 nications service 1993
 MFS Intelenet of Pennsylvania, Inc.; telecommu-
 nications service 1993
 Fuel cost adjustment statements; doc. no.
 M-FACE9701—M-FACE9715, M-FACP9701 1991
 Helicon Telephone Pennsylvania, LLC; telecommu-
 nications service 1993

Service of notice of motor carrier applications. 1991

PHILADELPHIA REGIONAL PORT AUTHORITY

Notices

Request for proposals 1994

STATE BOARD OF EDUCATION

Proposed Rulemaking

Certification of professional personnel (Part II) 2011

TURNPIKE COMMISSION

Notices

Request for proposals (3 documents) 1994, 1995

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
GENERAL INFORMATION AND FINDING AIDS: (717) 783-1530

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.

4 Pa. Code (Administration)

Adopted Rules

1	919, 1003, 1007
5	921, 1782, 1918
7	921, 1005, 1781, 1785

Statements of Policy

9	450, 737, 1048, 1367, 1656
---	----------------------------

7 Pa. Code (Agriculture)

Adopted Rules

3	1791
5	1791
7	1791
8	1791
9	1791
110	1793

10 Pa. Code (Banks and Banking)

Proposed Rulemaking

11	1813
13	1813
17	1813
35	1813
41	1813
42	807
61	1809
63	1809
65	1809
67	1809

13 Pa. Code (Commerce and Trade)

Adopted Rules

57	1645
----	------

Statements of Policy

55	1369
----	------

16 Pa. Code (Community Affairs)

Adopted Rules

15	18
----	----

22 Pa. Code (Education)

Proposed Rulemaking

49	2011
101	1648

25 Pa. Code (Environmental Protection)

Adopted Rules

260	237
261	237
262	237
263	237
264	237
265 (with correction)	237, 413
266	237
270	237
271	521
272	521
273	521
275	521
277	521
279	521
281	521

283	521
285	521, 1794
287	521

Proposed Rulemaking

77	875
86	730, 1446
92	1459
93	1449, 1561
95	1459
101	1459
103	1553
121	1822, 1829
122	1822
123	1822, 1829
137	1822
139	1822
171	735
271	893
272	893
273	893
277	893
279	893
281	893
283	893
285	893
287	893
288	893
289	893
291	893
293	893
295	893
297	893
299	893

Statements of Policy

83	1472
----	------

Proposed Statements of Policy

15	1473
----	------

28 Pa. Code (Health and Safety)

Proposed Rulemaking

6	1939
13	1553
15	1553
25	1939
29	928
701	1815
709	1815
711	1815
713	1815

31 Pa. Code (Insurance)

Adopted Rules

66	19
163	295

Proposed Rulemaking

111	1565
113	1564, 1848
117	1845
131	1941
137	1850

34 Pa. Code (Labor & Industry)
Statements of Policy
 122 1731

37 Pa. Code (Law)
Adopted Rules
 81 1929

40 Pa. Code (Liquor)
Proposed Rulemaking
 3 1852
 5 1852
 7 1852
 9 1852
 11 1852
 13 1852
 15 1852

49 Pa. Code (Professional and Vocational Standards)
Adopted Rules
 5 413

Proposed Rulemaking
 9 1566
 33 1577

Proposed Statements of Policy
 21 194

52 Pa. Code (Public Utilities)
Adopted Rules
 1 414
 3 414
 5 414
 53 301
 57 414
 59 414
 65 799
 69 799

Proposed Rulemaking
 53 1012, 1027
 54 1012, 1027
 57 1162
 58 1165
 Unclassified 809, 934

Statements of Policy
 69 1658

55 Pa. Code (Public Welfare)
Statements of Policy
 3270 1579
 3280 1579
 3290 1579

58 Pa. Code (Recreation)
Adopted Rules
 51 1153
 53 1153
 61 1155
 65 1155
 69 1155, 1934
 91 1156
 97 1156
 99 1156
 111 1156, 1934
 115 1156
 135 1646
 141 (with correction) 313, 586

Proposed Rulemaking
 53 1159
 61 1653
 65 1468
 67 1468
 69 1468
 105 1159
 109 1159
 139 928
 141 1364
 143 928
 147 1161, 1364

Statements of Policy
 57 317, 1944

61 Pa. Code (Revenue)
Proposed Rulemaking
 31 933
 899 1939

67 Pa. Code (Transportation)
Adopted Rules
 457 1798
 476 1352

Proposed Rulemaking
 105 1821

201 Pa. Code
Adopted Rules
 7 794

204 Pa. Code (Judicial System General Provisions)
Adopted Rules
 71 795, 796
 73 797
 82 411
 83 1434
 85 1643
 89 288
 91 1643
 93 1643
 211 (with correction) 289
 303 (with correction) 1252, 1548

Proposed Rulemaking
 303 289

207 Pa. Code (Judicial Conduct)
Adopted Rules
 3 1010, 1920
 5 1010, 1920

210 Pa. Code (Appellate Procedure)
Adopted Rules
 65 715
 67 1282

225 Pa. Code (Rules of Evidence)
 Unclassified 1282

231 Pa. Code (Rules of Civil Procedure)
Adopted Rules
 200 293, 1921
 1300 1441
 1900 715
 1910 722, 1549
 3000 1441
 4000 1443, 1921
 Unclassified 581

Proposed Rulemaking

200924, 1434
 400 1434
 1000924, 1434
 1300 1434
 1910 1434
 2300 1434
 2950 1434
 2970 1434
 3000 1434

4000924, 1443

249 Pa. Code (Philadelphia Rules)

Unclassified926, 1790

252 (Allegheny County Rules)

Unclassified 581

255 Pa. Code (Local Court Rules)

Unclassified 8, 12, 16, 17, 188, 294, 412, 583, 584,
 723, 727, 798, 1011, 1152, 1552, 1644, 1927

PENNSYLVANIA BULLETIN

Volume 27

Number 16

Saturday, April 19, 1997 • Harrisburg, Pa.

Part II

This part contains the
State Board of Education
Certification of Professional
Personnel

PENNSYLVANIA

BULLETIN

(ISSN 0162-2137)

published weekly by Fry Communications, Inc. for the Commonwealth of Pennsylvania, Legislative Reference Bureau, 647 Main Capitol Building, State & Third Streets, Harrisburg, Pa. 17120, under the policy supervision and direction of the Joint Committee on Documents pursuant to Part II of Title 45 of the Pennsylvania Consolidated Statutes (relating to publication and effectiveness of Commonwealth Documents). Subscription rate \$80.50 per year, postpaid to points in the United States. Individual copies \$2. Checks for subscriptions and individual copies should be made payable to "*Fry Communications, Inc.*" Periodicals postage paid at Harrisburg, Pennsylvania.

Postmaster send address changes to:

FRY COMMUNICATIONS
Attn: *Pennsylvania Bulletin*
800 W. Church Rd.
Mechanicsburg, Pennsylvania 17055-3198
(717) 766-0211 ext. 340
(800) 334-1429 ext. 340 (toll free, out-of-State)
(800) 524-3232 ext. 340 (toll free, in State)

Orders for subscriptions and other circulation matters should be sent to:

Fry Communications, Inc.
Attn: *Pennsylvania Bulletin*
800 W. Church Rd.
Mechanicsburg, PA 17055-3198

Copyright © 1996 Commonwealth of Pennsylvania
ISBN 0-8182-0004-9

Editorial preparation, composition, printing and distribution of the *Pennsylvania Bulletin* is effected on behalf of the Commonwealth of Pennsylvania by FRY COMMUNICATIONS, Inc., 800 W. Church Road, Mechanicsburg, Pennsylvania 17055-3198.

THE GOVERNOR

Title 4—ADMINISTRATION

PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 5]
[EXECUTIVE ORDER 1997-1]

Governor's Travel and Tourism Council

March 17, 1997

Whereas, the economy of the Commonwealth is one of the most diverse in the Nation; and

Whereas, tourism is one of the Nation's largest and fastest growing service industries, a reality which has lessened the adverse economic impact caused by the downsizing of America's industrial base; and

Whereas, the Commonwealth has an abundance of cultural and historical attractions, as well as a wealth of opportunity for outdoor recreational activities; and

Whereas, tourism has become the Commonwealth's second largest industry, which in 1995 contributed \$20,500,000,000 to the State economy, provided 376,100 jobs, and generated \$481,400,000 in State tax revenue; and

Whereas, there is currently a great potential to improve the contribution of tourism to the economy of the Commonwealth.

Now, Therefore, I, Thomas J. Ridge, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby establish the Governor's Travel and Tourism Council.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 5. COUNCILS AND COMMITTEES

Subchapter NNN. GOVERNOR'S TRAVEL AND TOURISM COUNCIL

Sec.

- 5.941. Functions and responsibilities.
- 5.942. Composition of the Council.
- 5.943. Terms of membership.
- 5.944. Compensation reimbursement.
- 5.945. Compensation by State agencies.
- 5.946. Termination date.

§ 5.941. Functions and responsibilities.

The function of the Governor's Travel and Tourism Council (Council) is to advise the Governor on policies, procedures, legislation and regulations which affect tourism in this Commonwealth. The areas to be examined include marketing, hospitality, cultural tourism and communication. The Council is also responsible for advising the Governor on the development of policy, coordination of event financing and targeting, coordination of marketing materials (print and electronic) and coordination of State infrastructure.

§ 9.42. Composition of the Council.

(a) The Governor's Travel and Tourism Council (Council) consists of the following individuals, all of whom are appointed by, and serve at the pleasure of the Governor:

(1) One representative each from the Department of Agriculture, Department of Banking, Department of Community and Economic Development, Department of Conservation and Natural Resources, Pennsylvania Histori-

cal and Museum Commission, Department of Transportation, Pennsylvania Game Commission, Pennsylvania Fish and Boat Commission and Pennsylvania Turnpike Commission.

(2) One tourism promotion agency representative from a county of the first, second or second class A, one tourism promotion agency representative from a county of the third, fourth or fifth class and one tourism promotion agency representative from a county of the sixth, seventh or eighth class.

(3) One representative from each of the following categories; hotel/motel, skiing, amusement parks or attractions, private parks or camping, museum or historical attraction, arts or theater, motor coach or travel agent, outdoor recreation industry, food and beverage, shopping/outlet shopping and one member-at-large from the private sector tourism industry.

(4) The majority and minority Chairpersons of the Senate Community and Economic Development Committee and the House Tourism and Recreational Development Committee.

(5) One representative each from the Pennsylvania Council on the Arts and the Pennsylvania Rural Development Council.

(b) The Governor will designate one Council member to serve as chairperson and one to serve as vice-chairperson of the Council. The chairperson and vice-chairperson serve at the will of the Governor.

(c) Other State officials may be invited, from time to time, at the discretion of the chairperson, to attend meetings of the Council when the attendance is deemed necessary.

§ 5.943. Terms of membership.

Members are appointed for terms of 1 year and continue to serve thereafter until their successors have been appointed. If a vacancy occurs during a member's term, the Governor will appoint a successor.

§ 5.944. Compensation/reimbursement.

Members of the Governor's Travel and Tourism Council receive no compensation or reimbursement for their services.

§ 5.945. Cooperation by State agencies.

Agencies under the Governor's jurisdiction shall cooperate fully with the Governor's Travel and Tourism Council (Council) and provide staff assistance and information as needed by the Council to carry out its functions effectively.

§ 5.946. Termination date.

This subchapter will remain in effect unless revised or rescinded by the Governor.



Governor

Fiscal Note: GOV 97-10. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 97-583. Filed for public inspection April 18, 1997, 9:00 a.m.]

THE COURTS

Title 207—JUDICIAL CONDUCT

PART IV. COURT OF JUDICIAL DISCIPLINE

[207 PA. CODE CH. 3]

Amendment to Rules Relating to Initiation of Formal Changes; Doc. No. 1 JD 94

Order

Per Curiam:

And Now, this 4th day of April, 1997, the Court, pursuant to Article 5, Section 18(b)(4) of the Constitution of Pennsylvania, and in accordance with this Court's Order dated February 13, 1997, having adopted a proposed amendment to Rule of Procedure No. 301(C) and a new subsection (D), *It Is Hereby Ordered:*

That Rule of Procedure No. 301(C) and new subsection (D) shall become effective immediately.

Annex A

TITLE 207. JUDICIAL CONDUCT

PART IV. COURT OF JUDICIAL DISCIPLINE

ARTICLE II. PROCEEDINGS BASED ON THE FILING OF FORMAL CHARGES

CHAPTER 3. INITIATION OF FORMAL CHARGES

Rule 301. Initiating Formal Charges; **Conference Judge**; Scheduling.

(A) *Board Complaint.* Proceedings in the Court shall be commenced by the filing of a Board Complaint with the Clerk and concurrent service of the Board Complaint on the Judicial Officer.

(B) *Appointment of Conference Judge.* Within 10 days after a Board Complaint is filed pursuant to paragraph (A), the President Judge shall appoint a member of the Court to serve as Conference Judge on the case as provided in these rules.

(C) [**Scheduling. After a Board Complaint is filed, the Conference Judge shall promptly schedule a date for the trial and pre-trial conference, and shall notify the Board and the Judicial Officer.] Duties of Conference Judge Following the Filing of Formal Complaint. In addition to the other duties of Conference Judge set forth in these rules, the Conference Judge shall:**

- (1) dispose of all pre-trial motions;
- (2) schedule and conduct a pre-trial conference, in accordance with C.J.D.R.P. No. 421; and
- (3) upon disposition of all pre-trial matters, certify to the President Judge notice that the matter is ready for trial.

(D) The Clerk shall serve certified copies of orders scheduling pre-trial conferences and trials to the Board and the Judicial Officer.

[Pa.B. Doc. No. 97-584. Filed for public inspection April 18, 1997, 9:00 a.m.]

PART IV. COURT OF JUDICIAL DISCIPLINE

[207 PA. CODE CH. 5]

Amendment to Rules Relating to Trial Procedures; Doc. No. 1 JD 94

Order

Per Curiam:

And Now, this 4th day of April, 1997, the Court, pursuant to Article 5, Section 18(b)(4) of the Constitution of Pennsylvania, and in accordance with this Court's Order dated February 13, 1997, having adopted a proposed amendment to Rule of Procedure No. 502(B)(4), *It Is Hereby Ordered:*

That Rule of Procedure No. 502(B)(4) shall become effective immediately.

Annex A

TITLE 207. JUDICIAL CONDUCT

PART IV. COURT OF JUDICIAL DISCIPLINE

ARTICLE II. PROCEEDINGS BASED ON THE FILING OF FORMAL CHARGES

CHAPTER 5. TRIAL PROCEDURES

Rule 502. Trial. Stipulations of Fact. Conclusions of Law. Withdrawal of Counts.

(A) The trial shall be held before the Court and shall be open to the public.

(B) Conduct of Trial.

(1) All testimony shall be under oath.

(2) The Board and the Judicial Officer shall be permitted to present evidence and examine and cross-examine witnesses. The Judicial Officer may, but shall not be required to, testify.

(3) At the conclusion of the trial, the Board and the Judicial Officer may, at the request of the Court, present oral argument and shall submit proposed findings of fact and conclusions of law.

(4) The trial shall be recorded verbatim. Requests and orders for transcripts shall be governed by Pa.R.J.A. 5000.5. Any party requesting notes of testimony shall bear the cost of transcription. [**If] When the notes of testimony [are] have been transcribed, [it shall be the duty of] the court reporter [to file the original transcript with the Clerk] shall first submit the transcript to the Clerk. Following receipt and review of the transcript, the Court shall lodge the transcript and shall inform the court reporter of said lodging. In no instance shall the court reporter provide a version of the transcript to a requesting party until the transcript is lodged, and the Clerk**

has informed the court reporter and the parties that the transcript has been lodged.

* * * * *

[Pa.B. Doc. No. 97-585. Filed for public inspection April 18, 1997, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CHS. 200 AND 4000]

Amendment of Rules Governing Subpoenas and Discovery; No. 277; Doc. No. 5

Order

Per Curiam:

And Now, this 7th day of April, 1997, the Pennsylvania Rules of Civil Procedure are amended as follows:

- 1. Rules 234.1, 234.2, 234.4 and 234.6 governing subpoenas are amended to read as follows.
2. Rules 4006(b) and 4007.1(d) governing discovery are amended to read as follows.
3. Rule 4009 governing production of documents and things and entry upon land is rescinded.
3. New Rule 4009.1 et seq., governing production of documents and things and entry upon land are promulgated to read as follows.

This Order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective July 1, 1997.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 200. BUSINESS OF COURTS

Rule 234.1. Subpoena to Attend and Testify.

(a) ***

Official Note: See Discovery Rule 4009.1 et seq. for a request upon a party and a subpoena upon a person not a party for the production of documents and things other than at a deposition or a trial.

* * * * *

Rule 234.2. Subpoena. Issuance. Service. Compliance. Fees. Prisoners. [Fees]

* * * * *

(b) A copy of the subpoena may be served upon any person within the Commonwealth by a competent adult

- (1) in the manner prescribed by Rule 402(a);
(2) by any form of mail requiring a return receipt, postage prepaid, restricted delivery. Service is complete upon delivery of the mail to the [defendant] person subpoenaed or any of the persons referred to in Rule 402(a)(2). The return receipt may be signed by the [defendant] person subpoenaed or any of such persons; or

(3) by ordinary mail. The mail shall contain two copies of the Notice and Acknowledgment prescribed by Rule 234.9 and a self-addressed stamped envelope.

* * * * *

Rule 234.4. Subpoena. Notice to Attend. Notice to Produce. Relief From Compliance. Motion to Quash.

* * * * *

(b) A motion to quash a subpoena, notice to attend or notice to produce may be filed by a party, [(or)] by the person served or by any other person with sufficient interest. After hearing, the court may make an order to protect a party, [or] witness or other person from unreasonable annoyance, embarrassment, oppression, burden or expense.

Rule 234.6. Form of Subpoena.

A subpoena issued pursuant to Rule 234.1 shall be substantially in the following form:

Commonwealth of Pennsylvania

County of _____

(Caption)

SUBPOENA TO ATTEND AND TESTIFY

To _____:
(Name(s) of Witness(es))

1. You are ordered by the Court to come to _____
(Courtroom or other place)
at _____, Pennsylvania, on _____ at
o'clock, _____ M., to testify on behalf of

in the above case, and to remain until excused.

2. And bring with you the following: _____

If you fail to attend or to produce the documents or things required by this subpoena, you may be subject to the sanctions authorized by Rule 234.5 of the Pennsylvania Rules of Civil Procedure, including but not limited to costs, attorney fees and imprisonment.

[Issued] Requested by: _____

[(State attorney's)
Attorney's name, address,
telephone number and
identification number)

BY THE COURT,

Date: _____ By _____
(Name of Prothonotary)

Seal of the Court

Official Note: This form of subpoena shall be used whenever a subpoena is issuable under Rule 234.1, including hearings in connection with depositions and before arbitrators, masters, commissioners, etc.

[If a subpoena for] To require the production of documents[, records] or things [is desired] in addition to testimony, complete paragraph 2.

* * * * *

CHAPTER 4000. DEPOSITIONS AND DISCOVERY

Rule 4006. Answers to Written Interrogatories by a Party.

- (a)(1) ***
- (2) ***

Official Note: Rule [233] 440 requires the answering party to serve a copy of the answers upon every party to the action.

(b) Where the answer to an interrogatory may be derived or ascertained from the records of the party upon whom the interrogatory has been served or from an examination, audit or inspection of that party's records, or from a compilation, abstract or summary based thereon, and the burden of deriving or ascertaining the answer would be substantially the same for the party serving the interrogatory as for the party served, a sufficient answer to such an interrogatory shall be to specify the records from which the answer may be derived or ascertained and to afford the party serving the interrogatory reasonable opportunity to examine, audit or inspect those records and to [**make**] **obtain** copies, compilations, abstracts or summaries[, **provided that a copy of any compilations, abstracts or summaries so made shall forthwith be furnished to the party producing the records**].

Rule 4007.1. Procedure in Deposition by Oral Examination.

* * * * *

(d)(1) If the person to be examined is a party, the notice may include a request made in compliance with Rule [4009] 4009.1 et seq, for the production of documents and tangible things at the taking of the deposition.

(2) If the person to be examined is not a party, and is to be served with a subpoena duces tecum to produce designated materials, the notice shall specify the materials to be produced. **The materials shall be produced at the deposition and not earlier, except upon the consent of all parties to the action.**

* * * * *

Rule 4009. Production of Documents and Things and Entry For Inspection and Other Purposes. Rescinded.

PRODUCTION OF DOCUMENTS AND THINGS AND ENTRY FOR INSPECTION AND OTHER ACTIVITIES

**PRODUCTION OF DOCUMENTS AND THINGS
GENERAL PROVISIONS**

Rule 4009.1. Production of Documents and Things. General Provisions.

Any party may serve a request upon a party pursuant to Rules 4009.11 and 4009.12 or a subpoena upon a person not a party pursuant to Rules 4009.21 through 4009.27 to produce and permit the requesting party, or someone acting on the party's behalf, to inspect and copy any designated documents (including writings, drawings, graphs, charts, photographs, electronically created data, and other compilations of data from which information can be obtained, translated, if necessary, by the respondent party or person upon whom the request or subpoena is served through detection or recovery devices into reasonably usable form), or to

inspect, copy, test or sample any tangible things which constitute or contain matters within the scope of Rules 4003.1 through 4003.6 inclusive and which are in the possession, custody or control of the party or person upon whom the request or subpoena is served; and may do so one or more times.

Official Note: These rules do not prevent a court from entering an order under its common law power preserving or protecting a document or thing.

Parties to an action and persons not parties but served with a subpoena or request pursuant to these rules have the protective and enforcement provisions of the discovery rules available to them. See Rule 4012 governing protective orders and Rule 4019 governing enforcement and sanctions for failure to make discovery.

The remedy of a protective order is available to the party to whom a request is directed to prevent abuse.

These rules do not preclude (1) the issuance under Rule 234.1 et seq. of a subpoena or request for the production of documents or things at a deposition pursuant to Rule 4007.1(d) or (2) an independent action against a person not a party for production of documents or things.

REQUEST UPON A PARTY

Rule 4009.11. Request Upon a Party for Production of Documents and Things.

(a) The request may be served without leave of court upon the plaintiff after commencement of the action and upon any other party with or after service of the original process upon that party.

(b) The request shall set forth in numbered paragraphs the items to be produced either by individual item or by category, and describe each item or category with reasonable particularity. Each paragraph shall seek only a single item or a single category of items. The request shall be prepared in such fashion that sufficient space is provided immediately after each paragraph for insertion of the answer.

Rule 4009.12. Answer to Request Upon a Party for Production of Documents and Things.

(a) The party upon whom the request is served shall within thirty days after the service of the request

(1) serve an answer including objections to each numbered paragraph in the request, and

(2) produce or make available to the party submitting the request those documents and things described in the request to which there is no objection.

(i) Where the documents may be identified only after review of a larger group of documents, and the burden of identifying the documents would be substantially the same for the party serving the request as for the party served, the party served may afford the party serving the request reasonable opportunity to identify the documents, to examine or inspect them and to obtain copies.

(b) The answer shall be in the form of a paragraph-by-paragraph response which shall

(1) identify all documents or things produced or made available;

(2) identify all documents or things not produced or made available because of the objection that they are not within the scope of permissible discovery under Rule 4003.2 through Rule 4003.6 inclusive and Rule 4011(c). Documents or things not produced shall be identified with reasonable particularity together with the basis for non-production;

(3) specify a larger group of documents or things from which the documents or things to be produced or made available may be identified as provided by subdivision (a)(2)(i);

(4) object to the request on the grounds set forth in Rule 4011(a), (b), and (e) or on the ground that the request does not meet the requirements of Rule 4009.11;

(5) state that after reasonable investigation, it has been determined that there are no documents responsive to the request.

Official Note: The party who is requested to produce documents or things is encouraged to identify the documents or things produced and the documents or things withheld through a system of numbering. The party producing the documents and things and the party receiving them are encouraged to keep a current list of the documents and things produced and withheld based on the numbering system. This procedure will assist the court in resolving disputes arising out of production of documents.

Ordinarily, each page of a document should receive a separate number. However, a document may be assigned a number as a whole if it is bound or if it contains pages which are sequentially numbered.

The court may require numbering.

(c) The answer shall be signed and verified by the party making it and signed also by the attorney making an objection if one is set forth.

(d) If a request is reasonably susceptible to one construction under which documents sought to be produced are within the scope of the request and another construction under which the documents are outside the scope of the request, the answering party shall either produce the documents or identify with reasonable particularity the documents not produced together with the basis for non-production.

SUBPOENA UPON A PERSON NOT A PARTY

Rule 4009.21. Subpoena Upon a Person Not a Party for Production of Documents and Things. Prior Notice. Objections.

(a) A party seeking production from a person not a party to the action shall give written notice to every other party of the intent to serve a subpoena at least twenty days before the date of service. A copy of the subpoena proposed to be served shall be attached to the notice.

Official Note: For the form of the written notice, see Rule 4009.24(a).

(b) The written notice shall not be given to the person named in the subpoena.

(c) Any party may object to the subpoena by filing of record written objections and serving a copy of the objections upon every other party to the action.

Official Note: For the form of the objections, see Rule 4009.24(b).

The requirement of filing with the prothonotary the objections under this rule and the certificate under Rule 4009.23(a) provides a more formal procedure for the participation of a person not a party in the discovery process.

(d)(1) If objections are received by the party intending to serve the subpoena prior to its service, the subpoena shall not be served. The court upon motion shall rule upon the objections and enter an appropriate order.

Official Note: Subdivision (a) of this rule provides a twenty-day notice period during which a subpoena may not be served.

(2) If objections are not received as provided in paragraph (1), the subpoena may be served subject to the right of any party or interested person to seek a protective order.

Official Note: Rule 4009.22(a) requires the filing of a certificate as a prerequisite to service.

Rule 4009.22. Service of Subpoena.

(a) The party seeking production may serve on the person named in the subpoena a copy of the subpoena only if it is identical to the subpoena attached to the notice of intent to serve the subpoena and if the party seeking production has filed of record a certificate that

(1) the notice of intent to serve a subpoena was mailed or delivered to each party at least twenty days prior to the date on which the subpoena is sought to be served,

(2) a copy of the notice of intent, including the proposed subpoena attached to the notice of intent, is attached to the certificate,

(3) no objection to the subpoena has been received, and

(4) the subpoena which will be served is identical to the subpoena which is attached to the notice of intent to serve the subpoena.

Official Note: For the form of the certificate, see Rule 4009.25.

(b) The subpoena shall be issued as provided by Rule 234.2(a) and shall be served in the manner provided by Rule 234.2(b).

Official Note: Rule 234.2(a) governs the issuance by the prothonotary of a subpoena to testify. Rule 234.2(b) governs service of a subpoena to testify.

For the form of a subpoena to produce, see Rule 4009.26.

Rule 4009.23. Certificate of Compliance by a Person Not a Party. Notice of Documents or Things Received.

(a) The person not a party upon whom the subpoena has been served shall, in complying with the subpoena, execute a certificate of compliance and deliver it with the documents or things produced to the party serving the subpoena within twenty days

of service. A form of certificate to be executed and delivered shall be served with the subpoena.

Official Note: For the form of the certificate of compliance, see Rule 4009.27.

The requirement of filing with the prothonotary the certificate under this rule and the objections under Rule 4009.21(c) provides a more formal procedure for the participation of a person not a party in the discovery process.

(b) The party receiving documents and things pursuant to the subpoena shall give notice of receipt to every other party to the action and upon the payment of reasonable cost shall

(1) furnish a legible copy of each document to any other party who requests a copy and

(2) allow reasonable access to the things to any other party who requests access.

Rule 4009.24. Notice of Intent to Serve Subpoena. Objection to Subpoena. Forms.

(a) The written notice of intent to serve a subpoena required by Rule 4009.21(a) shall be substantially in the following form:

(CAPTION)

NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21

_____ (party) intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made, the subpoena may be served.

Date: _____ Attorney for

(b) The objection to subpoena required by Rule 4009.21(c) shall be substantially in the following form:

(CAPTION)

OBJECTIONS TO SUBPOENA PURSUANT TO RULE 4009.21

_____ (party) objects to the proposed subpoena that is attached to these objections for the following reasons:

Date: _____ Attorney for

Rule 4009.25. Certificate Prerequisite to Service of Subpoena. Form.

The certificate required by Rule 4009.22(a) as a prerequisite to the service of a subpoena shall be substantially in the following form:

(CAPTION)

CERTIFICATE PREREQUISITE TO SERVICE OF A SUBPOENA PURSUANT TO RULE 4009.22

As a prerequisite to service of a subpoena for documents and things pursuant to Rule 4009.22, _____ certifies that
(Plaintiff/Defendant)

(1) a notice of intent to serve the subpoena with a copy of the subpoena attached thereto was mailed or delivered to each party at least twenty days prior to the date on which the subpoena is sought to be served,

(2) a copy of the notice of intent, including the proposed subpoena, is attached to this certificate,

(3) no objection to the subpoena has been received, and

(4) the subpoena which will be served is identical to the subpoena which is attached to the notice of intent to serve the subpoena.

Date: _____ Attorney for

Rule 4009.26. Subpoena to Produce Documents or Things. Form.

A subpoena to produce documents or things shall be substantially in the following form:

(CAPTION)

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS FOR DISCOVERY PURSUANT TO RULE 4009.22

TO: _____ (Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: _____

at _____ (Address)

You may deliver or mail legible copies of the documents or produce things requested by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek in advance the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena within twenty (20) days after its service, the party serving this subpoena may seek a court order compelling you to comply with it.

This subpoena was issued at the request of the following person:

Attorney's Name

Identification Number

Address

Telephone Number

Attorney for _____

BY THE COURT:

DATE: _____ By _____ (Prothonotary)

Seal of the Court

Rule 4009.27. Certificate of Compliance. Form.

The certificate of compliance required by Rule 4009.23(a) shall be substantially in the following form:

(CAPTION)
NOTICE

To _____ (Person Served with Subpoena):

You are required to complete the following Certificate of Compliance when producing documents or things pursuant to the Subpoena.

**CERTIFICATE OF COMPLIANCE
WITH SUBPOENA TO PRODUCE DOCUMENTS OR
THINGS PURSUANT TO RULE 4009.23**

I, _____, (person served with subpoena) certify to the best of my knowledge, information and belief that all documents or things required to be produced pursuant to the subpoena issued on _____ (date of subpoena) have been produced.

Date: _____
_____ Person served with subpoena

**ENTRY UPON PROPERTY FOR INSPECTION AND
OTHER ACTIVITIES**

Rule 4009.31. Entry Upon Property for Inspection and Other Activities. General Provisions.

Any party may serve a request upon a party pursuant to Rule 4009.32 or a motion upon a person not a party pursuant to Rule 4009.33 to permit entry upon designated property in the possession or control of the party or person upon whom the request is served for the purpose of inspecting and measuring, surveying, photographing, testing, or sampling the property or any designated object or operation thereon, within the scope of Rules 4003.1 through 4003.6 inclusive.

Official Note: These rules do not prevent a court from entering an order under its common law power preserving or protecting property.

Parties to an action and persons not parties but served with a subpoena or request pursuant to these rules have the protective and enforcement provisions of the discovery rules available to them. See Rule 4012 governing protective orders and Rule 4019 governing enforcement and sanctions for failure to make discovery.

These rules do not preclude an independent action against a person not a party for permission to enter upon property.

Rule 4009.32. Request for Entry upon Property of a Party.

(a) The request may, without leave of court, be served upon the plaintiff after commencement of the action and upon any other party with or after service of the original process upon that party. The request shall describe with reasonable particularity the property to be entered and the activities to be performed.

(b) The party upon whom the request is served shall allow the requested entry unless the request is objected to within thirty days after service of the request, in which event the reasons for objection shall be stated. If objection is made to part of a request, the part shall be specified. The party

submitting the request may move for an order under Rule 4019(a) with respect to any objection to or failure to respond to the request or any part thereof, or any failure to permit entry as requested.

(c) A party may enter upon property one or more times to accomplish the activities set forth in the request.

Official Note: The remedy of a protective order is available to the party to whom the request is directed to prevent abuse.

Rule 4009.33. Motion for Entry Upon Property of a Person Not a Party.

(a) A motion to permit entry upon property of a person not a party shall begin with the notice prescribed by subdivision (c) and shall describe with reasonable particularity the property to be entered and the activities to be performed. The motion shall be served personally by a competent adult in the same manner as original process. A copy of the motion shall also be served upon all other parties to the action pursuant to Rule 440.

Official Note: For general provisions governing entry upon property, see Rule 4009.31.

(b) If the person served does not affirmatively consent to the entry, the motion may be presented to the court. The moving party shall give the person served not less than fifteen days notice of the presentation of the motion. Upon proof of service of the notice of the presentation, the court, as it deems appropriate, may enter an order permitting or denying the entry or set a date for a hearing. The order permitting entry shall specify a reasonable time, manner or other condition of entry and of making the inspection and performing any related acts.

(c) The notice required by subdivision (a) shall be substantially in the following form:

(CAPTION)

IMPORTANT NOTICE

YOU HAVE PROPERTY WHICH THE PARTIES TO THE ABOVE LAWSUIT WISH TO ENTER FOR INSPECTION OR OTHER ACTIVITIES. THE MOTION ATTACHED TO THIS NOTICE ASKS THE COURT FOR AN ORDER ALLOWING THE ENTRY INTO YOUR PROPERTY. IF YOU CONSENT TO THIS ENTRY PLEASE FILL IN THE ATTACHED FORM. PLEASE CONTACT THE ATTORNEY LISTED BELOW:

(Attorney filing the motion)

(Address)

(Telephone Number)

IF YOU DO NOT CONSENT TO THE ENTRY, YOU HAVE A RIGHT TO A HEARING ON THE MATTER. A DATE FOR PRESENTATION OF THE MOTION TO THE COURT WILL BE SET AND THE PARTY FILING THE MOTION WILL GIVE YOU FIFTEEN DAYS NOTICE OF ITS PRESENTATION. IF YOU DO NOT

APPEAR AT THE PRESENTATION OF THE MOTION, THE COURT MAY ENTER AN ORDER ALLOWING ENTRY.

YOU MAY WISH TO TAKE THIS NOTICE TO A LAWYER WHO CAN ADVISE YOU. IF YOU DO NOT HAVE A LAWYER AND WISH TO OBTAIN ONE, CONTACT THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP:

(Name of Office)

(Address of Office)

(Telephone Number)

Official Note: The office shall be that designated by the court under Rule 1018.1(c).

Explanatory Comment

Rule 4009 governing production of documents and things and entry upon land has been rescinded and replaced with a new chapter of rules, Rule 4009.1 et seq. The new chapter is divided into two parts, one relating to production of documents and things and the other relating to entry upon property. Each part is in turn divided into three sections: first, a general provision describing the discovery method; second, a provision relating to discovery from a party to an action; and finally, a provision relating to discovery from a person not a party.

There are in addition several amendments to the rules governing subpoenas to appear and testify as well as amendments to Rule 4006(b) governing answers to written interrogatories and Rule 4007.1(d) governing oral depositions.

Production of Documents and Things

Production Generally

Rule 4009.1 is a general provision derived from former Rule 4009(a)(1) and sets forth the parameters of production. While continuing to provide for a request for production by a party to an action (Rules 4009.11 and 4009.12), the rule also provides for a new subpoena for production by a person not a party (Rules 4009.21 through 4009.27).

Request Upon a Party for Production

Rule 4009.11 governs the form and service of a request upon a party for production of documents and things. The request is to be in the form of numbered paragraphs, each of which should request one item or category of items described with "reasonable particularity." As in the case of written interrogatories to a party, the rule requires that sufficient space be "provided immediately after each paragraph for insertion of the answer."

Rule 4009.12 provides for the answer to a request. Subdivision (a) requires that, within thirty days after service of the request, the party upon whom the request is served must serve a verified answer and "produce or make available those documents and things described in the request to which there is no objection." Any objections to the request must be set forth in the answer. Subdivision (b) provides specific guidance to the manner of answering the request while subdivision (c) requires that the answer be signed and verified.

Rule 4009.12(a)(2) allows a party to respond by producing a larger group of documents from which the requested documents may be identified. This provision is similar to

that of Rule 4006(b) which allows a party to answer a written interrogatory by producing records for inspection.

Rule 4009.12(d) requires that, if a request is subject to a reasonable interpretation that certain documents are within the scope of the request, the party from whom production is sought must respond to the request and either produce the documents or "identify with reasonable particularity the documents not produced together with the basis for non-production."

Subpoena Upon a Person Not a Party for Production of Documents and Things

The subpoena upon a person not a party for the production of documents and things under Rules 4009.21 through 4009.27 is new. Subdivision (a) of Rule 4009.21 requires that a party who wishes to take advantage of this procedure must give twenty days advance notice to all other parties of the intention to serve the subpoena. A copy of the subpoena proposed to be served must be attached to the notice of intent. Under subdivision (b), advance notice is not given to the person upon whom the subpoena will be served.

Subdivisions (c) and (d) of Rule 4009.21 govern objections to the service of the subpoena. Any party may object to service of the subpoena by filing and serving written objections. There is a twenty-day period in which to object during which the subpoena may not be served. However, the subpoena may not be served even after the twenty-day period if the objections are received prior to serving the subpoena by the party who served the notice of intent. A protective order is available to the objecting party if the objections are not timely received and the subpoena is served.

Rule 4009.22 authorizes service of the subpoena if it is identical to the subpoena attached to the notice of intent and if the party seeking to serve it files the required certificate. Subdivisions (a) and (b) of Rule 234.2 governing issuance and service of the subpoena to attend and testify are incorporated by reference into the rule.

Rule 4009.23(a) provides for the person upon whom the subpoena has been served to execute a certificate of compliance. Subdivision (b) of the rule provides for the party who has received documents or things to give notice to other parties of their receipt and, upon request and payment of reasonable costs, to provide copies of documents or reasonable access to things.

Rules 4009.24 through 4009.27 provide several forms, including the form of notice of intention to serve a subpoena and the form of the subpoena itself.

A conforming amendment has been made to Rule 4007.1(d) governing production of documents and things in connection with a deposition. The person who is not a party and who has been subpoenaed to produce documents or things at a deposition is prohibited from producing them earlier than at the time of the deposition except upon the consent of all parties. This provision together with the notice provision of new Rule 4009.21 ensures a period of notice and the opportunity to object whether the method of production is by subpoena to produce or a subpoena to attend and testify.

Entry Upon Property for Inspection and Other Activities

General Provisions

Rule 4009.31 is derived from former Rule 4009(a)(2) and describes the entry upon property. In addition to providing for a request for entry upon property of a party

to an action (Rule 4009.32), the new rule also provides for a motion for entry upon the property of a person not a party (Rule 4009.33).

Request for Entry Upon Property of a Party

Rule 4009.32 provides that the request must "describe with reasonable particularity the property to be entered and the activities to be performed." The party served must permit the requested entry or object within thirty days after service of the request. The enforcement provisions of Rule 4019(a) are available with respect to an objection, a failure to respond or a failure to permit the requested entry.

The party requesting entry may enter "one or more times to accomplish the activities set forth in the request." A note advises that abuse may be prevented by means of a protective order.

Motion for Entry Upon Property of a Person Not a Party

Rule 4009.33 governs three aspects of procedure upon a motion for entry upon property of a person not a party. First, subdivision (a) requires that the motion begin with the form of "Important Notice" prescribed by subdivision (c). Second, subdivision (a) also requires service of the motion upon both the person not a party whose property is to be entered and all other parties to the action. Finally, subdivision (b) provides for notice of presentation of the motion to the court when the person does not affirmatively consent to the entry.

Additional Revisions

The following amendments have been made to Rule 234.1 et seq. governing subpoenas:

1. The title of Rule 234.1 has been revised to read "Subpoena to Attend and Testify." A note has been added to Rule 234.1(a) calling attention to Rule 4009.1 et seq. providing for production of documents and things by request or subpoena independently of a deposition or trial.

2. Rule 234.2(b) has been amended by substituting the words "person subpoenaed" in place of "defendant."

3. Rule 234.4(b) has been amended to make clear that a "person with sufficient interest" as well as a party or person served may move to quash a subpoena, notice to defend or notice to produce.

4. The form of subpoena provided by Rule 234.6 has been amended by adding the title "Subpoena to Attend and Testify", thus distinguishing it from a subpoena to produce under Rule 4009.21.

5. Discovery Rule 4006(b) has been revised to provide that, if an interrogatory is answered by specifying records from which the answer may be derived, the party examining or inspecting the records may "obtain copies" of the records provided. The party answering the interrogatory by specifying records is no longer entitled to compilations, abstracts or summaries which may be described as the

work product of the party examining or inspecting the records.

By the Civil Procedural Rules Committee,

EDWIN L. KLETT,
Chairperson

[Pa.B. Doc. No. 97-586. Filed for public inspection April 18, 1997, 9:00 a.m.]

Title 255—LOCAL COURT RULES

DELAWARE COUNTY

Amendment to Local Rule 206(B)(1)(d); Misc. No. 97.4901

Order

And Now, to wit, this 1st day of April, 1997, it is hereby *Ordered* and *Decreed* that Delaware County Local Rule 206(B)(1)(d) is *Amended* as follows:

(d) Each Answer to petitions or motions filed pursuant to this Rule shall be accompanied by the following:

(i) a face sheet clearly indicating that they are being filed pursuant to Rule *206; and

(ii) a form or proposed order fairly encompassing the relief requested.

By the Court

A. LEO SERENI,
President Judge

[Pa.B. Doc. No. 97-587. Filed for public inspection April 18, 1997, 9:00 a.m.]

SCHUYLKILL COUNTY

Amendment to Civil Rule of Procedure 206A(e); S-667 1997

Order of Court

And Now, this 7th day of April, at 11:25 a.m., the Court hereby amends Schuylkill County Civil Rule of Procedure No. 206A(e) and adopts amended Rule No. 206A(e) for use in the Court of Common Pleas of Schuylkill County, Pennsylvania (21st Judicial District). This rule shall be effective thirty days after publication in the *Pennsylvania Bulletin*.

The Prothonotary of Schuylkill County is *Ordered* and *Directed* to do the following:

1) File ten (10) certified copies of this Order and Rule with the Administrative Office of Pennsylvania Courts.

2) File two (2) certified copies of this Order and Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3) File one (1) certified copy of this Order and Rule with the Pennsylvania Civil Procedural Rules Committee.

4) Forward one (1) copy to the Schuylkill County Law Library for publication in the *Schuylkill Legal Record*.

5) Keep continuously available for public inspection copies of this Order and Rule.

JOSEPH F. MCCLOSKEY,
President Judge

Rule 206A.

(e) Every motion not certified as uncontested shall be accompanied by a memorandum containing a concise statement of the legal contentions and authorities relied upon in support of the motion and an affidavit of service

upon the party against whom relief is sought, or to his attorney. Any party opposing the motion shall file and serve such answer or other response that may be appropriate, a memorandum in opposition, and an affidavit of service upon the other party within fifteen (15) days after service of the originating motion and supporting brief, unless the Pennsylvania Rules of Civil Procedure mandate a period of time different than fifteen (15) days. In the absence of timely response, the motion may be treated as uncontested. The Court may require or permit further briefing, if appropriate.

[Pa.B. Doc. No. 97-588. Filed for public inspection April 18, 1997, 9:00 a.m.]

RULES AND REGULATIONS

Title 37—LAW

BOARD OF PARDONS

[37 PA. CODE CH. 81]

General Provisions

The Board of Pardons (Board), adopts a total revision of its rules contained in Chapter 81 (relating to Board of Pardons) under the authority of section 909 of The Administrative Code 1929 (AC) (71 P. S. § 299(c)) and the PA. CONST. Art. IV.

Background

The purpose of these amendments is to update and replace the rules governing the operation of the Board to reflect recently enacted statutory requirements as found in section 909 of the AC and section 34.1(a) of the act of August 6, 1941 (P.L. 861, No. 323) (61 P.S. § 331.34a(a)), known as the Pennsylvania Board of Probation and Parole Law and to incorporate current practices of the Board into regulations. The regulations of the Board have not been updated since 1986 and have become outdated for various reasons.

Summary

General Provisions

Limitations on Filing (§ 81.223). This section changes the criteria for calculating the time in which a person can refile an application for clemency if the previous application was not granted. The old regulations used the filing date of the previous application as the event from which time is calculated to determine eligibility for refiling and the new regulations use the date of the final adverse decision.

Use of Application (§ 81.226). This section expands the existing policy of the Board to notify victims or next of kin as in section 909(d) of the AC who are registered with the Office of Victim Advocate, Department of Corrections or the Board of Probation and Parole.

Listing for Hearing (§ 81.231(a)). Under section 909(b) of the AC, this section requires a majority vote of the Board to grant a public hearing on applications filed by prisoners serving life sentences or sentences for crimes of violence.

Listing for Hearing (§ 81.231(b)). Under section 909(c) of the AC, this section imposes a 10-day deadline for filing an application for commutation of a death sentence to life in prison. The 10-day period begins when the Governor issues an execution warrant.

Interview of the Application (§ 81.232). Under section 909(e) of the AC, this section establishes the procedures by which the members of the Board will interview an applicant for commutation prior to a public hearing if the applicant is serving a sentence of death, life or for a crime of violence.

Request for Reconsideration (§ 81.271). This section expands the scope of matters for which an applicant can request reconsideration. The old regulations allowed the applicant to request a rehearing. The new regulations allow an applicant to request that the Board reconsider its decision to deny a public hearing. This section also requires a showing of a change in circumstances as a

prerequisite for the request and establishes that requests for reconsideration are granted by a majority vote of the Board.

Recommendation (§ 81.301). Under section 909(f) of the AC, this section requires that a recommendation of the Board presented to the Governor for commutation of a death sentence, life sentence or sentence for a crime of violence must include a requirement that the applicant serve at least 1 year in a prerelease center prior to release on parole. This section also requires that the recommendations for commutation made to the Governor are conditional and suggests standard language for this purpose.

Record Maintenance (§ 81.305). This section enumerates the records of the Board to which the public has access.

Comments

Notice of proposed rulemaking was published at 26 Pa.B. 4988 (October 19, 1996), and provided for a 30-day public comment period. The comment period ended November, 18, 1996.

Comments were received from Charles E. Mann of Langhorne, Pennsylvania, the Pennsylvania Coalition Against Domestic Violence, (PCADV) and the Independent Regulatory Review Commission (IRRC). These comments and the Board's responses are as follows:

Mr. Mann objected to a crime victim being a member of the Board and changing the vote for commutation to a unanimous vote instead of a majority vote. The composition of the Board and the votes required to recommend a commutation are set by the Pennsylvania Constitution, and are therefore, beyond the scope of this rulemaking.

IRRC commented that in proposed § 81.202 the references to the statutory definition of "robbery" is incorrect. The Board accepts this comment and has revised the references to 18 Pa.C.S. § 3701 (a)(1)(i), (ii) or (iii).

IRRC commented that in proposed § 81.221 (relating to forms) the words "in forma pauperis" should be replaced with the words "without payment of costs" and that the definition of "form in forma pauperis" be deleted from § 81.202. The Board accepts these comments and has revised the sections accordingly.

IRRC commented that in proposed § 81.222(b) (relating to filing), the words "passport type photographs" be replaced by a description of the dimensions of photographs that the Board will accept. The Board disagrees with this suggestion and believes that the expression "passport type photographs" is universally understood and has never resulted in questions from applicants as to what photographs will be accepted. The Board chooses not to change this wording.

The PCADV and IRRC commented on proposed § 81.223 (relating to limitations on filing). The proposed section modified the starting point of the waiting period the Board requires between an unsuccessful application and the next application. The PCADV believes that this section should not be amended thereby retaining the waiting period starting from the date of original filing. IRRC suggests that the Board review the proposed amendment and provide justification for an amendment to the waiting period. The Board proposed this change because under the existing regulations in many instances, an applicant is eligible to file another application immedi-

ately after the Governor or Board has rendered an adverse decision. The Board or Governor being asked to decide the clemency issue so soon after making a decision is redundant because circumstances have not changed since the case was last decided.

If circumstances in a person's life change dramatically, they have the ability to request that the Board grant permission to file an application earlier than would normally be permitted § 81.224 (relating to request for early filing) or to request reconsideration (§ 81.271 (relating to request)).

When discussing this issue, the Board concluded that § 81.223 (b) is not consistent with subsection (a) and should be changed to read: "If an application receives two consecutive adverse decisions, an application may not be filed before the expiration of 24 months from the last adverse decision." The Board does not desire to amend this section in any other manner.

IRRC commented on proposed § 81.226 (relating to use of application) and noted that the section does not have provisions for applications that are denied. IRRC suggests that the Board add provisions describing the point in the process when an application is considered concluded and when and how an applicant will be notified of the Board's decision to deny the case a public hearing. The Board agrees that IRRC's recommendation is appropriate and has amended the section as suggested. IRRC further suggested that in subsection (c), now (d), the word "accepted" be replaced by the word "submitted." The Board agrees with this suggestion and has made the change.

IRRC commented on proposed § 81.228 (relating to subsequent use by applicant) suggesting that the Board specify what the costs of reproduction are or provide a cross reference as to where the cost may be found. The Board accepts this suggestion and has added language explaining that the cost of reproduction is set by Board resolution and that resolutions are available at the Board's office.

The PCADV commented on proposed § 81.231 (relating to listing for hearing) and objects to the provision that requires that applications for commutation of death sentences be filed with the Board within 10 days of the Governor signing an execution warrant. This subsection complies with recent statutory changes made by the Legislature as found in section 909(c) of the AC, and must remain part of the Board's regulations. IRRC also commented on this proposed section by pointing out that in subsection (b) the language was not identical to the language in the statute and suggested that the words "Governor's issuance of a warrant specifying a week for execution" replace the words "Governor's issuance of an execution warrant." The Board has changed the wording as suggested by IRRC.

The PCADV and IRRC commented on proposed § 81.232 (relating to interview of the applicant). Both were concerned that the applicant's attorney or representative could be excluded from the interview. It was not the Board's intention to exclude attorneys or representatives, but security and safety concerns are paramount. In response to the concerns raised, the Board has deleted the language concerning security risks and the Board's discretion in admitting attorneys or representatives to the interview and replaced it with a requirement that anyone attending an interview is subject to the rules of the Department of Corrections concerning entry into a prison by members of the public.

IRRC commented on proposed § 81.233 (relating to publication) noting that the section is silent regarding how the Board provides notice in a capital case and recommends clarification of the section to provide guidance in this area. The Board accepts this recommendation and has added language to the regulation explaining notice in capital cases and guarantees that at least 24 hours notice will be given for hearings in capital cases under all circumstances.

IRRC commented on proposed § 81.242 (relating to reinstatement) noting that it was vague. The Board agrees with the comments and has decided to delete the provision.

IRRC commented that in proposed § 81.261 (relating to time) the word "excluding" should be changed to "except" and that the word "provided" should be replaced by the phrase "determined by the Board." Further noted by IRRC was the fact that the notice for public hearing must conform with the Sunshine Act (65 P. S. §§ 271—286) which requires at least 24-hour notice. IRRC suggested that a sentence be added stating that notice of public hearings will be in accordance with the Sunshine Act. The Board agrees with the suggestions and has revised the section accordingly.

The PCADV and IRRC commented on proposed § 81.271 (relating to request). Both suggested that a 90-day time limit for the Board to respond to a request for reconsideration be added. The Board does not object to a limitation on its response to a request for reconsideration because these requests are always handled promptly. The Board did identify a problem with specifying 90 days as the time period. Because the Board does not meet in the months of July and August, it is possible that the Board could not respond within 90 days. The Board has amended the section to provide that the Board will take action on requests for reconsideration at the next possible regularly scheduled Board meeting. IRRC also suggested that the section address the question of whether Board action on a request for reconsideration will affect the date of a final adverse decision. The Board has clarified this issue by adding language to the regulation stating that the date of the original decision of the Board, if adverse, will be used in calculating the waiting period for another application.

IRRC commented on proposed § 81.281 (relating to appearance of applicant) pointing out that some applicants who are confined appear before the Board at an interview therefore the first sentence should specify that confined applicants may not appear at the public hearing. IRRC was also concerned about the clarity of the last provision of this section which used the phrase "for cause" when describing that applicants who are not confined are required to appear for the hearing unless excused by the Board "for cause." IRRC suggests that the phrase "for cause" be deleted. The Board accepts these comments and has revised the section accordingly.

IRRC commented that proposed § 81.283 (relating to fees for representation) should be deleted entirely because the subject matter is not the responsibility of the Board. The Board agrees and has deleted this provision from the final-form regulations.

IRRC commented on proposed § 81.293 (relating to witness) and suggested that the words "or subpoena" be added so that the section would read "The Board may request or subpoena a person to appear at the hearing as a witness." The Board accepts this comment and has revised the section accordingly.

IRRC commented that proposed § 81.294 (relating to communication with the Board) lacks clarity because it is lengthy. IRRC suggests the section be amended to "A person who wants to provide information to the Board regarding the merits of an application shall communicate or correspond with the Secretary." The Board accepts this comment and has amended the section in accordance with IRRC's suggestion.

The PCADV and IRRC had numerous comments on proposed § 81.301 (relating to recommendations). The PCADV commented that the Board's ability to place conditions on recommendations (subsection (c)) is vague and overly broad. The PCADV states that the section as written lacks basic requirements of due process. The PCADV further commented that a recommendation to the Governor to revoke clemency previously granted must happen only after a hearing. The Board notes that the appellate courts in this Commonwealth have recognized the Governor's broad discretion in making grants of clemency conditional with the accompanying ability to revoke clemency. Granting clemency is not a legal proceeding and due process requirements are not applicable to this process. Concerning the PCADV's comment about holding a hearing, the conditional language in subsection (e) states in part that "if it is determined upon hearing by the Board." Subsection (f) provides that when notified of a possible breach of a condition that the Board will discuss the situation and decide if a hearing is warranted. Only if the Board decides that the violation is serious enough to warrant a hearing could a recommendation be made to the Governor to revoke clemency.

IRRC commented that subsection (a) should be amended to reflect that the Board can hear applications for remission of fines and forfeitures and granting of reprieves. IRRC further commented that subsections (c) and (d) were vague and inconsistent and recommended that the first and last sentence of subsection (d) be deleted. IRRC also commented that in subsection (a) the words "reasons therefor" be changed to "reasons supporting the recommendation." IRRC also suggested that subsection (f) lacks clarity because the conjunction "or" is used without a comma in the first sentence.

In consideration of all the comments on this section, the Board has made the following changes:

The phrase "or for remission of fines and forfeitures and the granting of reprieves" has been added in subsection (a). The phrase "with reasons supporting the recommendation" has been added to subsection (a).

Subsections (c) and (d) have been amended as follows:

(c) Recommendations made to the Governor for commutation of sentence will be conditioned as set forth in subsection (e).

(d) Recommendations for a pardon may be made conditional by a majority vote by the Board.

The first sentence of subsection (f) has been changed to read, "when notified of a subsequent criminal offense conviction, or a probation or parole violation, the Secretary will inform the Board."

IRRC commented on proposed § 81.303 (relating to charter and warrant) and suggested that this section be deleted because the action of the Governor could not be withheld from the public for 14 days. The intent of this section was to allow sufficient time for the applicants to be notified of the Governor's decision before the information became public. The Board accepts the comment and has deleted this provision.

Affected Organizations and Individuals

The amendments will affect persons seeking Executive clemency by providing rules outlining the process from application to final disposition. Persons affected by a crime, like victims or next of kin, will also be affected by reason of their interest and involvement in the clemency process. A clear, concise and accurate group of regulations will benefit all those involved with the process.

Cost and Paperwork Requirements

There is no fiscal impact associated with the amendments for the Commonwealth, local government, the private sector or the general public.

Effective Date

The amendments will become effective upon publication in the *Pennsylvania Bulletin*.

Sunset Date

There is no sunset date for these regulations.

Contact Person

Further information is available by contacting the Board of Pardons, Nelson R. Zullinger, Secretary, 333 Market Street, 15th Floor, Harrisburg, PA 17126-0333.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5 (a)), on October 19, 1996, the Board submitted a copy of the notice of proposed rulemaking published at 26 Pa.B 4988 to IRRC and to the Chairpersons of the House and Senate Judiciary Committees. In compliance with section 5 (b.1) of the Regulatory Review Act, the Board also provided IRRC and the Committees with copies of the comments received.

In preparing these final-form regulations, the Board has considered comments received from IRRC and the public.

The final-form regulations were approved by the House Judiciary Committee on March 18, 1997, by IRRC on March 20, 1997, and deemed approved by the Senate Judiciary Committee on March 26, 1997.

Findings

The Board finds that:

(1) Public notice of intention to amend the administrative regulations amended 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 amendment of the regulations of the Board in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statutes.

Order

The Board, acting under authorizing statutes, orders that:

(a) The regulations of the Board, 37 Pa. Code Chapter 81, are amended by:

(i) Deleting §§ 81.1, 81.2, 81.11, 81.12, 81.21—81.29, 81.31—81.33, 81.41, 81.42, 81.51, 81.52, 81.61—81.65, 81.71, 81.72, 81.81—81.84, 81.91—81.94 and 81.101—81.105;

(ii) Adding §§ 81.201, 81.211, 81.212, 81.222, 81.224, 81.225, 81.227, 81.241, 81.251, 81.252, 81.262, 81.263, 81.272, 81.282, 81.291, 81.292 and 81.302 to read as set forth at 26 Pa.B. 4988; and

(iii) Adding §§ 81.202, 81.221, 81.223, 81.226, 81.228, 81.231—81.233, 81.261, 81.271, 81.281, 81.283, 81.293, 81.294, 81.301, 81.303 and 81.304 to read as set forth in Annex A.

(*Editor's Note.* The proposal to add §§ 81.242, 81.284 and 81.305, included in the proposal at 26 Pa.B. 4988, has been withdrawn by the Board.)

(b) The Secretary shall submit this order, 26 Pa.B. 4988 and Annex A to the Offices of the Attorney General and General Counsel for approval as required by law.

(c) The Secretary shall certify this order, 26 Pa.B. 4988 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect upon publication of the *Pennsylvania Bulletin*.

NELSON R. ZELLINGER,
Secretary

(*Editor's Note.* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 27 Pa.B. 1705 (April 5, 1997).)

Fiscal Note: Fiscal Note 56-1 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 37. LAW

PART III. AGENCIES AND OFFICES

Subpart A. BOARD OF PARDONS

CHAPTER 81. BOARD OF PARDONS

§ 81.1. (Reserved).

§ 81.2. (Reserved).

§ 81.11. (Reserved).

§ 81.12. (Reserved).

§§ 81.21—81.29. (Reserved).

§§ 81.31—81.33. (Reserved).

§ 81.41. (Reserved).

§ 81.42. (Reserved).

§ 81.51. (Reserved).

§ 81.52. (Reserved).

§§ 81.61—81.65. (Reserved).

§ 81.71. (Reserved).

§ 81.72. (Reserved).

§§ 81.81—81.84. (Reserved).

§§ 81.91—81.94. (Reserved).

§§ 81.101—81.105. (Reserved).

GENERAL PROVISIONS

§ 81.202. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Application—The official form which shall be used to request a clemency hearing before the Board.

Board—The Board of Pardons of the Commonwealth.

Calendar—A published schedule of applications listed for public hearings during a particular session.

Capital case—A case in which the applicant has requested a commutation of death sentence to life imprisonment.

Clemency—The power of the Governor to pardon or commute a criminal sentence based upon recommendations by the Board.

Commutation—The reduction of a legal penalty or punishment.

Crime of violence—Includes the following:

(i) Murder of the third degree, voluntary manslaughter, rape, sexual assault, involuntary deviate sexual intercourse, aggravated assault as defined in 18 Pa.C.S. § 2702(a)(1) (relating to aggravated assault), robbery as defined in 18 Pa.C.S. § 3701(a)(1)(i),(ii) or (iii) (relating to robbery) or kidnapping.

(ii) An attempt to commit murder of the third degree, voluntary manslaughter, rape, sexual assault, involuntary deviate sexual intercourse, aggravated assault as defined in 18 Pa.C.S. § 2702(a)(1), robbery as defined in 18 Pa.C.S. § 3701 (a)(1)(i),(ii) or (iii) or kidnapping.

(iii) An offense committed while in visible possession of a firearm for which sentencing was imposed under 42 Pa.C.S. § 9712 (relating to sentences for offenses committed with firearms).

Filing—The receipt of the application by the Board's office.

Final adverse decision—One of the following:

(i) The denial of a public hearing by the Board.

(ii) The Board not recommending an application to the Governor.

(iii) The Governor denying an application.

Merit review—The process of reviewing an application by the Board to determine if the application has sufficient merit to hold a public hearing on the matter.

Merit review vote—A public vote by the Board to determine if a public hearing will be held on an application.

Pardon—Forgiveness; an act of grace from governing power which mitigates the punishment the law demands for the offense and restores the rights and privileges forfeited on account of the offense. The term does not mean expungement of the record.

Secretary—The administrator of the Board.

Vote—Action on approval or disapproval taken by a quorum of the Board at a public hearing.

APPLICATIONS

§ 81.221. Forms.

Applications shall be made on forms prescribed by the Board. The forms shall be obtained from the Secretary for a fee as established by Board resolution, except that the fee will be waived by the Board upon evidence satisfactory to the Board that the applicant is unable by reason of indigency to pay the fee. The official form to proceed without payment of costs shall be obtained from the Secretary and filed in place of the fee.

§ 81.223. Limitations on filing.

(a) Except as provided in § 81.224 (relating to request for early filing), an application may not be filed before the expiration of 12 months from a final adverse decision on any prior application.

(b) If an application receives two consecutive adverse decisions, an application may not be filed before the expiration of 24 months from the last adverse decision.

§ 81.226. Use of application.

(a) A copy of each application will be sent by the Board to the court, to the district attorney of the county from which the applicant was sentenced and to the correctional institution in which the applicant is confined to obtain expressions of opinions as to the merits of the application, and to the Board of Probation and Parole for its investigation.

(b) When the reports and opinions have been received, the members of the Board will review the case and a merit review vote will be conducted at a public hearing. If a public hearing is denied, the applicant will be notified of the final adverse decision in writing by the Secretary.

(c) If a public hearing is granted, the Board will make every reasonable effort to notify victims or next of kin, including providing notification to victims who are registered with the Office of Victim Advocate, Department of Corrections, Board of Probation and Parole and those whose whereabouts are otherwise known.

(d) Victims will be notified of their opportunity to offer prior comment regarding an application that has been granted a public hearing. Comment may be submitted in writing or presented orally in person. The Board will provide notice to the victims or next of kin of the date, time and place of a public hearing pertaining to their case. Written communications with the Board will be confidential.

§ 81.228. Subsequent use by applicant.

An applicant's representative or any of the persons named in § 81.226 (relating to use of application) may obtain a copy of the last application filed by the applicant, upon payment of the costs of reproduction. The cost of reproduction will be determined by Board resolution. Board resolutions are available for public inspection at the Board's office.

LISTINGS

§ 81.231. Listing for hearing.

(a) *Noncapital cases.* Applications are subject to merit review by the Board to determine if a public hearing will be granted. For prisoners serving life sentences or sentences for crimes of violence, a vote by a majority of the Board is required to grant a public hearing. In all other cases, except capital cases, two votes are required for a public hearing to be granted.

(b) *Capital cases.* Applicants seeking commutation of a death sentence will automatically receive a public hearing. Applications for commutation of death sentences shall be filed with the Board within 10 days of the Governor's issuance of a warrant specifying a week for execution.

§ 81.232. Interview of the applicant.

(a) If a public hearing is granted to an applicant who is serving a sentence of death, life or a sentence for murder, voluntary manslaughter, attempt to commit murder or attempt to commit voluntary manslaughter, each member of the Board will interview the applicant prior to the public hearing.

(b) If a member does not interview the applicant, that member may not vote at the public hearing.

(c) The interview will be conducted at a time, place and in a manner that is convenient to the Board. The interview may be conducted by the Board as a group or by an individual member. The interview will be held in private. The applicant's attorney or representative will be

permitted to attend. Persons attending an interview are subject to the rules of the Department of Corrections concerning entry into a prison by members of the public. The interview shall be recorded by the Board. Subsequent use of the recording will be at the Board's sole discretion.

§ 81.233. Publication.

(a) For every application to be heard, the Board will publish a notice stating:

(1) The applicant's true name and other names by which the applicant is or has been known.

(2) The crimes for which the applicant has applied for clemency.

(3) The institution, if any, in which the applicant is confined.

(4) The time and place of the public hearing at which the application will be heard.

(b) Except in capital cases, the notice described in subsection (a) will be made at least 1 week prior to the public hearing on the application. The notice will be published in a newspaper of general circulation in the county where the crimes were committed. If the Board meets in emergency session to consider an application in a capital case, 1 week prior notice may be impossible. If time permits, notice of public hearings in capital cases will be made as provided in subsection (a). Under all circumstances, at least 24 hour notice will be given.

HEARINGS

§ 81.261. Time.

The Board will meet in regular public hearings each month except the months of January, July and August except as may be otherwise determined by the Board. Public hearings may be canceled at the discretion of the Board. Notice of public hearings will be published in accordance with the Sunshine Act (65 P. S. §§ 271—286).

RECONSIDERATION

§ 81.271. Request.

(a) A request for reconsideration of any decision may be made to the Board. The applicant shall show a change in circumstances since the application was filed, or other compelling reasons, sufficient to justify reconsideration. Dissatisfaction with the Board's decision is not grounds to request reconsideration.

(b) The Board will take action on requests for reconsideration at the next possible public hearing. Meritorious requests may be addressed by the Board upon a public motion by any member. A request for reconsideration will be granted only upon a majority vote of the Board. If the matter to be reconsidered is the denial of a public hearing, another merit review vote will be taken immediately in accordance with § 81.231 (relating to listing for hearing). The date of the original final adverse decision of the Board will be used in calculating eligibility for refileing.

REPRESENTATION

§ 81.281. Appearance of applicant.

An applicant, if confined, may not appear at the public hearing, but may designate another person to appear for the applicant. An applicant, if not confined, shall appear personally at the public hearing unless excused by the Board.

§ 81.283. Commonwealth attorney.

The attorney for the Commonwealth or a designee has the right, and is encouraged, to appear at the public hearings to offer the Commonwealth's opinion.

CONDUCT OF HEARINGS AND COMMUNICATIONS**§ 81.293. Witnesses.**

The Board may request or subpoena a person to appear at the public hearing as a witness.

§ 81.294. Communications with the Board.

A person who wants to provide information to the Board regarding the merits of an application shall communicate or correspond with the Secretary.

DISPOSITION**§ 81.301. Recommendation.**

(a) An application for pardon or for remission of fines and forfeitures, and the granting of reprieves, or commutation of sentence may not be delivered to the Governor for a decision except on written recommendation of at least three members of the Board after public hearing. The recommendation will include a statement of the reasons supporting the recommendation.

(b) In cases when the applicant is serving a sentence described in § 81.232 (relating to interview of the applicant), a recommendation and Warrant of Commutation that is presented to the Governor shall include a requirement that the applicant serve at least 1 year in a prerelease center prior to release on parole unless transfer of the applicant to a prerelease center is not appropriate due to a certified terminal illness.

(c) Recommendations made to the Governor for commutation of sentence will be conditioned as set forth in subsection (e).

(d) Recommendations for a pardon may be made conditional by a majority vote by the Board.

(e) If it is the Board's desire that the commutation or pardon be conditional, any recommended Warrant of Commutation or Charter of Pardon presented to the Governor shall include the following language:

"Subsequent to this date, if it is determined, upon public hearing by the Board of Pardons, that (name) has committed a probation or parole violation or has been convicted of a new criminal offense, this grant of clemency may be rendered null and void by myself or by my successors in office."

(f) When notified of a subsequent criminal offense conviction, or probation or parole violation, the Secretary will inform the Board. The Board will then decide, on a case-by-case basis, whether to hold a public hearing regarding the suspected violation of the conditional pardon or commutation. After public hearing, a majority of the Board may recommend to the Governor that clemency be revoked.

§ 81.303. Charter and warrant.

If the recommendation of the Board is approved by the Governor, the Secretary will prepare the proper Charter of Pardon or Warrant of Commutation for the signature of the Governor and for the attachment of the Seal of the Commonwealth and the attestation of the Secretary of the Commonwealth.

§ 81.804. Record maintenance.

(a) Records, documents and files maintained by the Board are confidential except as provided in subsection (b).

(b) The following records are public: monthly calendars, minutes of public hearings, vote sheets of public hearings, completed applications and lists of actions taken by the Governor. The Board's written recommendation to the Governor will be made public only after the Governor has acted on an application.

[Pa.B. Doc. No. 97-589. Filed for public inspection April 18, 1997, 9:00 a.m.]

Title 58—RECREATION

FISH AND BOAT COMMISSION
[58 PA. CODE CHS. 69 AND 111]
Fishing and Boating

The Fish and Boat Commission (Commission) amends Chapters 69 and 111 (relating to fishing in Lake Erie and boundary lakes; and special regulations counties). The Commission is publishing these amendments under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The amendments relate to fishing and boating.

A. Effective Date

These amendments will go into effect immediately upon publication of this order adopting the regulations.

B. Contact Person

For further information on the amendments, contact Dennis Guise, Chief Counsel, (717) 657-4525, P. O. Box 67000, Harrisburg, PA 17106-7000.

C. Statutory Authority

These amendments are published under the statutory authority of sections 2102 and 5124 of the code (relating to rules and regulations; and particular areas of water).

D. Purpose and Background

The amendments are designed to update, modify and improve Commission regulations on fishing and boating. The specific purpose of the amendments is described in more detail under the summary of changes.

E. Summary of Changes

(1) Sections 69.12 and 69.13 (relating to seasons, sizes and creel limits—Lake Erie; and seasons, sizes and creel limits—Lake Erie Tributaries). At its January 1996, meeting, the Commission, on final rulemaking, amended § 69.12 to provide that from 8 a.m. the first Saturday after April 11 until 12:01 a.m. the day after Labor Day, the daily limit for trout and salmon is 8 (combined species), only two of which can be lake trout and of theentire catch (combined species), only three can exceed 15 inches in length. After the final rulemaking was ap-

proved, the Commission received inquiries and comments concerning the restriction as applied to Lake Erie and Presque Isle Bay. It was pointed out that, on Lake Erie and Presque Isle Bay, the three fish over 15 inches limit could be unduly restrictive since a relatively high proportion of the catch of trout and salmon exceeds 15 inches. At its January 1997 meeting, the Commission adopted an amendment that increases the number of trout and salmon per day that may exceed 15 inches in length from three to five. In addition, under § 51.5 (relating to correction of regulations), a correction is made to § 69.12.

(2) Section 111.58(d) (relating to Susquehanna County). The Laurel Lake Association, Inc. Boating Committee petitioned the Commission to reconsider the current 60 horsepower restriction on Laurel Lake, Susquehanna County. The petitioners cited the size of the lake, more stringent restrictions on lakes of similar size, environmental concerns of the use of gasoline motors on such a small lake, the lack of enforcement by the Commission of current restrictions, and interference with other uses of the lake caused by high speed operation of motorboats as valid reasons for the reconsideration.

The Commission accepted the petition for further review at its July 1995 meeting and directed staff to prepare a report with recommendations for further action. After considering the use of the Laurel Lake and its physical constraints, staff recommended that additional restrictions on the operation of boats on this lake may be appropriate. The Boating Advisory Board (Board) reviewed the report and staff recommendations at its January 1996 meeting. The Board voted to recommend that the Commission consider an alternative regulation. The Commission's Boating Committee then recommended that the Commission not approve the staff and Board recommendations. The Commission therefore proposed to keep the present regulations in effect with one change, that is, to ban the operation of personal watercraft. At its July 1996 meeting, the Commission, on final rulemaking, adopted the personal watercraft amendment to § 111.58(d).

At its July and October 1996 meetings, the Commission also authorized the publication of a separate notice of proposed rulemaking to seek public comment on proposed amendments further limiting the operation of boats with internal combustion motors. Although there are at least two distinct viewpoints from persons who reside around or boat on Laurel Lake, there is general agreement that the interests of safe boating on this small impoundment require restrictions on the number of boats on the lake. In addition, the Commission sought public comment on a proposed system whereby boats powered by internal combustion motors of up to 60 horsepower must have a special permit to operate on Laurel Lake.

The proposed changes set forth in the notice of proposed rulemaking contained a number of provisions related to limiting the number of boats powered by internal combustion motors that may receive permits to operate on Laurel Lake and further restricting operations of these boats on the lake. The Commission specifically invited public comment on the various aspects of the proposal as alternatives. Although the proposed changes were not mutually exclusive, the Commission asked commentators to address comments to two distinct aspects of the proposal:

(a) Limiting the number of Laurel Lake permits for boats powered by internal combustion motors. One aspect of the proposal provided that no boats powered by internal combustion motors will be permitted to operate

on Laurel Lake if the lake was not its site of principal operation during the preceding year and if Laurel Lake is not the site of principal operation in the year of the permit. The Commission envisioned a very simple application process for this permit whereby a registered boat owner would simply certify, under penalty of law, that Laurel Lake was the site of principal operation in the preceding year. Since Laurel Lake has no publicly-owned or controlled boating access, this means that only those boats that operated on the Lake in the past will be allowed to do so in the future. This will essentially freeze the number of internal combustion boats on Laurel Lake. This aspect of the proposal also provided that the number of permits for boats powered by internal combustion motors will gradually be reduced as boats go out of service, are moved elsewhere or are sold or transferred.

(b) Creating an internal combustion motorboat operating zone. Another aspect of the proposal provided that internal combustion motorboats, which hold special Laurel Lake permits, are restricted to slow, minimum height swell speed operation except in a marked operating zone on the upper pond where, at any one time, no more than two of these boats may operate at higher speeds (with or without water skiers) by boating in a counterclockwise direction in accordance with the Rules of the Road and other restrictions on operation of boats at Laurel Lake. The Commission asked commentators to provide comments and suggestions as to whether, if the operating zone aspect of the proposal were adopted, it would be necessary or appropriate to limit permits to boats that had used Laurel Lake as the site of principal operation during the preceding year and whether it would be necessary or appropriate to gradually phase out the number of internal combustion motorboats on the lake.

Staff provided a worksheet to members of the Commission and the Board to assist them in addressing various aspects of the proposal as published in the *Pennsylvania Bulletin*.

At its meeting on December 20, 1996, the Board considered the alternatives and recommended that the Commission not implement a special permit system to cover boats powered by internal combustion motors. The Board therefore recommended against freezing, and thereafter, gradually reducing the number of boats powered by internal combustion motors on this lake. The Board did recommend, however, that the Commission adopt regulations establishing a marked "at-speed" operating zone for boats powered by internal combustion motors. Under the Board's recommendation, these regulations would (1) include a restriction that no more than two boats powered by internal combustion motors may operate in the zone at any one time; (2) continue to limit the hours (from 12 noon until 6 p.m.) during which boats powered by internal combustion motors may operate at a speed higher than slow-minimum height swell speed in the zone; and (3) include other restrictions on competing activities such as swimming, rafting or fishing in the operating zone during times when boats powered by internal combustion motors are operating "at speed" or towing water skiers. It also was the consensus of the Board that boaters be given first priority in the marked zone but that other uses would be permitted in the absence of any boats in the zone.

After giving full and fair consideration of the public comments on all sides of the issue, the Commission, at its January 1997 meeting, adopted the recommendation of the Board with an additional proviso, endorsed by many commentators, that internal combustion boats on Laurel

Lake be limited to those owned and operated by resident property owners. Because there is no publicly-operated or maintained access to Laurel Lake, restricting internal combustion boats to resident property owners appears not only workable but consistent with past practice. From a safety standpoint, this restriction appears justified to help assure that operators are familiar with the configuration of this lake. The concept of an "at-speed" operating zone has proven workable on other Commonwealth waters, such as Lily Lake and Beltzville Lake. These lakes do not have the express limit of no more than two boats operating in the zone at any one time, but the zones on those lakes are larger than that adopted for Laurel Lake.

F. Paperwork

The amendments hereby adopted will not increase paperwork and will create no new paperwork requirements.

G. Fiscal Impact

The amendments will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The amendments impose no new costs on the private sector or the general public.

H. Public Involvement

A notice of proposed rulemaking containing the proposed changes to §§ 69.12 and 69.13 was published at 26 Pa.B. 6098. These changes did not attract public comment.

A notice of proposed rulemaking containing the proposed changes to § 111.58 also was published at 26 Pa.B. 6098. The Commission received a total of 246 comments (plus petitions/attachments containing 268 signatures). These comments are in addition to comments received over many months.

The comments can be divided into three groups. One group of comments asks the Commission to adopt regulations that would provide for electric motors only on Laurel Lake. These comments oppose grandfathering to permit the handful of 60 horsepower motorboats that used Laurel Lake in the past to continue to use it in the future. Because these commentators believe that operation of boats powered by internal combustion motors should be banned beginning in 1997, they take no position on the proposed "at speed" operating zone limited to two boats. In this round, the Commission received 135 individual comments endorsing electric motors only and no grandfathering. The Commission also received notice that the Northeast Division of the Pennsylvania Federation of Sportsmen Clubs had voted to endorse either electric motors or 10 horsepower motors on Laurel Lake. The reasons cited in support of the position in these comments include, generally, safety, protection of aquatic resources, protection of competing uses (swimming/fishing), environmental/noise/aesthetic concerns.

On the other side, the Commission received 108 comments (plus petitions/attachments containing 268 signatures some of which duplicate individual commentators) opposed to additional restrictions on Laurel Lake except that most of these comments endorse the proposed at-speed operating zone. These comments include an extensive submission from the Laurel Lake Aquatics Association that includes signed letters from numerous persons who claim to own property at Laurel Lake. The reasons cited in support of the position in these comments include the existing restrictions on powerboating on Laurel Lake, the safety of past operations on the lake, the fun of boating, waterskiing, tubing and the like, property values and similar areas.

The comments on both sides contained numerous comments from members of the same family and the same address. A majority of the comments on both sides appear to have similar content and many could be described as form letters. However, a good number of commentators have expressed distinct individual viewpoints.

The Commission received three comments that do not fall into either distinct camp. One commentator appeared to endorse that part of the proposal that provided for freezing the number of powerboats at current levels, a permit system and a gradual phasing out of operation of boats operated by internal combustion motors. Another commentator objected to even electric motors on this lake because of the increased power of electric motors. The Susquehanna County Commissioners, who had previously written to the Commission to endorse electric motor/10 horsepower restrictions on Laurel Lake, wrote to inform the Commission that they had heard from a lot of constituents on the other side of the issue and now asked the Commission to consider all points of view.

Copies of all public comments have been provided to the Commissioners.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the 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 promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided and that all comments received were considered.

(3) The adoption of the regulations of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

Order

The Commission, acting under the authorizing statutes, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapters 69 and 111, are amended by amending § 69.13 to read as set forth at 26 Pa.B. 6089, and by amending §§ 69.12 and 111.58 to read as set forth at Annex A.

(b) The Executive Director will submit this order, 26 Pa.B. 6089 and Annex A to the Office of Attorney General for approval as to legality as required by law.

(c) The Executive Director shall certify this order, 26 Pa.B. 6089 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

PETER A. COLANGELO,
Executive Director

(*Editor's Note:* A proposal to amend § 69.13(d), amended in this document, remains outstanding at 27 Pa.B. 1468 (March 22, 1997).)

Fiscal Note: Fiscal Note 48A-58 remains valid for the final adoption of the subject regulations.

Annex A
TITLE 58. RECREATION
PART II. FISH AND BOAT COMMISSION
Subpart B. FISHING
CHAPTER 69. FISHING IN
LAKE ERIE AND BOUNDARY LAKES

§ 69.12. Seasons, sizes and creel limits—Lake Erie.

(a) It is unlawful to take, catch, kill or possess fish, except during the seasons specified in this section. It is not a violation of this section if a fish caught out of season from water where fishing for other species is lawful is immediately returned unharmed to the waters from which it was taken.

(b) It is unlawful to take, catch, kill or possess fish of less than the minimum size specified in this section. It is not a violation of this section if an undersized fish taken from waters where fishing is otherwise lawful is immediately returned unharmed to the waters from which it was taken.

(c) It is unlawful to take, catch or kill more than 1 day's limit of any species of fish as specified in the following chart during 1-calendar day. It is unlawful to possess more than 1 day's limit of any species of fish as specified in the following chart except under the following circumstances:

(1) A person may possess any number of lawfully caught fish at the person's residence.

(2) A person who is engaged in a fishing trip away from

home for 2 or more consecutive calendar days may, while transporting fish from the place where caught to his residence, possess a number of fish equal to no more than two times the daily creel limit for that species of fish. In prosecution for violation of this section, it shall be a rebuttable presumption that a person transporting fish from a fishing site caught all of the fish during 1-calendar day.

(3) A fish will not be considered to be caught in violation of this section if it is immediately returned unharmed to the waters from which it was taken.

(4) A fish caught that is not to be counted in the creel limit shall be immediately released unharmed into the water from which taken. Except as otherwise provided in § 53.24 or § 63.40 (relating to tournament and fishing derby permits; and fishing tournament and fishing derbies), a fish placed on a stringer, or confined by any type of container, structure or device, or not returned immediately to the water, will be considered as part of the daily creel or possession limits. Fish returned to the water shall be handled carefully and be returned unharmed to the water from which taken.

(5) Fish may be given to another person, but the fish shall be counted in the donor's creel limit and neither the donor nor the recipient may kill or possess (while in the act of fishing) more than the limit allowed.

(d) The following seasons, sizes and creel limits apply to Lake Erie and Presque Isle Bay, including peninsula waters:

<i>SPECIES</i>	<i>SEASONS</i>	<i>MINIMUM SIZE</i>	<i>DAILY LIMIT</i>
MUSKELLUNGE and MUSKELLUNGE HYBRIDS PIKE Northern	Inland seasons apply: See § 61.1	30 inches	2 (combined species)
		24 inches	2
WALLEYE*	Open year-round	15 inches	6
BASS Largemouth Smallmouth	January 1 to opening day of trout season in April and first Saturday after June 11 until December 31	15 inches	4 (combined species)
	Opening day of trout season in April until first Saturday after June 11.*	20 inches	1
TROUT and SALMON	First Saturday after April 11 until midnight Labor Day.	9 inches	8 (combined species only 2 of which may be lake trout). Of the entire catch (combined species) only 5 fish total may exceed 15 inches in length.
	12:01 a.m. the day after Labor Day until midnight on the Friday before the first Saturday after April 11	15 inches	3 (combined species only 2 of which may be lake trout).
STURGEON	No open season	ENDANGERED SPECIES	
SUNFISH, CRAPPIES, CATFISH, ROCK BASS, SUCKERS, EELS, CARP, WHITE BASS	Open year round	None	50 (combined species)
YELLOW PERCH	Open year-round	8 inches	20

SPECIES	SEASONS	MINIMUM SIZE	DAILY LIMIT
BAIT FISH FISH BAIT	Open year-round	None	50 (combined species)
ALL OTHER SPECIES	Inland regulations apply: See § 61.1		

*It is unlawful to conduct or participate in a fishing tournament (as defined in § 63.40 (relating to seasons for fishing tournaments)) for bass on Lake Erie or Presque Isle Bay during the period from opening day of trout season in April until the first Saturday after June 11.

Subpart C. BOATING
CHAPTER 111. SPECIAL REGULATIONS
COUNTIES

§ 111.58. Susquehanna County.

(a) *Cotrell Lake.* The operation of boats powered by internal combustion motors is prohibited.

(b) *East Lake.* The operation of boats powered by internal combustion motors is prohibited.

(c) *Lakeside Pond.* The use of motors in excess of 10 horsepower is prohibited.

(d) *Laurel Lake.*

(1) *Internal combustion motors prohibited.* After April 1, 1997, the operation of boats powered by internal combustion motors is prohibited except as otherwise provided in this subsection.

(2) *Operation of boats powered by motors of up to 60 horsepower.* Resident property owners at Laurel Lake are permitted to operate boats powered by motors of up to 60 horsepower. It is unlawful for a person, other than a resident property owner or a member of the property owner's immediate family, to operate a boat powered by an internal combustion motor on Laurel Lake. It is unlawful for a person, including a resident property owner and members of the immediate family, to operate a boat powered by a motor rated in excess of 60 horsepower.

(3) *Restrictions on operation of boats powered by internal combustion motors.* Operation of boats powered by internal combustion motors is subject to the following restrictions:

(i) *Ski devices.* No more than one water ski device with a maximum of one skier may be towed by a boat.

(ii) *Upper Lake.* Boat speed is limited to slow, minimum height swell speed except that, during the period from noon until 6 p.m., no more than two boats powered by internal combustion motors may, at any one time,

operate at speeds greater than slow, minimum height swell speed in the marked boat operating zone. Boats operating in the marked zone shall circle in a counter-clockwise direction and shall be subject to the restrictions in this subsection and the code and this subpart. It is unlawful to water ski or to operate a boat at greater than slow, minimum height swell speed at any location on the upper lake from 6 p.m. until noon of the following day.

(iii) *Lower Lake.* It is unlawful to water ski or to operate a boat at greater than slow, minimum height swell speed at any time at any location on the lower lake.

(iv) *Personal watercraft.* The operation of personal watercraft is prohibited.

(4) *Restrictions on competing uses of marked boat operating zone.* Boats powered by internal combustion motors operating at authorized speeds greater than slow, minimum height swell speed in the marked boat operating zone shall have priority during the time periods when the operation is authorized under paragraph (3)(ii). It is unlawful to operate or stop a boat in the marked boat operating zone in a manner that interferes with authorized operation of internal combustion powered motorboats in the zone.

(e) *Little Elk Lake.* The operation of boats powered by internal combustion motors is prohibited.

(f) *Quaker Lake.* The use of motors in excess of 7.5 horsepower is prohibited.

(g) *Stump Pond.* The operation of boats powered by internal combustion motors is prohibited.

(h) *Tripp Lake.* The operation of boats powered by internal combustion motors is prohibited.

(i) *Upper Lake, New Milford Township.* Motors are prohibited.

[Pa.B. Doc. No. 97-590. Filed for public inspection April 18, 1997, 9:00 a.m.]

PROPOSED RULEMAKING

BOARD OF CLAIMS

[61 PA. CODE CH. 899]
Rules of Procedure

The Board of Claims (Board), under 72 P. S. §§ 4651-1—4651-10, and section 204(1) of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204(1)), intends to submit new rules of procedure by final order, proposed rule-making omitted.

The new rules of procedure will govern practice before the Board and will replace the current rules found in Chapter 899 (relating to rules of practice and procedure).

Interested persons may obtain a copy of the new rules from the Board of Claims, 200 North Third Street, Suite 700, Harrisburg, PA 17101-1501, or by contacting Connie Rode at (717) 787-3325, and may submit comments or suggestions within 15 days of the publication of this notice in the *Pennsylvania Bulletin*.

DAVID C. CLIPPER,
Chief Administrative Judge

[Pa.B. Doc. No. 97-591. Filed for public inspection April 18, 1997, 9:00 a.m.]

DEPARTMENT OF HEALTH

[28 PA. CODE CHS. 6 AND 25]

Drugs Which May Be Used By Qualified Optometrists; Schedules of Controlled Substances

The Department of Health (Department), Bureau of Community Program Standards, proposes to amend § 6.1 (relating to drugs which may be used by qualified optometrists) by adding Rev-Eyes (Dapiprazole HCL) to the list of drugs which optometrists may use in the course of their practice.

The Department also proposes to amend the schedules of controlled substances in § 25.72 (relating to schedules of controlled substances). The proposed amendment under this section will reschedule one substance from Schedule I to Schedule II and add three previously unscheduled substances to Schedule I of the controlled substances list. The proposals are set forth in Annex A.

A. Statutory Authority

The amendment to the list of drugs which optometrists may use in the course of their practice is proposed under section 2 of the Optometric Practice and Licensure Act (OPL act) (63 P. S. § 244.2). The amendments to the schedules of controlled substances are proposed under sections 103 and 104 of The Controlled Substance, Drug, Device and Cosmetic Act (CSDDC act) (35 P. S. §§ 780-103 and 780-104). Both amendments are also proposed under section 2102(g) of The Administrative Code of 1929 (71 P. S. § 532(g)).

B. Purpose of the Amendments

Chapter 6 (relating to drugs which may be used by qualified optometrists)

Under the OPL act (63 P. S. §§ 244.1—244.12), optometrists who are certified by the State Board of Optometry

to do so, may prescribe and administer certain drugs approved by the Secretary of Health (Secretary). The Department has approved a request from the State Board of Optometry to add Rev-Eyes (Dapiprazole HCL) to the list of approved drugs.

Chapter 25 (relating to controlled substances, drugs, devices and cosmetics)

The CSDDC act (35 P. S. §§ 780-101—780-144) recognizes the fact that there is a need to control substances which have potential for abuse while also recognizing that some of those substances have medical uses. The CSDDC act provides for a system of five schedules of controlled substances as a means of grouping potentially dangerous substances based on their differing potentials for abuse and on their potential for medical use. Penalties for illegal use of the controlled substances vary according to the schedule on which the substance is listed. The health and safety of the public is protected by having a substance placed on the proper schedule. Additionally, proper scheduling ensures appropriate enforcement when a substance is abused or otherwise used illegally.

The CSDDC act requires that a controlled substance be placed in Schedule I when there is : (1) a high potential for abuse; (2) no currently accepted medical use in the United States; and (3) a lack of accepted safety for use under medical supervision. A controlled substance is placed in Schedule II when there is : (1) a high potential for abuse; (2) currently accepted medical use in the United States or currently accepted medical use with severe restrictions; and (3) abuse may lead to severe psychic or physical dependence.

The amendments reschedule Levo-Alpha-Acetyl-Methodol (LAAM), previously listed in Schedule I of the schedules of controlled substances, to Schedule II. They further list Methcathinone, 4 Bromo 2, 5 Dimethoxyphenethylamine, and Dimethylamphetamine, all previously unscheduled substances, in Schedule I.

In proposing these amendments to the schedules of controlled substances, the Department is following the lead of the Federal Drug Enforcement Administration (DEA) which has previously scheduled all four substances as proposed herein.

C. Requirements of the Amendments

Rev-Eyes (Dapiprazole HCL)

The Secretary, upon the advice from the Drug, Device and Cosmetic Board, proposes to add the ophthalmic use only product Rev-Eyes (Dapiprazole HCL) to the approved drug products in § 6.1(a)(2). Rev-Eyes (Dapiprazole HCL) is a drug that reverses pupillary dilation (pupil enlargement) and partially reduces cycloplegia (paralysis of focusing muscle), two effects of diagnostic eyedrops used in routine eye examinations. The reversal of these effects permits the patient to leave the doctor's office with less light sensitivity and improved visual performance.

Levo-Alpha-Acetyl-Methodol (LAAM)

The Secretary, upon the advice of the Drug, Device and Cosmetic Board, finds that placing the Schedule I narcotic known as Levo-Alpha-Acetyl-Methodol (LAAM) into Schedule II will make it available as an alternative to methadone in substance abuse treatment facilities in this Commonwealth. In 1993, the DEA transferred LAAM from Schedule I into Schedule II of the Federal Controlled Substances Act.

LAAM is a synthetic opiate developed in 1948 and clinically tested for treatment of opiate dependence since 1968. LAAM's primary advantage over methadone, the current approved drug for maintenance treatment, is its ability to relieve and prevent opiate withdrawal symptoms in addicts for up to 72 hours. Due to its long duration of action, the frequency of visits to a clinic can be reduced from daily to three times weekly even for patients just entering treatment. In general, addicts find participation in treatment more acceptable and return to the clinic more regularly. This is especially true for those addicts trying to engage in work, education or rehabilitation activities outside of the clinic, because travel time and effort is greatly reduced.

In addition, researchers found that LAAM offers the patient a smoother, sustained drug effect. Oral consumption even during the period of escalating doses did not produce excessive sedation or subjective euphoria. Researchers also emphasize that LAAM is less likely to be a reinforcer of daily drug taking behavior than methadone since a three times weekly dosage schedule frees the patient from the daily necessity of engaging in drug seeking and drug taking behavior.

Facilities utilizing LAAM for treatment of narcotic addiction will be subject to compliance with the requirements of the Narcotic Addict Treatment Act of 1974 (Pub. L. 93-281), and numerous regulations, both State and Federal, concerning narcotic treatment programs. The Department's Division of Drug and Alcohol Program Licensing currently inspects narcotic treatment facilities twice per year for compliance with these regulations.

Methcathinone HCL, 4 Bromo 2, 5 Dimethoxyphenethylamine and Dimethylamphetamine

In addition, the Secretary, upon the advice of the Drug, Device and Cosmetic Board is proposing the placement of Methcathinone HCL; 4 Bromo 2, 5 Dimethoxyphenethylamine; and Dimethylamphetamine into Schedule I of the controlled substances listing.

Methcathinone HCL

Methcathinone HCL is produced for street distribution in clandestine laboratories. There are no indications of current medical use of Methcathinone HCL in or outside of the United States. It has a high potential for abuse and is administered by nasal insufflation, oral ingestion, intravenous injection and smoking. Methcathinone HCL produces pharmacological effects and appears to have an abuse potential similar to that of amphetamines. It is usually sold as itself under street names of "CAT" and "GOOB." In 1993, the DEA placed Methcathinone HCL into Schedule I of the Federal Controlled Substances Act (21 U. S.C.A. § 823).

4 Bromo 2, 5 Dimethoxyphenethylamine

4 Bromo 2, 5 Dimethoxyphenethylamine has been represented as 3, 4 Methylendioxy Methamphetamine (MDMA) and has been sold in sugar cubes as LSD. More recently, it has been promoted as an aphrodisiac and distributed under the product name of NEXUS whose purported active ingredient is brominated cathinine. It is produced for street distribution in clandestine laboratories and has no known medical use. In 1994, the DEA placed this drug into Schedule I of the Federal Controlled Substances Act.

Dimethylamphetamine

Dimethylamphetamine is a drug which produces a significant central nervous system stimulant. Dimethylamphetamine is routinely sold on the street as

methamphetamine or speed and is produced in clandestine laboratories. There are no known medical uses for this drug. In 1990, the DEA placed Dimethylamphetamine into Schedule I of the Federal Controlled Substances Act.

D. Who is Affected by the Proposed Amendments

The proposed amendment rescheduling LAAM will impact mostly on existing narcotic treatment programs in this Commonwealth. They will be afforded the use of an alternative to methadone. Facilities utilizing LAAM will be required to comply with Federal regulations at 21 CFR Parts 291.501 and 291.505, pertaining to the use of narcotic drugs in the treatment of addiction.

The amendment pertaining to Rev-Eyes (Dapiprazole HCL) will affect optometrists who will have the drug Rev-Eyes (Dapiprazole HCL) available for use on their approved drug products listing.

E. Cost and Paperwork Estimates

The proposal to the schedules of controlled substances will have no measurable fiscal impact on the Commonwealth, local government, the private sector or the general public because a system already exists for the handling of controlled substances. Similarly, the proposal will not increase paperwork, since a paperwork system is already in place and will not measurably change with the addition of more substances.

The addition of Rev-Eyes (Dapiprazole HCL) to the list of approved drugs under the OPL act will not result in additional costs or paperwork.

F. Effective Date/Sunset Date

The amendments will be effective immediately upon final adoption. These regulations are continually monitored and updated as needed. Therefore, no sunset date has been set.

G. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 9, 1997, the Department submitted a copy of the proposed amendments, to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Health and Human Services and the Senate Committee on Public Health and Welfare. In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of a Regulatory Analysis Form prepared by the Department 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 amendments, it will notify the Department 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 amendments, by the Department, the General Assembly and the Governor of objections raised.

H. Contact Person

Interested persons are invited to submit all comments, suggestions or objections regarding the proposal to John C. Hair, Director, Bureau of Community Program Standards, 132 Kline Plaza, Suite A, Harrisburg, PA 17104, (717) 783-8665, within 30 days of publication of this notice in the *Pennsylvania Bulletin*. If you are a person

with a disability, comments, suggestions or objections regarding the proposed amendments may also be submitted to John Hair in alternative formats, such as by audio tape, braille or by using TDD: (717) 783-6514. If you are a person with a disability and require an alternative format of this document (that is, large print, audio tape, braille) please contact John Hair so that he may make the necessary arrangements.

DANIEL F. HOFFMANN, Secretary

Fiscal Note: 10-144. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 28. HEALTH AND SAFETY

PART I. GENERAL HEALTH

CHAPTER 6. DRUGS WHICH MAY BE USED BY QUALIFIED OPTOMETRISTS

§ 6.1. Approved drugs.

(a) Optometrists who are appropriately qualified under the Optometric Practice and Licensure Act (63 P.S. §§ 244.1—244.12) are permitted to utilize the following drugs in their practice of optometry:

* * * * *

(2) Miotics. Miotics shall conform with the following:

* * * * *

(iv) Dapiprazole HCL.

* * * * *

PART III. PREVENTION OF DISEASES

CHAPTER 25. CONTROLLED SUBSTANCES, DRUGS, DEVICES AND COSMETICS

SCHEDULES OF CONTROLLED SUBSTANCES

§ 25.72. Schedules of controlled substances.

* * * * *

(b) Schedule I. In determining that a substance comes within this schedule, the Secretary will find: a high potential for abuse; no currently accepted medical use in the United States; and a lack of accepted safety for use under medical supervision. The following controlled substances are included in this schedule:

(1) The following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted whenever the existence of the isomers, esters, ethers, and salts is possible within the specific chemical designation:

(i) [Acetylmethadol] (Reserved).

* * * * *

(3) A material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers, and salts of isomers, unless specifically excepted, whenever the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation:

* * * * *

(xx) 4 Bromo 2, 5 Dimethoxyphenethylamine.

* * * * *

(6) Unless specifically excepted or unless listed in another schedule, a material, compound, mixture or

preparation which contains any quantity of the following substances including the salts, isomers and salts of isomers:

* * * * *

(xxviii) Methcathinone HCL.

(xxix) Dimethylamphetamine.

(c) Schedule II. In determining that a substance comes within this schedule, the Secretary will find: a high potential for abuse; currently accepted medical use in the United States; or currently accepted medical use with severe restrictions and abuse may lead to severe psychic or physical dependence. The following controlled substances are included in this schedule:

* * * * *

(2) The following opiates, including their isomers, esters, ethers, salts and salts of isomers, esters and ethers, of any quantity, unless specifically excepted or listed in another schedule, whenever the existence of the isomers, esters, ethers and salts is possible within the specific chemical designation:

* * * * *

(xxvi) Levo-Alpha Acetyl-Methodol

* * * * *

[Pa.B. Doc. No. 97-592. Filed for public inspection April 18, 1997, 9:00 a.m.]

INSURANCE DEPARTMENT

[31 PA. CODE CH. 131]

Deductible Program

The Insurance Department (Department) proposes to delete Chapter 131 (relating to deductible program) to read as set forth in Annex A, under the authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P.S. §§ 66, 186, 411 and 412). Chapter 131 was previously promulgated under section 13(d) of the Casualty and Surety Rate Regulatory Act (40 P.S. § 1193) and section 13(d) of the Fire, Marine and Inland Marine Rate Regulatory Act (40 P.S. § 1233(d)) (acts).

Purpose

The purpose of this rulemaking is to delete Chapter 131 to eliminate redundant and obsolete regulations. The regulations, adopted in 1973, imposed several requirements on insurance companies licensed to do business in this Commonwealth with respect to deductibles used for property or casualty policies. The regulations authorized insurance companies to offer previously prohibited small deductible or full coverage programs, overruling an Insurance Commissioner order issued in 1971. The regulations instructed insurance companies offering the expanded deductible choices to consumers to first file their revised rates with the Department. Finally, the regulations announced that a company would be in violation of The Insurance Unfair Practices Act (40 P.S. §§ 1151—1162) (Repealed) if it implemented lowered deductibles without the insured's consent, or otherwise failed to fully disclose and explain the available options to consumers.

The Department has determined that the regulations are redundant and unnecessary. The provisions of the regulations are sufficiently within the acts, and the regulations in no manner enhance the authorizing stat-

utes. Additionally, the Department, through its market conduct activities, monitors insurers to ensure compliance with statutory requirements for filing and approval of rates and forms. Therefore, the Department recommends deletion of Chapter 131 in its entirety.

Comments regarding the deletion of these regulations were solicited from various trade associations representing the insurance industry. Comments were received from the Insurance Federation of Pennsylvania, Inc. The Insurance Federation agrees with the Department that this chapter should be deleted.

Fiscal Impact

There will be no fiscal impact as a result of the deletion of these regulations.

Paperwork

There will be no impact on paperwork as a result of the deletion of these regulations.

Affected Parties

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

Effectiveness/Sunset Date

The rulemaking will become effective upon final publication in the *Pennsylvania Bulletin*. Because the rulemaking proposes to delete obsolete regulations, no sunset date has been assigned.

Contact Person

For information on this matter, contact Randy Rohrbaugh, Director, Bureau of Property and Casualty, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, (717) 787-4192.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Department submitted a copy of this proposal on March 28, 1997, to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Insurance Committee and the Senate Banking and Insurance Committee. In addition to the submitted proposal, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of the material is available to the public upon request.

If IRRC has objections to any portion of the proposal, it will notify the Department 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 final-form regulations, by the Department, the General Assembly and the Governor of objections raised.

LINDA S. KAISER,
Insurance Commissioner

Fiscal Note: 11-143. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 31. INSURANCE

PART VIII. MISCELLANEOUS PROVISIONS

CHAPTER 131. [DEDUCTIBLE PROGRAM] (Reserved)

§ 131.1. [Optional deductible programs] (Reserved).

[(a) Insurance companies may offer optional lower deductibles or full coverage programs which had previously been prohibited by the order of the Commissioner dated August 14, 1971 (1 Pa.B. 1650) and subsequent related notices.

(b) The optional coverages may be made available as soon as properly filed with and approved by the Department.]

§ 131.2. [Mandatory deductible programs] (Reserved).

[(a) Deductibles which were mandatory before the August 14, 1971 order, such as the \$50 all perils deductible on homeowners policies, shall remain mandatory requirements.

(b) Mandatory deductibles required by the August 14, 1971 order and subsequent related notices shall remain fully available as options to the insured.]

§ 131.3. [Rates] (Reserved).

[(a) Insurance companies wishing to offer optional lower deductibles or full coverage may file for reinstatement of the same rates suspended by the August 14, 1971 order of the Commissioner.

(b) Those insurance companies which have received rate reductions on deductible coverage since January 1, 1972, and who now wish to reoffer the lower optional deductibles or full coverage programs, may file proportionately reduced rates when reinstating the programs.]

§ 131.4. [Filing requirements] (Reserved).

[(a) In a filing incorporating optional lower deductibles or full coverage, the insurer shall state the method whereby the coverage will be offered.

(b) A filing shall include the applicable marketing, solicitation and underwriting procedures that will be incorporated in making the optional coverages known and available to the public.

(c) The filing shall clearly specify that the following minimal requirements will be met in the sale of lower deductibles or full coverage:

(1) Prior to completion of the sale, there will be a clear and full disclosure and explanation to the consumer of all and each of the deductibles available.

(2) The disclosure and explanation of all and each of the deductibles available to the insured will be made regardless of whether the solicitation is by broker, agent, mail or otherwise.]

§ 131.5. [Violations] (Reserved).

[Companies found to be rolling on lower deductibles or full coverage, or otherwise failing to fully and clearly disclose and explain available options to the consumer shall be deemed to have violated the terms and basis for the reimplementation of the optional lower deductible or full coverage program, as well as being in violation of The Insurance Unfair Practices Act (40 P. S. §§ 1151—1162).]

§ 131.6. [Previous restrictions] (Reserved).

[This chapter relieves previous restrictions relating to the availability of certain kinds of insurance coverage by making the coverages available at the option of the insured.]

§ 131.7. [Participation in program] (Reserved).

[An insurer or insured is not required to participate in an optional program.]

[Pa.B. Doc. No. 97-593. Filed for public inspection April 18, 1997, 9:00 a.m.]

STATEMENTS OF POLICY

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 57]

Fishing

The Fish and Boat Commission (Commission) by this order adopts a statement of policy at §§ 57.8a and 57.9a (relating to Class A wild trout streams; and publicizing stocking of legal-size trout). The Commission is publishing this statement of policy under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The statement of policy relates to fishing.

A. Effective Date

This statement of policy will go into effect immediately upon publication of this order.

B. Contact Person

For further information on the statement of policy, contact Laurie E. Shepler, Assistant Counsel, (717) 657-4546, P. O. Box 67000, Harrisburg, PA 17106-7000.

C. Statutory Authority

This statement of policy is published under the statutory authority of sections 322(l) and 2102 of the code (relating to rules and regulations).

D. Purpose and Background.

Under the regulations, policies and guidelines of the Department of Environmental Protection, classification of a water as a Class A wild trout water affects the water quality designation of a stream, qualifying it for special protection status. A formal statement of policy on the factors involved in identifying streams as Class A wild trout waters will better define this status.

A review of the history of Commission policies on publicizing trout stocking reveals that prior to 1965, these stockings were kept "secret." In 1965, the Commission adopted a policy that all stockings should be publicly announced. This was modified in 1974. The current policy was approved by the Commission in 1978, and it was confirmed on several occasions thereafter with minor modifications in 1986. The policy provides that in-season stocking of trout will be publicized by announcement of the water area to be stocked and the week of the stocking. The policy of only announcing the week of in-season stockings was designed to address problems in landowner relations, traffic, adverse angler reactions, and the like. These problems caused the Commission to abandon the former policy of announcing the date and time of most in-season stocking.

On several occasions since 1978, committees and workgroups of Commission staff, the FUTURE taskforce, Commission committees and the Commission itself discussed changes to the policy for announcing in-season stocking. There have been strong recommendations for announcing some or all in-season stockings on public lands and consideration of announced in-season Saturday stockings. Everyone recognizes that the current policy has problems related to truck-following and the inability of many anglers to take advantage of in-season plantings of catchable trout. However, after past consideration, the policy was left unchanged. License sales increased in the years after the Commission stopped announcing in-season stockings, and a large majority (72%) of trout anglers

surveyed in the Trout Angler Telephone Survey (TATS) opposed announcing the date of trout stockings. Indeed a majority (65%) expressed the belief that the Commission should not even announce the week of stocking.

At the same time, field officers report increasing problems with the current policy, which is perceived as unfair and unnecessary with respect to public waters. Anglers and sportsmen have reported to our officers that the current policy discourages anglers from participation. Accordingly, at its January 1997 meeting, the Commission adopted a revised statement of policy on in-season stocking of legal-size trout.

E. Summary of the Statement

It is the policy of the Commission to manage self-sustaining Class A wild trout populations as a renewable natural resource to conserve that resource and the angling it provides. Class A wild trout populations represent the best of this Commonwealth's naturally reproducing trout fisheries, and the Commission manages these stream sections solely for the perpetuation of the wild trout fishery with no stocking. Section 57.8a defines the factors involved in identifying streams as Class A wild trout waters.

Section 57.9a reaffirms the Commission's long-standing policy on trout stockings and changes its policy on announcing Saturday stockings on lakes owned or controlled by the Commonwealth, Federal or local governments.

F. Paperwork

This statement of policy will not increase paperwork and will create no new paperwork requirements.

G. Fiscal Impact

This statement of policy will have no adverse fiscal impact on the Commonwealth or its political subdivisions. This statement of policy imposes no new costs on the private sector or the general public.

H. Public Involvement

Because this order adopts a statement of policy, and not regulations, the Commission was not required to publish a notice of proposed rulemaking in the *Pennsylvania Bulletin* or to solicit public comments.

Order

The Commission, acting under the authorizing statutes, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 57, are amended by adding §§ 57.8a and 57.9a to read as set forth in Annex A.

(b) The Executive Director shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

PETER A. COLANGELO,
Executive Director

Fiscal Note: 48A-66. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart. A. GENERAL PROVISIONS

CHAPTER 57. STATEMENTS OF POLICY

Subchapter A. FISHERIES POLICIES

§ 57.8a. Class A wild trout streams.

It is the policy of the Commission to manage self-sustaining Class A wild trout populations as a renewable natural resource to conserve that resource and the angling it provides. Class A wild trout populations represent the best of this Commonwealth's naturally reproducing trout fisheries. These stream sections are managed solely for the perpetuation of the wild trout fishery with no stocking.

(1) Criteria developed for Class A Wild Trout fisheries are species specific.

(2) Wild Trout Abundance Class Criteria include provisions for:

(i) *Wild brook trout fisheries.*

(A) Total brook trout biomass of at least 30 kg/ha (26.7 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Brook trout biomass must comprise at least 75% of the total trout biomass.

(ii) *Wild brown trout fisheries.*

(A) Total brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Brown trout biomass shall comprise at least 75% of the total trout biomass.

(iii) *Mixed wild brook and brown trout fisheries.*

(A) Combined brook and brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(D) Brook trout biomass shall comprise less than 75% of the total trout biomass.

(E) Brown trout biomass shall comprise less than 75% of the total trout biomass.

(iv) *Wild rainbow trout fisheries.* Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 2.0 kg/ha (1.78 lbs/acre).

(3) For a water to be removed from the Class A Wild Trout Streams designation, total trout biomass shall be documented below the set criteria for two consecutive stream examinations.

§ 57.9a. Publicizing stocking of legal-size trout.

(a) It is the policy of the Commission that all stockings of legal-size trout be publicly announced.

(b) Announcements of preseason and winter stockings of legal-size trout may include the date, time and a description of the waters to be stocked.

(c) Announcements of in-season stockings of legal-size trout will include the week of stocking and the name of waters to be stocked. The Executive Director or a designee may announce the day and time of certain in-season stocking of legal-size trout on Saturdays on lakes owned or controlled by the Commonwealth, Federal or local governments when an announcement will enhance fishing opportunities and will not cause undue congestion, crowd control or traffic problems. On lakes other than those under the direct control of the Commission, the day of in-season stockings will not be announced without the acquiescence of the government agency, official or officer responsible for ownership and control of the site of the stockings.

(d) The Executive Director may implement the policy stated in subsection (c) with regard to announcing the day of in-season stocking on publicly owned or controlled waters on a phased basis by establishing pilot sites and test announcements.

[Pa.B. Doc. No. 97-594. Filed for public inspection April 18, 1997, 9:00 a.m.]

NOTICES

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 April 8, 1997.

BANKING INSTITUTIONS

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-4-97	Sun Bank, Selinsgrove, and Bucktail Bank and Trust Company, Emporium Surviving Institution—Sun Bank, Selinsgrove	Selinsgrove	Approved

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-31-97	Dauphin Deposit Bank and Trust Company Harrisburg Dauphin County	Sanatoga Village Center 2190 East High St. Pottstown Montgomery County	Opened
4-1-97	First Star Savings Bank Bethlehem Lehigh County	11 North Main Street Alburtis Lehigh County	Opened
4-3-97	East Penn Bank Emmaus Lehigh County	Shoppes at Macungie Route 100 and West End Trail Macungie Lehigh County	Filed
4-7-97	Wilmington Trust of Pennsylvania West Chester Chester County	402 Lancaster Ave. Haverford Montgomery County	Filed
4-7-97	Wilmington Trust of Pennsylvania West Chester Chester County	One Liberty Place 1650 Market Street 51st Floor Philadelphia Philadelphia County	Filed
4-7-97	Fulton Bank Lancaster Lancaster County	Garden Spot Village Retirement Community 433 South Kinzer Ave. New Holland Earl Township Lancaster County	Filed

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-1-97	Johnstown Bank and Trust Company Johnstown Cambria County	<i>To:</i> Corner of Rambler Drive and Route 356 Sarver Butler County <i>From:</i> 111 South Pike Road Sarver Butler County	Effective
4-1-97	Fayette Bank Uniontown Fayette County	<i>To:</i> 3539 Washington Rd. McMurray Washington County <i>From:</i> 3870 Washington Rd. McMurray Washington County	Effective

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-4-97	Penn Security Bank and Trust Company Scranton Lackawanna County	<i>To:</i> Corner of Sanderson Avenue and E. Market St. Scranton Lackawanna County <i>From:</i> East Market St. and Boulevard Avenue Scranton Lackawanna County	Filed

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-2-97	Mid-State Bank and Trust Company Altoona Blair County	Route 220 Tipton Blair County	Filed

SAVINGS ASSOCIATIONS**Branch Relocations**

<i>Date</i>	<i>Name of Association</i>	<i>Location</i>	<i>Action</i>
4-2-97	Iron Workers Savings Association Aston Delaware County	<i>To:</i> 3 Old State Road Media Delaware County <i>From:</i> 10 Old State Road Media Delaware County	Approved

CREDIT UNIONS**Conversions**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
4-7-97	Harrisburg Belco Federal Credit Union Harrisburg Dauphin County		
	<i>To:</i> Belco Credit Union Harrisburg Dauphin County	Harrisburg	Effective
	Represents conversion from a Federally-chartered credit union to a State-chartered credit union.		

Articles of Amendment

<i>Date</i>	<i>Name of Credit Union</i>	<i>Purpose</i>	<i>Action</i>
4-4-97	Belco Credit Union Harrisburg Dauphin County	To provide for a change in corporate title to "Belco Community Credit Union."	Approved Effective 4-7-97

RICHARD C. RISHEL,
Secretary

[Pa.B. Doc. No. 97-595. Filed for public inspection April 18, 1997, 9:00 a.m.]

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of May 1997

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), hereby determines that the maximum lawful rate of interest for residential mortgages for the month of May is 9 1/2%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. 96-221). Further preemption

was instituted with the signing of Pub. L. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which such individual owns and which such individual occupies or has occupied as a principal residence.

Each month the Department of Banking is required by State law to compute and announce the ceiling rate on residential mortgages in Pennsylvania. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the U. S. Treasury. The latest yield rate on long-term government

securities is 7.03 to which was added 2.50 percentage points for a total of 9.53 that by law is rounded off to the nearest quarter at 9 1/2%.

RICHARD C. RISHEL,
Secretary

[Pa.B. Doc. No. 97-596. Filed for public inspection April 18, 1997, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Conservation and Natural Resources Advisory Council; Meeting Notice

Notice is hereby given of a meeting of the Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources on Monday, April 14, 1997. The meeting will be held at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items can be directed to Kurt Leitholf at (717) 705-0031.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Glenda Miller directly at (717) 772-9087 or through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN C. OLIVER,
Secretary

[Pa.B. Doc. No. 97-597. Filed for public inspection April 18, 1997, 9:00 a.m.]

Retention of Engineering/Construction Management Firm

Project Reference No. FDC-500-278

The Department of Conservation and Natural Resources will retain an engineering firm or construction management firm for an open-end contract to perform construction inspection services on various projects located on State forest land in Northcentral Pennsylvania. The contract will include bridge construction, bridge rehabilitation and bridge approach roadway inspection. The contract will be for a period of 5 years. It is anticipated that six construction inspectors may be required to provide the required work and services.

The firm selected will be required to attend a preconstruction conference with the Department and the construction contractor for each project. Under the direction of the Department, the selected firm will be required to keep records, document the construction work and provide site inspection to assure conformity with contract specifications, 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; and perform other duties as required.

The inspection staff must comply at least with 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, at Level 2 or higher.

2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with 1 year of bridge construction experience acceptable to the Department.

3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with 2 years of bridge construction experience acceptable to the Department.

4. Hold a Bachelor of Science in Civil Engineering with 2 years of bridge construction experience acceptable to the Department or a Bachelor of Science in Civil Engineering Technology with 2 years of bridge construction experience acceptable to the Department.

5. Hold an Associate Degree in Civil Engineering Technology with 3 years of bridge construction experience acceptable to the Department.

The contract shall be based on the hours of service and qualifying expenses not exceeding the contract amount. Inspector's work will be reviewed by the engineering staff of the Bureau of Facility Design and Construction and, when acceptable, approved by the same staff.

General Requirements and Information

Firms interested in performing the required services for this project are invited to submit letters of interest to Eugene J. Comoss, P.E., Director, Bureau of Facility Design and Construction, Department of Conservation and Natural Resources, P. O. Box 8451, Harrisburg, PA 17105-8451. Letters of interest can be delivered to the office which is located on the 8th floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. Questions concerning the services described in this notice may be directed to J. Michael Bielo, Chief, Division of Field Engineering, at (717) 787-3217.

The Commonwealth of Pennsylvania strongly encourages the submission of proposals by Socially/Economically Restricted Businesses (SERB).

Proposers not considered to be socially/economically restricted businesses seeking to identify such businesses for joint venture and subcontracting opportunities are encouraged to contact the Department of General Services, Bureau of Contract Administration and Business Development, 502 North Office Building, Harrisburg, PA 17125, (717) 787-7380.

Each letter of interest must include the firm's Federal identification number and the project reference number. The letter of interest shall also include a description of the firm's three most recently completed projects similar to the project being proposed. The description shall include the client, contact person and phone number, the estimated or actual construction cost of the portion of the work which the firm managed or designed, the project manager, and the names of all personnel who made major contributions to the project. Excessive information will not be evaluated and may be cause for rejection.

A standard DGS Form 150-S must accompany the letter of interest and shall indicate the individual in charge of the firm's construction management operations. A standard DGS Form 150 must accompany the letter of interest unless such a form less than 12 months old is on

file with The Department of Conservation and Natural Resources. Forms may be obtained by calling (717) 787-3217.

In addition to the letter of interest, DGS Form 150, and DGS Form 150-S, a single copy of the hourly rates of the persons who will be working on the projects shall be submitted. Such copy shall be in a sealed envelope clearly identified as to its contents.

The hourly rates shall be itemized to show the basic rates plus fringe benefits, profits, administrative costs, etc. for these persons. Examples of such people shall include a firm principle, project engineer or construction manager, staff engineer, construction inspector and secretary. Hourly rates shall be provided for the 5-year contract period. Travel and subsistence payment will be in accordance with the Commonwealth's Travel and Subsistence Reimbursement Rules and Regulations, as amended. Miscellaneous expenses such as printing and mailing shall be reimbursed at cost upon approval by the Department. Travel time to and from project sites will not be a reimbursable expense.

This contract will be for a 5-year period. The extent of work for the second through the fifth years will be dependent on the availability of additional funds and additional projects. Should hourly rates change during the second, third, fourth or fifth years of the contract, these rates must also be included in the sealed cost proposal.

The following factors will be considered during the evaluation of the firm's letter of interest:

Maximum weights for each factor have been established by the Department. The factors shown below are for the guidance of the readers only and are not to be assigned quantitative weight.

1. Qualifications and experience of the firm's personnel
2. Capability and capacity to perform
3. Understanding the Department's requirements, policies, and specifications.
4. Past performance on similar work
5. Socially/Economically Restricted Business participation as outlined in Paragraph 3.10b of Commonwealth Management Manual M215.1.
6. Cost

Each proposer shall relate their proposal to the above criteria.

Six copies of both the letter of interest and the required forms and a single sealed copy of the hourly rate information must be received no later than 4:30 p.m. on May 16, 1997. The assignment and services will be made to one of the firms responding to this notice. However, the Department reserves the right to reject all letters of interest submitted, cancel the solicitation requested under this notice, and/or re-advertise solicitation for this service.

The Department will not offer a debriefing session to the unsuccessful firms. The Department disclaims any liability whatsoever to its review of the proposals submitted and in formulating a recommendation for selections. Recommendations made by the Department shall be final.

JOHN C. OLIVER,
Secretary

[Pa.B. Doc. No. 97-598. Filed for public inspection April 18, 1997, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

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 his 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 1 (800) 654-5984.

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

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

PA 0001465. Industrial waste, SIC: 2816, **Ceramic Color and Chemical Manufacturing Company**, P. O. Box 297, New Brighton, PA 15066.

This application is for renewal of an NPDES permit to discharge cooling water and stormwater from pigment and frit manufacturing in New Brighton, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, Blockhouse 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 Midland Borough Municipal Authority, located at Midland, 13 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.0046 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (MGD)	monitor and report				
Temperature (°F)					110
Oil and Grease				monitor/report	
BOD ₅				monitor/report	
Lead				monitor/report	
Zinc				monitor/report	
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

PA 0002046. Industrial waste, SIC: 3315, **Pittsburgh Tool Steel, Inc.**, 1535 Beaver Avenue, Monaca, PA 15061-1499.

This application is for renewal of an NPDES permit to discharge treated process water and stormwater from pickling operations in Monaca Borough, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, Ohio River, 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 Midland Municipal Authority, located at Midland Borough, 6 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.0062 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
TSS	4.8	11.2			87
Total Chromium	0.064	0.16			1.25
Nickel	0.048	0.14			1.13
pH	not less than 6.0 nor greater than 9.0				

Outfall 002: existing discharge.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
This outfall shall only contain stormwater runoff					

The EPA waiver is in effect.

PA 0025992. Sewage, **McCandless Township Sanitary Authority**, 9600 Perry Highway, Pittsburgh, PA 15237.

This application is for amendment of an NPDES permit to discharge treated sewage from Longvue STP in McCandless Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Little Pine Creek, which are classified as a trout stock 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 Millvale Municipal Waterworks.

Outfall 001: existing discharge, design flow of 1.2 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅				
(5-1 to 10-31)	20	30		40
(11-1 to 4-30)	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	1.9	2.8		3.8
(11-1 to 4-30)	2.8	4.2		5.6
Fecal Coliforms				
(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	0.3			0.9
Dissolved Oxygen	not less than 6 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is not in effect.

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

PA 0011266. Industrial waste, **Cabot Corporation**, County Line Road, Boyertown, PA 19512.

This application is for renewal of an NPDES permit to discharge treated process wastewater and cooling water from the Cabot Corporation facility in Douglass Township, **Montgomery County**. This is an existing discharge to West Swamp Creek.

The receiving stream is classified for warm water fish, trout stocking, potable water supply, industrial water supply, livestock water supply, wildlife water supply, irrigation, boating, fishing, water contact sports and esthetics.

The proposed effluent limits for Outfall 001, based on an average flow of 0.222 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	20	40	50
Total Dissolved Solids	monitor/report	monitor/report	
Ammonia (as N)	31	62	78
Fluoride	monitor/report	monitor/report	
pH	within limits of 6.0—9.0 standard units at all times		
Sulfate SO ₄	monitor/report	monitor/report	
Total Lead	0.13	0.25	0.31
Nitrite and Nitrate (as N)	monitor/report	monitor/report	
Chloride	monitor/report	monitor/report	

The proposed effluent limits for Outfall 002, based on an average flow of 0.147 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Temperature			110°F
pH	within limits of 6.0—9.0 standard units at all times		
Total Suspended Solids	20	40	50
Total Dissolved Solids	monitor/report	monitor/report	
Ammonia (as N)	7.5		19.0
Fluoride	monitor/report	monitor/report	
Sulfate SO ₄	monitor/report	monitor/report	
Chloride	monitor/report	monitor/report	
Total Selenium	0.03	0.06	0.08
Total Residual Chlorine	0.5		1.6

The proposed effluent limits for Outfall 003 based on an average flow of 0.1 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	20	40	50
pH	within limits of 6.0—9.0 standard units at all times		

The proposed effluent limits for Outfall 001A based on instream monitoring at a point downstream from Outfall 001 are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Ammonia (as N)			1.5
Fluoride			2.0
Sulfates (SO ₄)			250
Chloride			250
Nitrite and Nitrate (as N)			10
Total Dissolved Solids			750

The proposed effluent limits for Monitoring Point 101 based on an average flow of 0.222 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>
Lead	0.5	1.0
Zinc	1.5	3.6
Ammonia as N	207.1	471.1
Fluoride	79.7	162.1
Total Copper	0.2	0.4
Total Nickel	0.1	0.2
Total Molybdenum	0.7	1.7
Oil and Grease	167.7	279.4
Total Suspended Solids	407.3	857.0
pH	within limits of 7.5—10 standard units at all times	

The EPA waiver is not in effect.

PA 0056634. Industrial waste, **Pennsylvania Department of Transportation**, Engineering District 6-0, 200 Radnor-Chester Road, St. Davids, PA 19087.

This application is for issuance of an NPDES permit to discharge stormwater from state maintained roads in the City of Philadelphia, **Philadelphia County**. This is a new discharge to 001: Poquessing Creek; 002-005: Schuylkill River; 006: Delaware River and 007: Pennypack Creek.

The proposed effluent limits for Outfalls 001—007 are as follows:

<i>Parameter</i>	<i>Average Annual (mg/l)</i>
CBOD ₅	report
Suspended Solids	report
Oil and Grease	report
pH	report
COD	report
Total Kjeldahl Nitrogen	report
Total Phosphorus	report
Dissolved Iron	report

Other Conditions:

Development of a Stormwater Management Plan.

PA 0050075. Sewage, **Chesterdale Waste Treatment Company, Inc.**, 6022 West Chester Pike, Newtown Square, PA 19073.

This application is for renewal of an NPDES permit to discharge treated sewage from the Chesterdale Waste Treatment Company, Inc. sewage treatment plant in Willistown Township, **Chester County**. This is an existing discharge to an unnamed tributary to Hunters Run.

The receiving stream is classified for warm water fish, trout stocking, potable water supply, industrial water supply, livestock water supply, wildlife water supply, irrigation, boating, fishing, water contact sports, high quality waters and esthetics.

The proposed effluent limits for Outfall 001, based on an average flow of 120,000 gallons per day are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅ (5-1 to 10-31)	10.0	20.0
(11-1 to 4-30)	20.0	40.0
Suspended Solids	15.0	30.0
Ammonia (as N) (5-1 to 10-31)	3.0	6.0
(11-1 to 4-30)	9.0	18.0
Total Residual Chlorine	0.07	0.163
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 6.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

Effective disinfection.

Southcentral Regional Office: Regional Water Management Program Manager, One Ararat Boulevard, Harrisburg, PA 17110, telephone (717) 657-4590.

PA 0087467. Sewage, SIC: 8661, **Oasis of Love Church**, R. D. 1, Box 251-A1, Saxton, PA 16678.

This application is for issuance of an NPDES permit for a new discharge of treated sewage to House Run, in Carbon Township, **Huntingdon County**.

The receiving stream is classified for warm water fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was the Lake Raystown Resort located in Lincoln Township, Huntingdon County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0012 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
5-day CBOD ₅	25			50
Total Suspended Solids	30			60
Total Residual Chlorine	monitor			
pH	from 6.0—9.0 inclusive			
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric average			
(10-1 to 4-30)	55,000/100 ml as a geometric average			

The EPA waiver is in effect.

PA 0087441. Industrial waste, SIC: 2077, **Moyer Packing Company (MOPAC Rendering Plant)**, 249 Allentown Road, Souderton, PA 18964-0395.

This application is for issuance of an NPDES permit for a new discharge of treated industrial waste to Wiconisco Creek, in Washington Township, **Dauphin County**.

The receiving stream is classified for warm water fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Dauphin Consolidated Water Company located in Susquehanna Township, Dauphin County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.06 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH (S. U.)	from 6.0—9.0 inclusive		
Dissolved Oxygen	minimum of 5.0 mg/l at all times		
Total Residual Chlorine	0.5		1.6
CBOD ₅	72.0	144.0	180.0
NH ₃ -N (5-1 to 10-31)	25.0	50.0	62.0
(11-1 to 4-30)	monitor and report		
Total Suspended Solids	monitor and report		
Oil and Grease	15.0	30.0	30.0
Fecal Coliforms (5-1 to 9-30)	200.0		
(10-1 to 4-30)	400.0		

Outfalls 002 through 006 are identified as stormwater outfalls.

The EPA waiver is in effect.

PA 0054852. Industrial waste, SIC: 4953, **Western Berks Refuse Authority**, 455 Poplar Neck Road, Birdsboro, PA 19508.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to the Schuylkill River, in Cumru Township, **Berks County**.

The receiving stream is classified for warm water fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Pottstown Borough Authority located on the Schuylkill River. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.025 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	monitor and report		
pH	6—9 at all times		
TSS	30	60	75
TDS (Interim)	10,000	20,000	30,000
TDS (Final)	5,000	10,000	15,000
BOD	100	200	250
Total Residual Chlorine	1.5		2.5
Ammonia as N	20	40	40
Total Copper	monitor and report		
Fecal Coliform	200		
Total Manganese	monitor and report		
Free Cyanide	monitor and report		
Methylchloride	monitor and report		
Toluene	monitor and report		

The EPA waiver is in effect.

PA 0024431. Sewage, SIC: 4952, **Dillsburg Borough Authority**, P. O. Box 370, Dillsburg, PA 17019-0370.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to Dogwood Run, in Carroll Township, **Dauphin County**.

The receiving stream is classified for cold water fishes, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Mechanicsburg Water Co. located on the Yellow Breeches Creek. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 1.0 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40		50
Total Suspended Solids	30	45		60
NH ₃ -N				
(5-1 to 10-31)	8			16
(11-1 to 4-30)	20			40
Total Phosphorus	2			4
Total Residual Chlorine	0.4			1.4
Dissolved Oxygen	minimum of 5.0 at all times			
pH	from 6.0—9.0 inclusive			
Fecal Coliforms				
(5-1 to 9-30)	200/100 ml as a geometric average			
(10-1 to 4-30)	4,300/100 ml as a geometric average			
Total Copper	monitor and report		monitor and report	

The EPA waiver is not in effect.

PA 0087491. Industrial waste, SIC: 2834, **DI-CHEM Concentrate, Inc.**, 509 Fishing Creek Road, Lewisberry, PA 17339-9517.

This application is for issuance of an NPDES permit for a new discharge of treated industrial waste to an unnamed tributary to Fishing Creek, in Newberry Township, **York County**.

The receiving stream is classified for warm water fishes, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water

supply intake considered during the evaluation was the Wrightsville Water Supply located on the Susquehanna River. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.072 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
TSS	30.0	60.0	75.0
pH	6—9 at all times		
Osmotic Pressure		53.0	
TRC	0.18		0.58
Total Copper	0.012	0.024	0.03
Total Lead	0.003	0.006	0.008
Total Zinc	0.079	0.16	0.2
Chloroform	0.01	0.02	0.025
Total Aluminum	0.53	1.06	1.3
Total Manganese	1.0	2.0	2.5
Total Iron	1.6	3.2	4.0
Temperature	required monthly limits		

The EPA waiver is in effect.

PA 0080322. Industrial waste, SIC: 4953, **Greater Lebanon Refuse Authority**, 1610 Russel Road, Lebanon, PA 17046.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to an unnamed tributary of Swatara Creek, in North Lebanon Township, **Lebanon County**.

The receiving stream is classified for warm water fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was PA American Water Company located in South Hanover Township, Dauphin County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.144 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	30		
pH	from 6.0—9.0 inclusive		
Dissolved Oxygen	minimum of 5.0 mg/l at all times		
Total Suspended Solids	30	60	75
CBOD ₅	20	40	50
NH ₃ -N			
(5-1 to 10-30)	2.5	5.0	6.2
(11-1 to 4-30)	7.5	15.0	22.5
Total Phosphorus	2.0	4.0	5.0
Total Aluminum	0.6	1.2	1.5
Total Iron	1.9	3.8	4.7
Total Manganese	1.2	2.4	3.0
Total Selenium	monitor and report	monitor and report	
Total Thallium	monitor and report	monitor and report	
Total Mercury	monitor and report	monitor and report	
Acrolein	monitor and report	monitor and report	
Acrylonitrile	monitor and report	monitor and report	

Outfalls 001, 002, 003, 004 and 005 are also identified as outfalls receiving stormwater from industrial activities and are subject to monitoring requirements.

The EPA waiver is in effect.

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

PA 0102601. Wick Auto Sales, Inc., 423 Dogwood Drive, Butler, PA 16001.

This application is for renewal of an NPDES permit to discharge treated sewage to an unnamed tributary to Mulligan Run in Franklin Township, **Butler County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Harmony Water Company on Little Connoquenessing Creek located at the Borough of Harmony, approximately 12 miles below point of discharge.

The proposed discharge limits, based on a design flow of 0.028 mgd, are:

Outfall No. 001 (after chlorination)

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25		50
TSS	30		60
Ammonia-Nitrogen (5-1 to 10-31)	2		4
(11-1 to 4-30)	6		12
Phosphorus (as P) (4-1 to 10-31)	2		4
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	2,800/100 ml as a geometric average		
Total Residual Chlorine (Interim Limit)	monitor and report		
(Final Limit)	0.1		0.2
Dissolved Oxygen	minimum of 6.0 mg/l at all times		
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

PA 0102555. Sewage. **Eric G. Elmquist**, Box 103A Silver Creek Road, Johnsonburg, PA 15845.

This application is for a renewal NPDES permit to discharge treated sewage to unnamed tributary to Silver Creek in Jones Township, **Elk County**. This is an existing discharge.

The receiving water is classified for the following uses: high quality-cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Clarion River and is used by the Clarion District Pennsylvania-American Water Company on the Clarion River located at River Mile Index 40.96, approximately 64.143 miles below point of discharge.

The proposed discharge limits, based on a design flow of 0.000400 mgd, are:

Outfall No. 001

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25		50
TSS	30		60
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	2,000/100 ml as a geometric average		
Total Residual Chlorine	monitor and report		
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

PA 0210404. Sewage, **Melvin J. Wachob**, R. D. 1, Box 77, Wilcox, PA 15870.

This application is for renewal of an NPDES permit, to discharge sewage to an unnamed tributary to the East Branch Clarion River in Jones Township, **Elk County**. This is an existing discharge.

The receiving water is classified for the following uses: high-quality cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Clarion District Pennsylvania-American Water Company on the Clarion River located at RMI 40.96, approximately 69.16 miles below point of discharge.

The proposed discharge limits, based on a design flow of 0.000400 mgd, are:

Outfall No. 001

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10		20
TSS	20		40
Fecal Coliforms (all year)	200/100 ml as a geometric average		
Total Residual Chlorine	monitor and report on Annual Maintenance Report		
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

Southcentral Regional Office: Water Management Program, One Ararat Boulevard, Harrisburg, PA 17110, telephone: (717) 657-4590.

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA0031631	Twin Valley School Dist. R. R. 3, Box 52 Twin Valley Rd. Elverson, PA 19520	Berks Caernarvon Twp.	Conestoga Creek	TRC
PA0020222	Borough of Terre Hill P. O. Box 250 Terre Hill, PA 17581	Lancaster E. Earl Twp.	Black Creek	TRC
PA0110850	Meda Nipple Conv. Home R. R. 1, Box 109 Thompsontown, PA 17094-9722	Juniata Delaware Twp.	Cocolamus Creek	TRC
PA0081817	E. Juniata High School Box 60 Cocolamus, PA 17014-0060	Juniata Fayette Twp.	Cocolamus Creek	TRC
PA0083224	Motel 22 P. O. Box 1900 Mapleton Depot, PA 17052	Huntingdon Juniata Twp.	UNT to Juniata River	TRC
PA0083887	Ken Secrest MHP HCR 2 Breezewood, PA 15533	Bedford E. Providence Township	Brush Creek	TRC
PA0024961	Oley Township P. O. Box 19 Oley, PA 19547	Berks Oley Township	Manatawny Creek	TRC
PA0083011	Newberry Twp. Mun. Auth. 1915 Old Trail Rd. Etters, PA 17319-9103	York Newberry Twp.	UNT to Susquehanna Riv.	TRC
PA0043567	York Springs P. O. Box 175 York Springs, PA 17372	Adams Huntingdon Township	Gardner Run	TRC
PA0084611	Hollis McKinney Noss Village R. D. 10, P. O. Box 184N York, PA 17404	York N. Codorus Twp.	UNT to Codorus Creek	TRC
PA0084221	Hidden Springs P. O. Box 190 Flintstone, MD 21530	Bedford Southampton Township	Rocky Gap Run	TRC
PA0082287	PA/DE Conference Cntr. 430 Union Hall Rd. Carlisle, PA 17013	Cumberland N. Middleton Township	Conodoguinet Creek	TRC
PA0036145	Franklin County Area Vo-Tech School 3463 Loop Rd. Chambersburg, PA 17201-8895	Franklin Guilford Twp.	Conococheague	TRC
PA0080713	Carmeuse PA, Inc. P. O. Box 160 Annville, PA 17003	Lebanon N. Londonderry Twp.	Killinger Creek	TRC

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 any given protests. 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 1 (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, telephone (610) 832-6130.

0997402. Sewerage. **Alton Reiss**, 219 Augustine Road, Sellersville, PA 18960. Construction of a sewage treatment plant to serve the Reiss residence located in West Rockhill Township, **Bucks County**.

4697404. Sewerage. **Franconia Sewer Authority**, 671 Allentown Road, P. O. Box 128, Franconia, PA 18924. Construction of a pump station to serve Kingscote located in Franconia Township, **Montgomery County**.

Southcentral Regional Office: Water Management Program Manager, One Ararat Boulevard, Harrisburg, PA 17110, telephone (717) 657-4590.

A. 0597401. Sewerage. Submitted by **Broad Top Township/Coaldale Borough**, Municipal Building, Defiance, PA 16633 in Broad Top Township, **Bedford County** to construct a wastewater treatment facility to be located in the Village of Kearney was received in this office on March 13, 1997.

A. 0696411. Sewerage. Submitted by **Amity Township**, P. O. Box 215, 2004 Weavertown Road, Douglassville, PA 19518 in Amity Township, **Berks County** to construct the Cider Mill Run Pumping Station was received in the Southcentral Region on March 17, 1997.

A. 2197402. Sewerage. Submitted by **Lower Allen Township Authority**, 120 Limekiln Road, New Cumberland, PA 17070 in Lower Allen Township, **Cumberland County** to construct the United Methodist Home Pumping Station was received in the Southcentral Region on March 19, 1997.

A. 0597402. Sewerage. Submitted by **Broad Top Township**, Municipal Building, Defiance, PA 16633 in Broad Top Township, **Bedford County** to construct multiple single-family dwelling sewage treatment systems to replace current malfunctioning systems was received in the Southcentral Region on March 27, 1997.

**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 the Common-

wealth. 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 and 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 1 (800) 654-5984.

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

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

Carbon County Conservation District, District Manager, 92 Blakeslee Boulevard East, Lehighton, PA 18235, telephone (610) 377-4894.

NPDES Permit PAS101312. Stormwater. **Pennsylvania Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106, has applied to discharge stormwater from a construction activity located in Penn Forest Township, **Carbon County**, to Stoney Creek and Yellow Run.

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

NPDES Permit PAS10Q119-1. Stormwater. **Pointe West Associates, Inc.**, P. O. Box 86, Bath, PA 18014 has applied to discharge stormwater from a construction

activity located in Upper Macungie Township, **Lehigh County**, to Little Lehigh and Hassen Creeks.

Northampton County Conservation District, District Manager, R. R. 4, Greystone Bldg., Nazareth, PA 18064, telephone (610) 746-1971.

NPDES Permit PAS10U068. Stormwater. **Prime Development Corporation**, 824 8th Avenue, Bethlehem, PA 18018 has applied to discharge stormwater from a construction activity located in Upper Nazareth Township, **Northampton County**, to Monocacy Creek.

Schuylkill County Conservation District, District Manager, 1206 Ag. Center Drive, Pottsville, PA 17901, telephone (717) 622-3742.

NPDES Permit No. PAS105712. Stormwater. **DEP—Bureau of Abandoned Mine Reclamation**, 2 Public Square, Wilkes-Barre, PA 18711, has applied to discharge stormwater from a construction activity located in East Union Township, **Schuylkill County**, to Little Tomhicken Creek.

Somerset County Conservation District, District Manager, 1590 N. Center Avenue, Somerset, PA 15501, telephone (814) 445-4652.

NPDES Permit No. PAS106108. Stormwater. **Texas Eastern Transmission Corporation**, 5444 Westheimer Street, Ste. 487, Houston, TX 77056 has applied to discharge stormwater from a construction activity located in Brothersvalley and Milford Townships, **Somerset County**, to Middle, South Glade, Coxes and Wilson Creeks, and Laurel, Tubs and Millers Runs.

Washington County Conservation District, District Manager, 602 Courthouse Square, 100 Beau Street, Washington, PA 15301, telephone (412) 228-6774.

NPDES Permit No. PAS10W060. Stormwater. **Columbia Gas Transmission Company**, P. O. Box 1273, Charleston, WV 25325 has applied to discharge stormwater from a construction activity located in Donegal Township, **Washington County**, to Dutch Fork Creek.

HAZARDOUS SITES CLEAN-UP

Under the Act of October 18, 1988

Proposed Response under Hazardous Sites Cleanup Program

Schiller Site
Richmond Township, Crawford County

This notice of Proposed Response is being issued by the Department of Environmental Protection (Department) to describe the proposed remedial and prompt interim response actions at the Schiller Site (site), under section 506 of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. § 6020.506).

The site is located in Richmond Township, Crawford County, PA. The site consists of a 147 acre property, owned by Frank J. Schiller, and adjacent groundwater, surface water and sediments that are contaminated with hazardous substances. Frank Schiller owned and operated the Presque Isle Chemical Company at the site from approximately 1970 to 1980. The Presque Isle Chemical Company's and Frank Schiller's actions have contaminated the groundwater, surface and subsurface soils, surface water, sediments and fish with hazardous substances.

The Department has divided the site into two operable units, and it has considered response alternatives for

each operable unit. Operable unit 1 (OU-1) consists of the contaminated surface soils, subsurface soils, wastes, surface water and sediments at the site. Operable unit (OU-2) consists of the contaminated groundwater at the site, including some contaminated private home wells.

Potential risks to human health have been identified for surface soil, subsurface soil, surface water, sediments and deep bedrock groundwater. These risks include direct (dermal) contact with, or incidental ingestion of, soil and sediments and ingestion of bedrock groundwater through drinking. Hazardous substances at the site may also pose a threat to plants and animals through exposure to contaminated surface soils, surface water and sediments.

Past investigations show that the following substances have contaminated the site: trichloroethene, tetrachloroethene, 1,2-dichloroethene, 1,2-dichloroethane, 1,1,1-trichloroethane, vinyl chloride, butylbenzyl phthalate, barium, chromium, lead and nickel. These substances are "hazardous substances" as defined under section 103 of HSCA (35 P. S. § 6020.103).

The concentrations of these hazardous substances at the site pose an unacceptable risk to human health and the environment. To reduce or eliminate the threat to human health and the environment from the contaminated soils, surface water, sediments and groundwater, the Department proposes that a remedial response action be conducted at the site.

The Department considered the following six remedial response action alternatives for OU-1:

Alternative 1—No action/institutional controls;

Alternative 2—Onsite containment of contaminated materials with a multi-layer cap;

Alternative 3—Offsite disposal of soils contaminated by volatile organic compounds (VOCs) and inorganics;

Alternative 4—Excavation and offsite treatment/disposal of inorganic contaminated soils and onsite treatment of VOC-contaminated soils via:

4C—Low temperature thermal desorption, or

4D—Excavation and treatment via soil vapor extraction;

Alternative 5—In-situ remediation of VOC contaminated soils using a mobile injection treatment unit and offsite treatment/disposal of inorganic contaminated soils;

Alternative 6—In-situ remediation of VOC contaminated soils using hydraulic fracturing/soil vapor extraction and offsite treatment/disposal of inorganic contaminated soils.

The Department considered the following four response action alternatives for OU-2:

Alternative 1—No action;

Alternative 2—Provide bottled water to the affected residential and business wells;

Alternative 3—Install water treatment units on affected residential or business wells;

Alternative 4—Restoration of the groundwater to Maximum Contaminant Levels.

The Department compared the six remedial response action alternatives in OU-1 using the evaluation criteria discussed below.

Section 106 of the Land Recycling and Environmental Remediation Standards Act (Land Recycling Act) (35 P. S. §§ 6026.101—6026.909) requires that the cleanup stan-

dards established under that act be used for any remedial response action conducted under the provisions of HSCA.

Additionally, the Department has considered the following factors in evaluating alternative remedial response actions for the site: long-term risks and effectiveness; reduction of toxicity, mobility or volume of hazardous substances; short-term effectiveness; implementability; cost; and cost-benefit analysis. These evaluation criteria are derived from section 304(j) of the Land Recycling Act.

Finally, in addition to the evaluation criteria in section 304(j) of the Land Recycling Act, the Department also has considered two other evaluation criteria: the ability of a response to meet applicable or relevant and appropriate requirements (ARARs) and public acceptance of the proposed response. Section 504(a) of HSCA requires that final remedial response actions under HSCA shall meet all ARARs under the circumstances presented by the release. In addition, section 506 of HSCA requires the Department to solicit and respond to public comments regarding proposed responses.

Based on an analysis using the above criteria, and under section 505(a) of HSCA, the Department proposes to implement remedial Alternative 4C, 4D or 5 as the remedial response action for OU-1 at the Site. The proposed remediation of OU-1 would include the offsite disposal of the remaining barn debris and barn foundation material; excavation and offsite treatment and disposal of remaining onsite waste/junk piles and areas contaminated with inorganic hazardous substances; onsite treatment of VOC source areas; procurement of deed restrictions to limit intrusive activities at the site; monitoring of groundwater, surface water and sediment; and periodic site reviews. Under the Alternative, the Department would choose the treatment technology for the VOC source areas among Alternatives 4C, 4D or 5 based on the lowest cost bid to remediate the site.

The Department also analyzed the four response action alternatives in OU-2 using the same evaluation criteria listed above. Based on that analysis, and under section 505(a) of HSCA, the Department proposes implementing Alternative 3 as a prompt interim response action, with a contingency of implementing Alternative 4 as a remedial action for OU-2 at the site should Alternative 3 not reduce the risks to human health and the environment. The proposed interim response action would consist of the installation of a water treatment unit on home and business wells which are now, or which in the future become, contaminated by site-related hazardous substances. The water treatment units would be carbon treatment units and would be maintained as part of the response action.

The Department does not propose to actively remediate the contaminated groundwater, except as a possible future contingency, because: the remediation of OU-1 will significantly reduce the ongoing release of hazardous substances to the groundwater and surface water; and natural attenuation will reduce the concentrations of hazardous substances in the groundwater over time and with distance from the source areas without the need for any active groundwater remediation.

However, if post-remediation groundwater monitoring indicates that the Department's assumptions are incorrect (that is, that natural attenuation is not occurring or environmental risks increase), then the remediation of OU-2 would involve the continued treatment of home and business wells described above, plus the collection and treatment of contaminated site groundwater as described in Alternative 4 for OU-2.

The proposed remedial response action for OU-1 and OU-2, would protect public health and the environment; comply with ARARs; be feasible and implementable, treat hazardous substances to the maximum extent practicable; and be cost effective.

An Administrative Record which contains more detailed information concerning the proposed response actions is available for public inspection and copying. The Administrative Record can be examined from 8 a.m. to 4 p.m. at the Department's Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335. Telephone beforehand for an appointment (telephone: (814) 332-6848).

A public meeting has been scheduled for May 22, 1997, beginning at 7 p.m. at the old Richmond Township Municipal Building, located at 30031 State Highway 408, Richmond Township, Crawford County, PA. Persons who want to present formal oral comments regarding these proposed responses may do so by registering with the Department before the hearing. People may register by calling the Department's Community Relations Coordinator, Steve Curcio, at (814) 332-6945.

Persons with a disability who wish to attend the meeting scheduled for May 22, 1997, and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Steve Curcio, at the telephone number listed above, to discuss how the Department may best accommodate their needs. TDD users may telephone the Department through the AT&T Pennsylvania Relay Center at 1(800) 654-5984.

The public may also submit written comments regarding the Department's proposed remedial response action during the period for public comment, which runs for 90 days from the publication date of this Notice in the *Pennsylvania Bulletin*. Written comments should be addressed to Edward F. Orris, Project Manager, at the Department's Meadville, PA office at the address listed above.

Priority List of Hazardous Sites For Remedial Response

1. Background

The Hazardous Sites Cleanup Act (HSCA), (35 P. S. §§ 6020.101—6020.1305) was enacted in 1988 to provide for the cleanup of Pennsylvania sites that are releasing or threatening the release of hazardous substances. Section 502(a) of HSCA requires that the Department publish in the *Pennsylvania Bulletin* a priority list of sites with releases or threatened releases for the purpose of taking remedial response. This list is called the Pennsylvania Priority List of Hazardous Sites For Remedial Response (PAPL). The Department places sites on the PAPL when the Department has determined through investigation that there are releases or threatened releases of hazardous substances, or releases or substantial threatened releases of contaminants which present a substantial danger. In accordance with the requirements of section 502(a) of HSCA, the Hazard Ranking System, (HRS; 40 CFR Part 300, Appendix A), established under the Federal Superfund Act, as amended, is utilized to rank the sites for placement on the PAPL. The HRS uses mathematical formulas that reflect the relative importance and interrelationships of the various human health and environmental factors to arrive at a final score on a scale of 0 to 100. The values are assigned using information obtained from site investigations. Section 502(a) of HSCA also directs the Department to consider its administrative, enforcement and financial capabilities when placing sites on the PAPL. The proposed listing notice is issued

under HSCA section 502(c). The HRS was created by the U. S. Environmental Protection Agency and appears at 40 CFR Part 300, Appendix A in accordance with the Superfund Amendments and Reauthorization Act of 1986.

2. Summary and Purpose

Placement of a site on the PAPL is used to identify sites which require a remedial response to address threats to the public health, safety or the environment. The Department will decide on a case-by-case basis whether to take enforcement or other actions under HSCA or other authorities, or to proceed directly with HSCA-funded remedial response actions and seek cost recovery after the cleanup. Remedial response actions will not necessarily be taken in the same order as a site's ranking on the PAPL. The investigation conducted to place a site on the PAPL may not be sufficient to determine either the extent of contamination or the appropriate response actions for a site. The Department may undertake further investigations to determine appropriate response actions. The length of time needed to complete these studies will vary due to the complexity of a site. The Department may decide not to immediately proceed with a HSCA remedial action or that no remedial action is necessary.

3. Technical Evaluation Grants under Act 108

Under section 501 of HSCA, the Department may make available a reasonable sum as a grant to the governing body of the host municipality of a site where the Department is considering a remedial response. The host municipality shall use this sum solely to conduct an independent technical evaluation of the proposed remedial response. The grant shall not exceed \$50,000. Information and a technical evaluation grant package may be obtained from the regional office in which the site is located. Refer to the Additional Information section of this notice.

A municipality will be sent grant information by the Department after a listing announcement has been published in the *Pennsylvania Bulletin*. However, the grant will not be awarded until the proposed remedial response is available for public review. At that time, the municipality will receive the official grant award in order to proceed with the review of the Department's proposed remedial response.

Priority List of Hazardous Sites For Remedial Response

A. Effective Date

The sites listed below are being placed on or removed from the Pennsylvania Priority List of Hazardous Sites For Remedial Response (PAPL) effective upon publication of this *Pennsylvania Bulletin*.

B. Contact Persons

Site information may be obtained by contacting the regional office in which the site is located. The regional contact person for each region and their address can be found in the additional information section of this notice.

C. Statutory Authority

The Priority List of Hazardous Sites For Remedial Response is published under the authority of section 502(a) of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101—6020.1305). Under section 502(b) of HSCA, a decision to place a site on the list or to remove a site from the list is not a final action subject to review under the act of April 28, 1978 (P. L. 202, No. 53), 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law) or the Environmental Hearing Board Act (35

P. S. § 7511 et seq.), nor shall it confer a right or duty upon the Department or any person.

D. Review and Public Comment

HSCA provides for a 30-day public comment period subsequent to publication of the PAPL. This *Pennsylvania Bulletin* announcement opens the formal 30-day comment period for the sites being added or removed with this publication. Written comments should be submitted to the regional office in which the site is located. The contact person for each region and their address can be found in the Additional Information section of this notice.

The regional office site files contain all information considered by the Department in placing a site on the PAPL. The regional office files are available for review in the appropriate regional office, by appointment only, from 8 a.m. to 4 p.m. Monday through Friday excluding State holidays. Arrangements to review the site file can be scheduled by contacting the regional office in which the site is located. The regional contact person for each region and their address can be found in the Additional Information section of this notice.

The Department considers all written comments received during the comment period. All written comments and the Department's responses will be placed into the site file and will later be incorporated into the Administrative Record.

E. Contents of List

This notice places one site on the PAPL and removes one site. Table 1 lists the site added to the PAPL by this notice. Table 2 lists the site being removed by this notice. Table 3 lists all sites currently on the PAPL including the sites addressed by this notice. The name of the sites, HRS score, municipality, county and Department region are included in this table. The sites are listed in decreasing order of HRS score.

F. Site Summaries

The site summaries for the sites addressed by this notice are listed below:

Schiller

The Schiller site is located in Richmond Township, Crawford County. The site includes a property owned by Frank J. Schiller and adjacent areas that are contaminated. There are residential areas adjacent to the site. Groundwater is the only water supply source in the area of the site. Approximately 100 residents within 1 mile of the site depend on individual wells. Approximately 1400 people live within 3 miles of the site.

Frank Schiller owned and operated the Presque Isle Chemical Company at the site from approximately 1970 to 1980. Operations conducted at the site included spreading industrial wastes onto surface of site. These operations resulted in the release of hazardous substances and contamination of the groundwater. Hazardous substances disposed at the site include chlorinated solvents and heavy metals.

The Department of Environmental Protection conducted an interim response at the site in 1993. Over 350 drums, several storage tanks, a vat containing sludge, and associated visibly contaminated soil were removed as part of this interim response. A water treatment system was also installed on a nearby residential well that was contaminated by the site.

Based on site studies conducted by the Department the soil and groundwater at the site remain contaminated. The Department has calculated an HRS score for the

Schiller site of 24.65. Based on these facts, the Department is adding the Schiller site to the PAPL.

Avtex

The Avtex Fibers site is located in Vernon Township, Crawford County. The property is currently the location of several manufacturing facilities. The 170 acre site was formerly a synthetic fibers manufacturing facility which operated from 1929 to 1986. The fibers manufacturing process produced a variety of industrial wastes that were disposed of on the site. The site was contaminated with PCBs, arsenic and other hazardous substances.

In March of 1995 the Department entered into an agreement with former owners of the site wherein they agreed to conduct the remedial response at the site. PCB contaminated soils within 6 inches of the surface and above the site-specific cleanup level were excavated and contained onsite under a synthetic cover. Several of the site's solid waste management units were closed in-place

by placing soil covers over those units. A transformer substation contaminated with PCBs, dioxins and furans was demolished and encapsulated onsite with concrete. Land use restrictions were placed on the property to insure that contaminated groundwater is not used for drinking purposes and that no actions are undertaken to disturb the response actions. The response has been completed in accordance with the agreement. Operation and maintenance activities at the site, including cap and fence maintenance, and ongoing groundwater monitoring, will continue to be implemented by the responsible parties. Based on these facts, the Department is removing the Avtex site from the PAPL.

G. Additional Information

Regional office contact person: Mark Gorman, HSCA Program Manager, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6648.

TABLE 1
SITE BEING ADDED BY THIS NOTICE

<i>Site</i>	<i>HRS</i>	<i>Municipality</i>	<i>County</i>	<i>DER Region</i>
Schiller	24.65	Richmond Twp.	Crawford	Northwest

TABLE 2
SITE BEING REMOVED BY THIS NOTICE

<i>Site</i>	<i>HRS</i>	<i>Municipality</i>	<i>County</i>	<i>DER Region</i>
Avtex Fibers	38.08	Vernon Twp.	Crawford	Northwest

TABLE 3
PENNSYLVANIA PRIORITY LIST FOR REMEDIAL RESPONSE

<i>Site</i>	<i>HRS</i>	<i>Municipality</i>	<i>County</i>	<i>DER Region</i>
Industrial Solvents	55.72	Newberry Twp.	York	Southcentral
Dupont/Newcastle	54.75	Newcastle	Lawrence	Northwest
H. K. Porter	48.04	Hopewell Twp.	Beaver	Southwest
Delta Chemicals	39.61	N. Buffalo Twp.	Armstrong	Southwest
Crown Industries	36.92	Lackawaxen Twp.	Pike	Northeast
J. C. Cleaners	35.68	Gettysburg	Adams	Southcentral
Easterly STP	35.06	Logan Twp.	Blair	Southcentral
F. E. Cooper	33.62	Broad Top Twp.	Bedford	Southcentral
Presque Isle Chem.	32.27	Washington Twp.	Erie	Northwest
Oliver Landfill	30.20	Waterford Twp.	Erie	Northwest
Schiller	24.65	Richmond Twp.	Crawford	Northwest
Shaler/JTC	22.70	Bruin	Butler	Northwest
Quakertown	22.25	Quakertown	Bucks	Southeast
Mun. & Ind. Disp.	19.58	Elizabeth Twp.	Allegheny	Southwest

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 1

Acknowledgment of Notices of Intent to Remediate submitted to the Department of Environmental Protection 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 identifies 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 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 demonstrates attainment of 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, please 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 1 (800) 654-5984.

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

Southcentral Regional Office: Environmental Cleanup Program Manager, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4592.

Ono Service Center, East Hanover Township, **Lebanon County**. Donmoyer Realty, Inc., and Ono Transport Services, P. O. Box 74, Ono, PA 17077 has submitted a Notice of Intent to Remediate site soils contaminated with BTEX. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Lebanon Daily News* on March 31, 1997.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 2

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

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 demonstrates attainment of 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 below, 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, please 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 1 (800) 654-5984.

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

Southcentral Regional Office: Environmental Cleanup Program Manager, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4592.

Kaercher Creek Park, Windsor Township, **Berks County**. PA Boat & Fish Commission, 450 Robinson Lane, Bellefonte, PA 16823, has submitted a Notice of Intent to Remediate site soils contaminated with lead. The applicant proposes to remediate the site to meet the site specific standard. A summary of the Notice of Intent to Remediate was reported to have been published March 28, 1997, in the *Reading Eagle*.

SOLID AND HAZARDOUS WASTE

RESIDUAL WASTE PROCESSING FACILITIES

Applications submitted under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and regulations to operate solid waste processing or disposal area or site.

Regional Office: Regional Solid Waste Manager, Suite 6010, 555 North Lane, Lee Park, Conshohocken, PA 19428.

A. WMGR038SE001. Bergy's Inc. ta Perkasio Rubber Recycling, 1419 Old Route 309, Sellersville, PA 18960. Application received for a Determination of Applicability prior to conducting operations authorized by General Permit WMGR038 for Waste Tires and Tire-Derived Material. Because operation under the general permit may involve construction material uses, a 60-day comment period is provided for public comment under section 287.642(c) of the Residual Waste Regulations. Application was received in the Southeast Regional Office on March 4, 1997.

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

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

Regional Office: Regional Solid Waste Manager, One Ararat Boulevard, Harrisburg, PA 17110.

A. 300635. Carpenter Technology Corporation (P. O. Box 14662, Reading, PA 19612-4662). Application for repermitting of a residual waste landfill located in Muhlenberg Township, **Berks County**. Application determined to be administratively complete in the Regional Office August 23, 1996.

Northwest Regional Office: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481, telephone (814) 332-6848.

A. 100329. Waste Management Disposal Services of Pennsylvania, Inc. (Lake View Landfill), 851 Robison Road East, Erie, PA 16509. Major permit modification application for equivalency to use auto shredder fluff as alternate daily cover. The landfill is located in Summit Township, **Erie County**. The application was accepted in the Regional Office on April 1, 1997.

AIR POLLUTION

OPERATING PERMITS

Construct, modify or activate air contaminant sources

25 Pa. Code § 129.1

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

Regional Office: Southwest Regional Office, Bureau of Air Quality, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

OP-04-496. The Department received an Air Quality Operating Permit application from **Jerart, Inc.** (3701 Duss Avenue, P. O. Box 153, Baden, PA 15005) for a slag processing facility located in Harmony Township, **Beaver County**.

OP-63-525. The Department received an Air Quality Operating Permit application from **Washington Cemetery** (498 Park Avenue, Washington, PA 15301), for a Retort-type Crematory at its location in North Franklin Township, **Washington County**.

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

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

36-303-016A. The Department intends to issue an Air Quality Operating Permit to **Highway Materials, Inc.** (1750 Walton Road, Blue Bell, PA 19422) for the operation of a batch asphalt plant located at Rohrer's Quarry in Warwick Township, **Lancaster County**.

Operating Permits transferred under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate and oper-

ate air contamination sources of air cleaning devices.

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

OP-08-0001A. The Department intends to issue an operating permit to **Stroehmann Bakeries, L. C.** (901 North Elmer Avenue, Sayre, PA 18840) for the operation of a bread baking oven and associated air cleaning device (a catalytic oxidizer) and bread dough processing and related operations previously owned and operated by Stroehmann Bakeries, Inc. in Sayre Borough, **Bradford County**.

OP-19-0001. The Department intends to issue an operating permit to **Magee Rieter Automotive Systems** (480 West Fifth Street, Bloomsburg, PA 17815) for the operation of two anthracite coal/carpet scrap pellet-fired boilers, two #4 oil-fired boilers, a propane-fired carpet dryer (#3), 13 propane-fired space heaters, eight emergency generators and a diesel-fired emergency fire pump previously owned and operated by The Magee Carpet Company in the Town of Bloomsburg, **Columbia County**.

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

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

OP-53-0003A. The Department intends to issue an operating permit to **CNG Transmission Corporation** (445 West Main Street, Clarksburg, WV 26301-2450) for the operation of four 3400 horsepower natural gas fired reciprocating engines at the Greenlick Compressor Station in Stewardson Township, **Potter County**.

41-302-040B. The Department intends to issue an operating permit to **Keystone Veneers, Inc.** (P. O. Box 3455, Williamsport, PA 17701) for the operation of two wood fired boilers and associated air cleaning devices (multiclone-type mechanical collectors) in the City of Williamsport, **Lycoming County**. These boilers are subject to Subpart Dc of the Federal Standards of Performance for New Stationary Sources.

14-399-009E. The Department intends to issue an operating permit to **Murata Electronics North America, Inc.** (1900 West College Avenue, State College, PA 16801-2799) for the operation of three ceramic chip capacitor binder removal ovens and associated air cleaning devices (thermal afterburners) as well as for the operation of three ceramic chip capacitor kilns and associated air cleaning devices (thermal afterburners) in Ferguson Township, **Centre County**.

18-313-019A. The Department intends to issue an operating permit to **Croda, Inc.** (P. O. Box 178, Mill Hall, PA 17751) for the operation of a choline manufacturing operation and trimethylamine storage tank and associated air cleaning device (a thermal oxidizer) in Bald Eagle Township, **Clinton County**.

Notice of Intent to Issue

Title V Operating Permit No. 32-00230

Under 25 Pa. Code § 127.521, the Department of Environmental Protection (DEP) intends to issue a Title V Operating Permit to Texas Eastern Transmission Cor-

poration for the Armagh Compressor Station operating in Armagh Boro, Indiana County. The Texas Eastern Transmission Corporation representative to contact regarding this application is Charles Wait, Sr. Engineer, P. O. Box 1642, Houston, TX 77251.

The Armagh compressor station is primarily used for the storage and distribution of natural gas. As a result of the levels of nitrogen oxide emitted, Armagh is a major stationary source as defined in Title I, Part D of the Clean Air 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 evaluation of the application are available for public inspection during normal business hours at the Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222.

Any person wishing to either object to the operating permit or a proposed condition thereof or provide the Department 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:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit (specify permit no. 32-00230).
- Concise statements regarding the relevancy of the information 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 *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or request for a public hearing should be directed to Joseph Pezze, Regional Air Quality Manager, Department of Environmental Protection, Southwest Regional Office, Field Operations, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

For additional information contact R. Shawn Mendt, Air Pollution Control Engineer II, Air Quality Control, at the same address.

Title V Operating Permit No. 03-00125

Under 25 Pa. Code § 127.521, the Department of Environmental Protection (DEP) intends to issue a Title V Operating Permit to The Peoples Natural Gas Company for the Valley compressor station. Valley compressor station is located in Cowanshannock Township, Armstrong County. The Peoples Natural Gas Company representative to contact regarding this application is William Runyan, P. E., Safety, Environmental and Compliance, 625 Liberty Avenue, Pittsburgh, PA 15222-3197.

The Valley compressor station is primarily used for the storage and distribution of natural gas. As a result of the levels of nitrogen oxides emitted, Valley 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 evaluation of the application are available for public inspection during normal business hours at the Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222.

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 of Environmental Protection 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:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit (specify permit no. 03-00125).
- 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 this newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Joseph Pezze, Regional Air Quality Program Manager, Department of Environmental Protection, Southwest Region—Field Operations, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

For additional information, contact Thomas J. Joseph, Air Pollution Control Engineer III, Air Quality Control at the same address.

Title V Operating Permit No. 54-00011

Under 25 Pa. Code § 127.521, the Department of Environmental Protection (DEP) intends to issue a Title V Operating Permit to Pennsylvania Power and Light Company (PP&L) for the Fishbach site, located in Pottsville, Schuylkill County. The PP&L contact regarding this application is Bradley J. Piatt, Senior Power Production Engineer, 2 N. Ninth Street, Allentown, PA 18101.

The Fishbach site contains two combustion turbines. As a result of the levels of nitrogen oxides emitted from the turbines, the Fishbach Site is considered a major stationary source subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Permit will incorporate all applicable air quality requirements for each significant source at the facility and does not reflect any change in air emissions from the facility.

Copies of the application, DEP's analysis and other documents used in evaluation of the application are available for public inspection during normal business hours at the Department of Environmental Protection, 2 Public Square, Wilkes-Barre, PA 18711-0790.

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 of Environmental Protection 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:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit (specify permit no. 54-00011).
- 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 comment or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Michael Safko, Chief, Title V Section, Department of Environmental Protection, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511. For additional information, contact Chinu Patel, Air Pollution Control Engineer II, Air Quality Program at the same address and phone number.

Title V Operating Permit No. 35-00007

Under 25 Pa. Code § 127.521, the Department of Environmental Protection (DEP) intends to issue a Title V Operating Permit to the Pennsylvania Department of Public Welfare, Clark-Summit State Hospital, for the Clark-Summit site, located in Clark-Summit Borough, Lackawanna County. The facility contact regarding this application is Nilus L. Mattive, Assistant Superintendent (Administration).

The Clark Summit site contains three combustion boilers and six emergency generators. As a result of the levels of nitrogen oxides, sulfur oxides and particulate matter emitted from the boilers, the Clark Summit Site is considered a major stationary source subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Permit will incorporate all applicable air quality requirements for each significant source at the facility and does not reflect any change in air emissions from the facility.

Copies of the application, DEP's analysis and other documents used in evaluation of the application are available for public inspection during normal business hours at the Department of Environmental Protection, 2 Public Square, Wilkes-Barre, PA 18711-0790.

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 of Environmental Protection 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:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit (specify permit no. 35-00007).
- 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 comment or requesting a

hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Michael Safko, Chief, Title V Section, Department of Environmental Protection, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511. For additional information, contact Chinu Patel, Air Pollution Control Engineer II, Air Quality Program at the same address and phone number.

Title V Operating Permit No. 39-00009

Under 25 Pa. Code § 127.521, the Department of Environmental Protection (DEP) intends to issue a Title V Operating Permit to Pennsylvania Power and Light Company (PP&L) for the Allentown site, located in Allentown, Lehigh County. The PP&L contact regarding this application is Bradley J. Piatt, Senior Power Production Engineer, 2 N. Ninth Street, Allentown, PA 18101.

The Allentown site contains four combustion turbines. As a result of the levels of nitrogen oxides emitted from the turbines, the Allentown Site is considered a major stationary source subject to the Title V Operating Permit requirements adopted in 25 Pa. Code 127, Subchapter G. The proposed Title V Operating Permit will incorporate all applicable air quality requirements for each significant source at the facility and does not reflect any change in air emissions from the facility.

Copies of the application, DEP's analysis and other documents used in evaluation of the application are available for public inspection during normal business hours at the Department of Environmental Protection, 2 Public Square, Wilkes-Barre, PA 18711-0790.

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 of Environmental Protection 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:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit (specify permit no. 39-00009).
- 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 comment or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Michael Safko, Chief, Title V Section, Department of Environmental Protection, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511. For addi-

tional information contact Mark Wejkszner, Air Pollution Control Engineer III, Air Quality Program at the same address and phone number.

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

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 companies.

Permit: 13-399-003

Source: 5 Silos w/Baghouses (Truck Unload)
Company: **Horsehead Resource Development Co.**
Location: Palmerton Borough
County: **Carbon**

Permit: 35-301-038A

Source: 2-Type 4 Crematories/Afterburners
Company: **Maple Hill Cemetery Association**
Location: Archbald Borough
County: **Lackawanna**

Permit: 39-304-022

Source: 5 Grinding Benches w/Baghouses
Company: **Bridesburg Foundry Company**
Location: Whitehall Township
County: **Lehigh**

Permit: 48-011A

Source: Power Plant w/Low NOx Burners
Company: **Penna Power & Light Company**
Location: Lower Mt. Bethel Township
County: **Northampton**

Permit: 48-313-078

Source: Polyurethane Foam Manufacturing
Company: **Crain Industries Incorporated**
Location: Williams Township
County: **Northampton**

Permit: 54-305-018

Source: Coal Prep Plant w/Water Spray Sys
Company: **Summit Anthracite Company**
Location: Porter Township
County: **Schuylkill**

Permit: 54-313-077

Source: Nylon Extrusion/Biaxial Oriented
Company: **Allied-Signal Incorporated**
Location: Norwegian Township
County: **Schuylkill**

PLAN APPROVALS

Applications under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify or reactivate air contamination sources.

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

06-307-068A. Construction of various sources and installation of six fabric collectors at a steel foundry by **Pennsylvania Steel Foundry & Machine Company** (P. O. Box 128, Hamburg, PA 19526) in Hamburg, **Berks County**.

06-5078A. Installation of an MSW landfill gas collection and control system by **F. R. & S., Inc.** (727 Red Lane Road, Birdsboro, PA 19508) in Exeter Township, **Berks County**. The source is subject to 40 CFR 60, Subpart WWW, Standards of Performance for New Stationary Sources.

28-318-012D. Installation of a fume scrubber to control emissions from a chrome plating line by **Letterkenny Army Depot** (SDSLE-ENE, Building 618, Chambersburg, PA 17201) in Greene Township, **Franklin County**. The source is subject to 40 CFR 63, Subpart N, National Emission Standards for Hazardous Air Pollutants.

36-317-221. Construction of a pellet mill cooler controlled by a cyclone by **Wenger's Feed Mill, Inc.** (P. O. Box 26, Rheems, PA 17570) at their 113 West Harrisburg Avenue facility in Mount Joy Township, **Lancaster County**.

36-310-021G. Construction of a surge bin and channel frame conveyor by **D. M. Stoltzfus & Son, Inc.** (219 Quarry Road, Talmage, PA 17580) in Fulton Township, **Lancaster County**. The sources are subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

38-318-033. Modification of an existing spray paint booth by **Conrad Enterprises, Inc.** (P. O. Box 656, Cornwall, PA 17016) in Cornwall, **Lebanon County**.

67-2012A. Installation of a 1072 hp auxiliary generator to replace an existing emergency generator by **Transcontinental Gas Pipe Line Corporation** (Compressor Station 195) in Peach Bottom Township, **York County**.

67-310-007C. Construction of a new cone crusher by **County Line Quarry, Inc.** (South Front Street, Wrightsville, PA 17368) in Wrightsville Borough, **York County**. The source is subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

67-310-052. Construction of a new cage mill by **County Line Quarry, Inc.** (South Front Street, Wrightsville, PA 17368) in Wrightsville Borough, **York County**. The source is subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

67-317-033A. Construction of a new coffee roaster controlled by a cyclone and catalytic incinerator by **Starbucks Coffee Company** (3000 Espresso Way, York, PA 17402) in East Manchester Township, **York County**.

21-2005A. Installation of a baghouse and pneumatic ash handling system on three existing coal-fired boilers by **PA Department of Corrections** (2520 Lisburn Road, P. O. Box 598, Camp Hill, PA 17001-0598) in Lower Allen Township, **Cumberland County**.

Regional Office: Southwest Regional Office, Bureau of Air Quality Control, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

63-313-027A. **Ametek, Inc.** (P. O. Box 427, Eighty Four, PA 15330) for a water atomization process at its Specialty Metal Products Division facility located in North Strabane Township, **Washington County**.

PA-65-137A. **Allegheny Ludlum Corporation** (100 River Road, Brackenridge, PA 15014) for a Candle Fiber Bed Filter on the Sendzimer Cold Rolling Mill at its Vandergrift Plant facility located in Vandergrift Borough, **Westmoreland County**.

PA-65-061A. R.A.M. Terminals, Inc. (One Fifth Street, New Kensington, PA 15068) for a crushing and screening plant at its New Kensington Crushing Plant facility located in New Kensington, **Westmoreland County**.

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

8-399-044A. Installation of air cleaning devices (two fabric collectors) on a molybdenum/tungsten rolling mill operation by **Osram Sylvania, Inc.** (Hawes Street, Towanda, PA 18848-0504) in North Towanda Township, **Bradford County**.

8-313-050. Construction of an ammonium dimolybdate calciner and associated air cleaning devices (a fabric collector and a scrubber) by **Osram Sylvania, Inc.** (Box 504, Towanda, PA 18848-0504) in North Towanda Township, **Bradford County**.

60-302-019A. Construction of a new natural gas/#2 oil-fired boiler and the modification of an existing natural gas/#2 oil-fired boiler (increase in fuel usage and allowable air contaminant emissions) by **Bucknell University** (University Avenue, Lewisburg, PA 17837) in Lewisburg Borough, **Union County**. Both boilers are subject to Subpart Dc of the Federal Standards of Performance for New Stationary Sources.

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: **35-318-079**

Source: ID Paint Booth w/Panel Filters

Received: March 25, 1997

Company: **Scranton Army Ammunition Plant**

Location: City of Scranton

County: **Lackawanna**

Permit: **35-322-003B**

Source: Kryogenic Condensation Gas Plant

Received: March 26, 1997

Company: **Empire Sanitary Landfill Inc.**

Location: Taylor Borough

County: **Lackawanna**

Permit: **45-304-005A**

Source: Sand Handling System w/Baghouses

Received: March 19, 1997

Company: **Kulp Foundry Company**

Location: Stroud Township

County: **Monroe**

Permit: **52-310-004**

Source: Stone Crush Plant w/Watersprays

Received: March 27, 1997

Company: **G F Edwards Incorporated**

Location: Greene Township

County: **Pike**

Applications under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify or reactivate air contaminant sources or to install Air Cleaning Devices.

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

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

15-318-010D. On January 31, 1997, an application was received from **Johnson Matthey, Inc.**, 456 Devon Park Drive, Wayne, PA 19087 for the installation of a production scrubber system III and IV to be located in Tredyffrin Township, **Chester County**.

15-320-023. On February 6, 1997, an application was received from **Dopaco, Inc.**, 479 Thomas Jones Way, Exton, PA 19341 for the construction of a flexographic printing press to be located in Downingtown Borough, **Chester County**.

09-318-074. On February 27, 1997, an application was received from **RAMA Display Corporation**, P. O. Box 219, 780 Haunted Lane, Bensalem, PA 19020 for the construction of a fabric filter adhesives spray booth to be located in Bensalem Township, **Bucks County**.

46-302-214. On February 28, 1997, an application was received from **McNeil Consumer Products Company**, 7050 Camp Hill Road, Fort Washington, PA 19034 for the construction of a 600 HP Johnston boiler to be located in Whitmarsh Township, **Montgomery County**.

PA-15-0002B. On March 5, 1997, an application was received from **Quebecor Printing Atglen, Inc.**, P. O. Box 465, Lower Valley Road, Atglen, PA 19310 for the construction of a publication rotogravure press to be located in West Sadsbury Township, **Chester County**.

PA-15-0002A. On March 5, 1997, an application was received from **Quebecor Printing Atglen, Inc.**, P. O. Box 465, Lower Valley Road, Atglen, PA for the construction of a Publication Rotogravure Press to be located in West Sadsbury Township, **Chester County**.

09-312-002. On March 10, 1997, an application was received from **PECO Energy Company**, 3901 N. Delaware Avenue, Philadelphia, PA 19137 for the modification of a fuel oil storage tank(s) to be located in Bristol Township, **Bucks County**.

46-310-019B. On March 13, 1997, an application was received from **Highway Materials, Inc.**, 750 Walton Road, P. O. Box 1667, Blue Bell, PA 19422 for the modification of stone crushers to be located in Marlborough Township, **Montgomery County**.

09-399-041A. On March 17, 1997, an application was received to amend a previous application for **Lockheed Martin Corporation**, P. O. Box 800, Mail Stop 41B, Princeton, NJ 08543 for boilers and degreasers to be located in Newtown Township, **Bucks County**.

09-320-049. On March 24, 1997, an application was received from **Fres-Co Systems USA, Inc.**, 3005 State Road, Telford, PA 18969 for the installation of a flexographic press to be located in West Rockhill Township, **Bucks County**.

46-307-008B. On March 27, 1997, an application was received to amend a previous application for **Freedom Alloys, Inc.**, 155 Railroad Plaza, Royersford, PA 19468 for an electric inducto-therm furnace to be located in Royersford Borough, **Montgomery County**.

REASONABLY AVAILABLE CONTROL TECHNOLOGY

(RACT)

Applications 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 Reasonably Available Control Technology.

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

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

OP-46-0040A. On March 12, 1997, an application was received from **National Label Company**, 2025 Joshua Road, Lafayette Hill, PA 19444 for the approval of Facility VOC/NOx RACT located in Whitemarsh Township, **Montgomery County**.

OP-46-0048B. On February 25, 1997, an application was received from **Rhone-Poulenc Rorer Pharmaceuticals**, I 500 Arcola Road, P. O. Box 1200, Collegeville, PA 19426 for the approval of Facility VOC/NOx RACT located in Upper Providence Township, **Montgomery County**.

OP-46-0118. On February 21, 1997, an application was received from **Ursinus College**, P. O. Box 1000, Collegeville, PA 19426 for the approval of Facility VOC/NOx RACT located in Collegeville Borough, **Montgomery County**.

MINING

CONDUCT COAL AND NONCOAL ACTIVITIES

MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); 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 particular 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 any person or any officer or head of any 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 for compliance with water quality standards (in accordance with 25 Pa. Code Chs. 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.

Mining and Reclamation, 3913 Washington Road, McMurray, PA 15317.

Coal Mining Applications Received:

11860701. Cooney Brothers Coal Company (P. O. Box 246, Cresson, PA 16630), to revise the permit for the Sonman Refuse site in Portage Township, **Cambria County** to add six permit acres, no additional discharge. Application received March 10, 1997.

63901301. Catsburg Mining Company, Inc. (P. O. Box 1015, Uniontown, PA 15401), to renew the permit for the Catsburg No. 1 bituminous deep mine in Carroll Township, **Washington County** to revise surface site plan layout, no additional discharge. Application received March 24, 1997.

56910701. PBS Coals, Inc. (P. O. Box 260, Friedens, PA 15541), to renew the permit for the Job No. 10 bituminous deep mine in Brothersvalley and Somerset Townships, **Somerset County**, no additional discharge. Application received February 25, 1997.

APPLICATIONS RECEIVED UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT

ENCROACHMENTS

The following permit applications and requests for Environmental Assessment approval and requests for water quality certification have been received by the Department of Environmental Protection.

In addition to permit applications, the Bureau of Dams, Waterways and Wetlands (BDWW) and the Regional Office Soils and Waterways Sections have assumed pri-

mary 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 provisions 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.

Northcentral Region: Water Management, Soils and Waterways Section, F. Alan Sever, Chief, 208 West Third St., Suite 101, Williamsport, PA 17701.

E18-232. Encroachment. **Porter Township Supervisors**, c/o Nevin Courter, Chairperson, P. O. Box 57, Lamar, PA 16848. To remove gravel deposition and to construct and maintain rock stream deflectors within the normal high water channel of Fishing Creek for the purpose of flood protection. The proposed work shall consist of 1) removing gravel deposition measuring 360 feet long × 48 feet wide × 2 feet deep 2) removing gravel deposition measuring 300 feet long × 60 feet wide × 2 feet deep; and 3) constructing three stream deflectors with R-8 riprap. The project is located along the southern right-of-way of SR 0064 approximately 1.1 miles west of the intersection of SR 0080 and SR 0064 (Beech Creek, PA Quadrangle N: 3.0 inches; W: 2.2 inches) in Porter Township, **Clinton County**. Estimated stream disturbance is 660.0 linear feet with no wetland impacts; stream classification is High Quality-Cold Water Fishery.

E18-233. Encroachment. **Porter Township Supervisors**, P. O. Box 57, Lamar, PA 16848. To remove gravel deposition about 2 feet deep, floatable debris, and wood vegetation at 5 locations in Fishing Creek near Route 64 just south of Lamar, PA (Beech Creek, PA Quadrangle N: 1.49 inches; W: 4.70 inches) in Porter Township, **Clinton County**. Estimated stream disturbance is approximately 1000 feet with no wetland impacts; stream classification is HQ-CWF.

E18-234. Encroachment. **Porter Township Supervisors**, P. O. Box 57, Lamar, PA 16848. To remove an unauthorized fill pad 200 feet in length, and stabilized 40 feet of streambank in the floodway of Fishing Creek near Fishing Creek Road just upstream of the village of Clintondale bridge (Beech Creek, PA Quadrangle N: 3.0 inches; W: 3.0 inches) in Porter Township, **Clinton County**. Estimated stream disturbance is approximately 240 feet with no wetland impacts; stream classification is HQ-CWF.

Northeast Regional Office: Regional Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 826-5485.

Permit No. E40-462. Encroachment. **Luzerne County Commissioners**, Luzerne County Courthouse, 200 North River Street, Wilkes-Barre, PA 18711-1001. To remove the existing structure and to construct and maintain a single-span precast, concrete slab bridge, having a span of approximately 10 feet and an underclearance of approximately 4 feet, across a tributary to Big Wapwallopen Creek (CWF). The structure (known as County Culvert No. 37508) is located on T-393, approximately 0.7 mile south of the northern intersection of T-393 and S. R. 2045 (Freeland, PA Quadrangle N: 18.9 inches; W: 9.4 inches), in Wright Township, **Luzerne County** (Baltimore District, Army Corps of Engineers).

Permit No. E40-463. Encroachment. **Luzerne County Commissioners**, Luzerne County Courthouse, 200 North River Street, Wilkes-Barre, PA 18711-1001. To remove the existing structure and to construct and maintain a single-span pre-stressed, concrete box beam bridge, having a span of approximately 26.5 feet and an underclearance of approximately 11.5 feet, across Solomon Creek (CWF). The bridge (known as County Bridge No. 24005) is located on S. R. 2008 (South Main Street), near Division Street (Wilkes-Barre West, PA Quadrangle, N: 19.1 inches; W: 4.8 inches), in Hanover Township, **Luzerne County** (Baltimore District, Army Corps of Engineers).

Permit No. E45-322. Encroachment. **Stephen E. and Betty Jean Barachie**, R. R. 1, Box 1083, Kunkletown, PA 18058-1083. To convert two ponds into one larger pond, having a surface area of approximately 0.2 acre by removing a 1,100 S. F. portion of land separating the two bodies of water and to backfill and eliminate an adjacent 0.025 acre pond. The project is located on Bauer Creek (CWF), on the north side of Township Road T-428 (Scheller Hill Road), approximately 0.15 mile east of the intersection of T-428 and T-437 (Pohopoco Mountain, PA Quadrangle, N: 6.75 inches; W: 4.5 inches), in Polk Township, **Monroe County** (Philadelphia District, Army Corps of Engineers).

Permit No. E64-180. Encroachment. **Pennsylvania Department of Transportation**, Engineering District 4-0, P. O. Box 111, Scranton, PA 18501. To remove the existing 2-span structure and to construct and maintain a single span adjacent box beam bridge, having a span of 117.6 feet and an underclearance of 8.4 feet on a 60° skew across Middle Creek (HQ-CWF). This project is located along S. R. 3028, Section 670, immediately north of S. R. 2004 (Hawley, PA Quadrangle, N: 19.4 inches; W: 13.25 inches), in Palmyra and Paupack Townships, **Wayne County** (Philadelphia District, Army Corps of Engineers).

Northwest Regional Office: Soils and Waterways Section, 230 Chestnut Street, Meadville, PA 16335-3481, telephone (814) 332-6942.

E10-256. Encroachment. **Municipal Sewer & Water Authority of Cranberry Township**, 2525 Rochester Road, Cranberry Township, PA 16066. To construct and maintain a main sewage pump station, and auxiliary sewage pump station, service road and associated fills within the floodway and floodplain of Brush Creek (WWF) as part of the expansion and upgrade of the existing Brush Creek Water Pollution Control Facility. The facility is located adjacent to Brush Creek approximately 600 feet southwest of the intersection of Glen Eden Road (S. R. 3024) and Powell Road (Baden, PA Quadrangle N: 17.3 inches; W: 3.7 inches) located in Cranberry Township, **Butler County**.

E20-441. Encroachment. **Pennsylvania Department of Transportation**, 1140 Liberty Street, Franklin, PA

16323. To remove the existing bridge and construct a new bridge with a clear span of 48.5 feet and an underclearance of 8 feet over Five Mile Run, a stocked trout cold water fishery. Temporary stream diversion structures will be implemented during abutment construction and temporary traffic run-arounds will be constructed in Five Mile Run and wetland. Temporary wetland impacts will total at 0.38 acre and 0.014 acre for permanent wetland impacts. All wetlands are palustrine emergent and/or shrubbed wetlands and are not exceptional value wetlands. Project is located on S. R. 0089 approximately 100 feet north of the intersection of Whitney Road (T-771) (Spartansburg, PA Quadrangle N: 6.1 inches; W: 8.3 inches) located in Sparta Township, **Crawford County**.

E20-442. Encroachment. **Pennsylvania Department of Transportation, District 1-0**, 1140 Liberty Street, Franklin, PA 16323. To remove the existing bridge and construct a new bridge with a clear span of 62 feet and an average underclearance of 7.5 feet over east branch Oil Creek, a stocked trout cold water fishery. Project requires temporary traffic run-arounds. Project is located on S. R. 0089 approximately 400 feet south of the intersection of Fish Flats Road (T-795) (Spartansburg, PA Quadrangle N: 6.7 inches; W: 8.7 inches) located in Sparta Township, **Crawford County**.

E24-198. Encroachment. **City of St. Marys**, 808 South Michael Road, St. Marys, PA 15857-1994. To remove the existing culvert and install a new metal arch in Iron Run (CWF) for a public highway. The metal arch will be 42 feet long, 16.6 feet maximum width and 4.3 feet maximum height. The project is located on Averyville Road approximately 1,600 feet south of the intersection of South Michael Road (S. R. 2008) and Averyville Road (St. Marys, PA Quadrangle N: 6.4 inches; W: 4.8 inches) located in City of St. Marys, **Elk County**.

E24-199. Encroachment. **City of St. Marys**, 808 South Michael Road, St. Marys, PA 15857-1994. To replace the north abutment to Swissmont Bridge that crosses West Creek (High Quality CWF). The project is located on Jackson Road approximately 100 feet south of the intersection of West Creek Road (S. R. 1008) and Jackson Road (Rathbun, PA Quadrangle N: 18.32 inches; W: 15.32 inches) located in the City of St. Marys, **Elk County**.

E25-534A. Encroachment. **Presque Isle Yacht Club**, P. O. Box 1075, Erie, PA 16505. To amend Permit No. E25-534 to include construction and maintenance of additional floating docks with driven steel stabilizing pipes consisting of a 234-foot long by 6-foot wide section extending east from the existing eastern dock structure and a total of 13 finger docks each 30 feet long by 3 feet wide in the west canal basin, Presque Isle Bay, Lake Erie (Erie North, PA Quadrangle N: 1.8 inches; W: 12.3 inches) located in the City of Erie, **Erie County**.

E25-547. Encroachment. **Ray Benacci/Transportation Investment Group**, 3011 West 17th Street, Erie, PA 16505. To place fill within a 0.3 acre wetland area (PEM) and to relocate an 18-inch storm drain system which discharges into a tributary to Lake Erie (CWF, MF) locally known as Marshall Run as part of a commercial development. In addition, this project will include creation of at least 0.3 acre of replacement wetland. The project is located at 3011 West 17th Street in Millcreek Township approximately 2,500 feet south of the intersection of S. R. 0005 and S. R. 0832 (Swanville, PA Quadrangle N: 16.8 inches; W: 2.9 inches) located in Millcreek Township, **Erie County**.

Southeast Regional Office: Program Manager, Water Management Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

E51-160. Encroachment. **Fairmount Park Commission**, Memorial Hall, West Park, Philadelphia, PA 19131. To excavate, place and maintain fill adjacent to the west side of the Schuylkill River (WWF-MF) and adjacent floodplain. This work is associated with the construction of a wetland restoration area and softball field which are part of the Bartram's Garden Wetland Restoration Project. The site is located just north of the point where 56th Street terminates at the Schuylkill River (Philadelphia, PA USGS Quadrangle N: 10.0 inches; W: 12.3 inches) in the **City and County of Philadelphia**.

E46-768. Encroachment. **Upper Dublin Township**, 801 Loch Alsh Avenue, Fort Washington, PA 19034. To modify, operate and maintain an existing 75-inch by 75-inch box culvert in and along an unnamed tributary to Sandy Run Creek. The culvert conveys flow beneath Spring Avenue. The proposed work consists of slip lining of 33 linear feet of the 66-inch diameter C.M.P. into the existing culvert and pressure-grouting to regain structural integrity. The project also includes the modifications and rehabilitation of the tributary channel streambed by placing Reno mattresses and a rip-rap energy dissipator 20 linear feet upstream and downstream of the culvert, and installation of gabion walls to replace and/or reinforce existing deteriorated masonry walls. The site is situated on Spring Avenue, approximately 1,300 feet southeast of its intersection with Fort Washington Avenue (Ambler, PA Quadrangle N: 2.5 inches; W: 11.5 inches) in Upper Dublin Township, **Montgomery 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

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, Market Street 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 audiotape 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.

Actions under The Clean Streams Law (35 P.S. §§ 691.1—691.1001).

Permits Issued.

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

Permit No. 2397403. Sewerage. **Jonathan Kimmel** (46 Tanguy Road, Glen Mills, PA 19342). Construction of a single residence sewage treatment plant located in Thronbury Township, **Delaware County** to serve the Kimmel residence to replace an existing failed system.

Permit No. 4696202. Industrial waste. **Moyer Packing Company** (249 Allentown Road, P. O. Box 395, Souderton, PA 18964-0395). Expansion and upgrade of the industrial wastewater treatment plant located in Franconia Township, **Montgomery County** to serve Moyer Packing Company.

NPDES Permit No. PA0057002. Industrial waste. **Township of Haverford**, 2325 Darby Road, Havertown, PA 19083 is authorized to discharge from a facility located in Haverford Township, **Delaware County** into Darby Creek.

NPDES Permit No. PA0020460. Amendment No. 3. Sewerage. **Pennridge Wastewater Treatment Authority**, 180 Maple Avenue, P. O. Box 31, Sellersville, PA 18960 is authorized to discharge from a facility located in West Rockhill Township, **Bucks County** into the east branch Perkiomen Creek.

Northwest Regional Office: Regional Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, telephone (814) 332-694.

WQM Permit No. 4296202. Industrial waste. **McKean County Solid Waste Authority**, Kness Landfill, P. O. Box 448, Mt. Jewett, PA 16740. This project is for the construction and operation of a leachate treatment facility in Sergeant Township, **McKean County**.

INDIVIDUAL PERMITS**(PAS)**

The following approvals for coverage under NPDES Individual Permit for Discharge of Stormwater from Construction Activities have been issued.

These actions of the Department of Environmental Protection (Department) may be appealed to the Environmental Hearing Board (Board), Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483, by any aggrieved person under the Environmental Hearing Board Act (35 P.S. § 7514); 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Appeals must be filed with the Board within 30 days from the date of this issue of the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Department's regulations governing practice and procedure before the Board may be obtained from the Board.

Southcentral Regional Office: Water Management Program, Soils and Waterways Section, One Ararat Boulevard, Room 126, Harrisburg, PA 17110, telephone (717) 657-4590.

PAS-10-C025. Individual NPDES. **Forino Developers**, 3000 Penn Avenue, West Lawn, PA 19609. To implement an Erosion and Sedimentation Control Plan for the Lenape Valley residential development on 65.6 acres in Spring Township and Sinking Spring Borough, **Berks County**. The project is located on the west side of Martins Road (T-393) (Sinking Spring, PA Quadrangle N: 12.1 inches; W: 3.0 inches). Drainage will be to Cacoosing Creek.

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS103708	Joe Monsour 1418 Butler Road New Castle, PA 16101	Lawrence County Shenango Township	Big Run

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10-G199	Daylesford Associates, Inc. 1301 Lancaster Avenue Berwyn, PA 19312	West Whiteland Twp. Chester County	Broad Run

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 application 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

<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>
Adams County Oxford Twp.	PAR100042	The Brethren Home 2990 Carlisle Pike New Oxford, PA	Conewago Creek	Adams CD (717) 334-0636
Adams County Conewago Twp.	PAR100044	UTZ Quality Foods 900 High St. Hanover, PA 17331	Slagle Run	Adams CD (717) 334-0636
Allegheny County S. Fayette Twp.	PAR10A040-1	Cuddy Land Company 235 Millers Run Road Bridgeville, PA 15017	Millers Run	Allegheny CD (412) 921-1999
Allegheny County Collier Twp.	PAR10A200	Collier Twp. Municipal Authority 2418 Hilltop Road Presto, PA	Chartiers Creek	Allegheny CD (412) 921-1999
Bradford County Wells Twp.	PAR100810	Pine Hills Farm P. O. Box 187 Myerstown, PA 17067	Mills Creek	Bradford CD (717) 265-5539
Crawford County Greenwood Twp.	PAR102310	Department of Army Baltimore Corps of Engineers P. O. Box 1715 Baltimore, MD 21203	UNT to Conneaut Outlet	Crawford CD (814) 724-1793
Cumberland County Hampden Twp.	PAR10H119	Timber Chase P. O. Box 622 Lemoyne, PA 17043	Sears Run	Cumberland CD (717) 240-7812
Cumberland County Lower Allen Twp.	PAR10H123	United Methodist Home for Children & Family Services P. O. Box 348 Mechanicsburg, PA	Cedar Creek	Cumberland CD (717) 240-7812
Cumberland County E. Pennsboro Twp.	PAR10H125	Laurel Hills North P. O. Box 323 Berwick, PA 18603	UNT to Conodog. Crk.	Cumberland CD (717) 240-7812
Delaware County Radnor Twp.	PAR10J089	Radnor School District 135 S. Wayne Avenue Wayne, PA 19087	Hardings Run	Delaware CD (610) 892-9484
Delaware County Aston Twp.	PAR10J092	Duttons Mid Assoc. LP Inc. 111 N. Olive Street Media, PA	Chester Creek	Delaware CD (610) 892-9484
Erie County Millcreek Twp.	PAR10K078	Millcreek Twp. School District 3740 W. 26th Street Erie, PA	UNT to Presque Bay	Erie CD (814) 796-4203
Juniata County Fayette Twp.	PAR103500	SHADECHRIS 20 Evergreen Street Thompsontown, PA 17094	Cocolamus Creek	Juniata CD (717) 436-6919

<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>
Lancaster County E. Lampeter Twp.	PAR10-O-242	Bold Corporation 1 Washington St., Ste. 402 Wellesley, MA	Mill Creek	Lancaster CD (717) 299-5361
Lawrence County Neshannock Twp.	PAR103722	Leo Golba 233 W. Parkside Drive New Castle, PA 16105	UNT to Shenango River	Lawrence CD (412) 652-4512
Luzerne County Hanover Twp.	PAR10R105	O & S Realty Company 79 E. Carey Street Plains, PA	Solomons Creek	Luzerne CD (717) 674-7991
Luzerne County Plain Twp.	PAR10R107	Dept. of Veterans Affairs 1111 E. End Boulevard Wilkes-Barre, PA 18711	Susquehanna Rvr.	Luzerne CD (717) 674-7991
Montgomery County U. Salford Twp.	PAR10T308	The Church Foundation 1601 Market Street Philadelphia, PA 19103	UNT to Vaughn Rn.	Montgomery CD (610) 489-4506
Montgomery County U. Providence Twp.	PAR10T326	Sukonik Country Ridge Corp. 621 E. Germantown Pike Plymouth Valley, PA 19401	Mingo Creek	Montgomery CD (610) 489-4506
Somerset County Summit Twp.	PAR106121	Meyersdale Area School Dist. R. D. 3 Meyersdale, PA 15552	Miller Run	Somerset CD (814) 445-4652
York County New Freedom Boro	PAR10Y246	S & A Custom Built Homes 501 Rolling Ridge St. College, PA	Beetree Run	York CD (717) 840-7430
Dauphin County East Hanover Twp.	PAG043568	John and Mildred Zimmerman R. D. 7, Box 1388 Harrisburg, PA 17112-9040	Manada Creek	SCRO (717) 657-4590
Dauphin County Halifax Township	PAG043569	Robert W. and Shirley Rissinger c/o Allen Shaffer & Associates 129 Market Street P. O. Box 335 Millersburg, PA 17061	Gurdy Run	

**SEWAGE FACILITIES ACT
PLAN APPROVAL**

**Plan approval granted under the Pennsylvania
Sewage Facilities Act (35 P. S. §§ 750.1—750.20).**

*Regional Office: Water Management Program Manager,
Southcentral Region, One Ararat Boulevard, Harrisburg,
PA 17110.*

Location: **Jackson Township, York County**, R. D. 4,
Box 4308, Spring Grove, PA 17362.

The approved plan provided for construction of a .4 mgd wastewater treatment facility. Initially, .4 mgd (winter) or .2 mgd (summer) will discharge to the P. H. Glatfelter treatment facility. As flows increase, a total of .28 mgd will be directed to a municipal spray irrigation facility for land application with the remainder directed to the P. H. Glatfelter facility. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Northcentral Regional Office: Water Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, telephone (717) 327-0530.

Location: Cooper Township, Clearfield County.

Project Description: Approved update calls for the construction of new wastewater collection and treatment facilities to serve approximately 900 developed properties located in four village areas in the township. The \$9 million plus project will consist of two separate vacuum collection systems, each served by its own sequencing batch reactor treatment facility. The treatment facility serving the Grassflat area, with a capacity of 120,000 gpd, will discharge treated effluent to an unnamed tributary of Moshannon Creek. The treatment facility serving the villages of Winburne, Lanse and Kylertown, with a capacity of 185,000 gpd, will discharge treated effluent directly to Moshannon Creek.

The Department's review of the sewage facilities update revision has not identified any significant negative environmental impacts resulting from this proposal.

Location: Mansfield Borough, Tioga County.

Project Description: The approved update calls for an upgrade of the existing wastewater treatment facility serving the borough, and the eventual expansion of this facility from capacity of 1.0 mgd to 1.3 mgd. The upgrade and expansion will allow the borough to provide for its own wastewater needs through a 20 year planning horizon and will provide for growth and from new service areas in adjoining sections of Richmond Township. Discharge of the treated effluent from the upgraded, expanded treatment facility will continue to be to the Tioga River. The plan also provides for continued storm and sanitary sewer separation work in the borough and a continuation of the borough's efforts to remove inflow and infiltration from its sanitary sewers.

The Department's review of the sewage facilities update revision has not identified any significant negative environmental impacts resulting from this proposal.

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 (the 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 non-residential 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 1 (800) 654-5984.

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

Azar Residence, New Britain Township, **Bucks County**. Kevin P. Van Kuren, All Phase Environmental Services, Inc., 131 Technology Dr., Bethlehem, PA 18015, has submitted a Final Report concerning remediation of site soils and groundwater contaminated with BTEX and polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet the Statewide health standard.

SOLID AND HAZARDOUS WASTE BENEFICIAL USE DETERMINATIONS

Beneficial use approved under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.103) and regulations for municipal and residual waste.

Regional Office: Regional Environmental Program Manager, 555 North Lane, Suite 6010, Lee Park, Conshohocken, PA 19428.

Beneficial Use Number BUI-0029. Nutrecon Inc., South Main and Randolph Avenue, P. O. Box 442, Ambler, PA 19002-0442. On March 26, 1997 the Southeast Regional Office approved a Beneficial Use request from Nutrecon Inc., for the agricultural utilization of nutresoil.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

Northcentral Regional Office, Regional Solid Waste Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701, telephone (717) 327-3653.

Permit No. 603453. Newton Farm, Ralph Newton (R. R. 2, Box 165A, Wyalusing, PA 18853). Permit for sewage sludge agricultural utilization at a facility located in Terry Township, **Bradford County**, issued in the regional office on April 1, 1997.

Override Justification:

Issue: Since the township ordinance requires sand mound septic systems, in most instances for onlot systems, it seems completely contradictory to allow haulers to spread more concentrated sewage directly onto the ground.

Override: The regulations and permit conditions require sewage sludge to be applied to lands with a specified depth of acceptable soils. In this way, these sites function exactly the same as onlot systems where contaminants are renovated as they percolate through this soil column. Additionally, in the agricultural utilization process of this land application, nutrients and metals are taken up and utilized by the crop. This further use of potential contaminants does not occur in onlot systems and is an added benefit in this land application program.

Issue: The township supervisors are seriously concerned for the well-being of local wells and those who use them. The supervisors feel that after extended periods of spreading sewage sludge on the same grounds, that there would be some leaching into peoples water sources.

Override: There are many safeguards built into the land application program to assure that groundwater and water sources are not impacted. Set back distances are required from water supply wells, specific soil depth is required to the seasonal high groundwater level and specifically calculated application rates are just a few of the mechanisms required by the regulations and the permit to assure that groundwater is not impacted.

Issue: The township supervisors are concerned about run-off from the land application area and its impact on the Susquehanna River and the Chesapeake Bay.

Override: Again, the regulations and permit have many safeguards built into the land application program to prevent run-off from these areas. These include, but are

not limited to, set back distances from streams and water conveyance channels, slope restrictions, incorporation requirements and specific application rates. The potential for run-off was recognized and the regulations were written to prevent this occurrence.

Closure plan approved under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for closure of a solid waste disposal area or site.

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

Permit I. D. No. 300913. Westwood Generating Station. Westwood Energy Properties, Ltd. Partnership, c/o CRSS Capital, Inc., Suite 900, 1177 West Loop South, Houston, TX 77027. A permit modification authorizing the approval of the revised closure plan final grades plus E & S controls; changes to the groundwater monitoring systems; and use of a new final cover consisting of 1.5:1 ratio ash and compost mixture for this residual waste landfill, located in Frailey Township, **Schuylkill County**. This permit modification was approved in the Regional Office on February 13, 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).

Southwest Regional Office: Bureau of Air Quality, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

65-000-378. The Department reissued an Air Quality Operating Permit on March 27, 1997 to **BP Oil Company** (Logistics HSE, 200 Public Square 7-T, Cleveland, OH 44114) for a fuel transfer and storage station at its Greensburg Terminal located in Hempfield Township, **Westmoreland County**.

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: **40-312-038**

Source: Tank #105 with Floating Roof

Company: **Sun Company Incorporated**

Location: Edwardsville Borough

County: **Luzerne**

Permit: **40-399-010D**

Source: 12 Epitaxial Reactors w/Scrubbers

Company: **Harris Semiconductor Incorporated**

Location: Wright Township

County: **Luzerne**

Permit: **66-302-004B**

Source: Boilers 2&4 w/ Pulpgas /Scrubber

Company: **Procter & Gamble Paper Products**

Location: Washington Township

County: **Wyoming**

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.

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

21-317-056A. On March 26, 1997, the Department issued a Plan Approval to **ADM Milling Company** (Box 3100, Camp Hill, PA 17011) for the modification of a grain processing plant at their Spangler Road facility in Camp Hill Borough, **Cumberland County**.

22-305-001A. On April 2, 1997, the Department issued a Plan Approval to **Kimmel's Coal and Packaging** (P. O. Box 1, Machamer Avenue, Wiconisco, PA 17097) for the modification of miscellaneous coal handling operations controlled by four fabric collectors in Wiconisco Township, **Dauphin County**.

28-310-002C. On April 3, 1997, the Department issued a Plan Approval to **Valley Quarries, Inc.** (P. O. Box J, Chambersburg, PA 17201) for the modification of a limestone crushing plant at their Chambersburg Quarry in Guilford Township, **Franklin County**. The source is subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

28-318-012C. On March 26, 1997, the Department issued a Plan Approval to **Department of the Army** (Letterkenny Army Depot, SDSLE-EN, Chambersburg, PA 17201-4150) for the installation of chrome plating tanks controlled by a fume scrubber in Greene Township, **Franklin County**. The sources are subject to 40 CFR 63, Subpart N, National Emission Standards for Hazardous Air Pollutants.

36-320-026D. On March 26, 1997, the Department issued a Plan Approval to **R. R. Donnelley & Sons Company** (216 Greenfield Road, Lancaster, PA 17601-5885) for the modification of a heatset web offset lithographic printing operation at their Lancaster East facility in the City of Lancaster, **Lancaster County**.

38-2009A. On April 2, 1997, the Department issued a Plan Approval to **Lebanon Methane Recovery, Inc.** (920 Rosstown Road, Lewisberry, PA 17339) for the construction of an internal combustion engine-generator, landfill gas fired, in Nroth Lebanon Township, **Lebanon County**.

67-310-035B. On March 26, 1997, the Department issued a Plan Approval to **Global Stone PenRoc, Inc.** (P. O. Box 1967, York, PA 17405-1967) for the modification of a roofing plant in West Manchester Township, **York County**. The source is subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

Southwest Regional Office: Bureau of Air Quality, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

65-313-013. On March 27, 1997, a Plan Approval was issued to **Sony Display Device** (1001 Technology Drive, Mt. Pleasant, PA 15666) for an acid fume scrubber on the deionized water regeneration system at its Pittsburgh

Manufacturing Center facility located in Mt. Pleasant Township, **Westmoreland County**.

32-306-010B. On March 27, 1997, a Plan Approval was issued to **GPU Generation Corporation** (1001 Broad Street, Johnstown, PA 15907) for Wahlco NH₃ gas Conditioning on the Units #1 and #2 Boilers at its Conemaugh Station facility located in West Wheatfield Township, **Indiana County**.

65-302-071. On March 3, 1997, a Plan Approval expiration date was extended to May 20, 1997 for **Koppers Industries, Inc.** (436 Seventh Avenue, Pittsburgh, PA 15229) for two boilers at its Monessen Coke Plant facility located in Monessen, **Westmoreland County**.

65-310-013A. On March 27, 1997, a Plan Approval expiration date was extended to July 1, 1997 for **Davison Sand & Gravel Company** (400 Industrial Boulevard, New Kensington, PA 15068) for a wet dust suppression system and baghouse on the limestone crushing plant at its Whitney Quarry facility located in Unity Township, **Westmoreland County**.

26-305-029A. On March 27, 1997, a Plan Approval expiration date was extended to October 1, 1998 for **CONSOL Docks, Inc.** (1800 Washington Road, Pittsburgh, PA 15241) for water sprays on the coal transfer facility at its Alicia Dock facility located in Luzerne Township, **Fayette County**.

04-307-073C. On March 27, 1997, a Plan Approval expiration date was extended to July 1, 1997 for **Koppel Steel Corporation** (P. O. Box 750, Beaver Falls, PA 15010) for a fabric filter on the Multi-lance Manipulator at its Koppel Plant facility located in Koppel Borough, **Beaver County**.

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

8-313-049A. On March 18, 1997 plan approval was issued to **Osram Sylvania, Inc.** (Hawes Street, Towanda, PA 18848-0504) for the construction of two bulk ammonium hydroxide storage tanks and ammonia railcar loadout operation and associated air cleaning device (a packed bed scrubber) in Towanda Borough, **Bradford County**.

17-314-001D. On March 21, 1997 plan approval was issued to **Equimeter, Inc.** (P. O. Box 528, DuBois, PA 15801) for the reactivation of two synthetic elastomer curing ovens and associated air cleaning devices (a venturi scrubber and a packed bed scrubber) at Plant #1 in the City of DuBois, **Clearfield County**.

8-313-009A. On March 25, 1997 plan approval was issued to **Osram Sylvania, Inc.** (Hawes Street, Towanda, PA 18848-0504) for the construction of an X-ray phosphors furnace and associated air cleaning device (a packed bed scrubber) in North Towanda Township, **Bradford County**.

Plan Approvals 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.

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: **35-301-038A**

Source: 2-Type 4 Crematories/Afterburners

Issued: March 24, 1997

Company: **Maple Hill Cemetery Association**

Location: Archbald Borough

County: **Lackawanna**

Permit: **40-309-037**

Source: Asphalt Roofing w/Therm-Oxidizer

Issued: March 21, 1997

Company: **Polyglass USA Incorporated**

Location: Hazle Township

County: **Luzerne**

Permit: **54-305-018**

Source: Coal Prep Plant w/Water Spray Sys

Issued: March 21, 1997

Company: **Summit Anthracite Company**

Location: Porter Township

County: **Schuylkill**

Permit: **54-305-019**

Source: Coal Prep Plant w/Water Sprays

Issued: March 24, 1997

Company: **Girard Estate (Girard College)**

Location: Butler Township

County: **Schuylkill**

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—1396.19a); 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. §§ 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).

Mining and Reclamation, 3913 Washington Road, McMurray, PA 15317.

Coal Mining Permits Issued

63841302. Maple Creek Mining, Inc. (981 Route 917, Bentleyville, PA 15314), to revise the permit for the Maple Creek bituminous deep mine in Fallowfield Township, **Washington County** to add NPDES discharge point at Spinner Shaft site, receiving stream unnamed tributary to Sawmill Creek. Permit issued April 1, 1997.

17841301. Manor Mining & Contracting Corporation (P. O. Box 368, Bigler, PA 16825), to revise the permit for the Manor No. 44 bituminous deep mine in Girard Township, **Clearfield County** to add 49 permit and subsidence control plan acres, no additional discharge. Permit issued April 2, 1997.

03950401. Bradys Bend Corporation (930 Cass Street, New Castle, PA 16101), to operate the Kaylor Limestone Mine in Bradys Bend Township, **Armstrong**

County, new noncoal underground mine, receiving stream Cove Run. Permit issued April 1, 1997.

Mineral Resources Management—District Mining, Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

Noncoal Permits Issued

40960302. Hanover Nursery (5 Crystal Street, Hanover Green, Wilkes-Barre, PA 18702), commencement, operation and restoration of a quarry operation in Plymouth Township, **Luzerne County** affecting 192.6 acres, receiving stream Susquehanna River. Permit issued April 3, 1997.

General Small Noncoal Authorizations Granted

28960803. Lester E. Walls Excavating (5341 Race Track Road, St. Thomas, PA 17252), commencement, operation and restoration of a small quarry operation in Hamilton Township, **Franklin County** affecting 4.0 acres, receiving stream none. Authorization granted April 2, 1997.

ACTIONS TAKEN UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT

ENCROACHMENTS

The Department of Environmental Protection 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, (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 audiotape 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.

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 act of June 22, 1937 (P. L. 1987, No. 394) (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).

Permits Issued and Actions on 401 Certification

Southeast Regional Office: Program Manager, Water Management Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

E23-355. Encroachment Permit. A. F. Damon Company, Inc., 1 Upland Avenue, Upland, PA 19015. To construct and maintain a 2,500 square-foot garage, a second story to an existing building and associated minor grading within the 100-year floodway of Chester Creek (WWF). The proposed additional level will be constructed at 2.00 feet above the 100-year flood elevation. The site is located approximately 160 feet south of the intersection of Front Street and Upland Avenue (Marcus Hook USGS Quadrangle N: 18.3 inches; W: 1.0 inches) in Upland Borough, **Delaware County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E09-733. Encroachment Permit. American Stores Properties, Inc., P. O. Box 30658, Salt Lake City, Utah 84130-0658. To place fill material in deminimus area of wetlands (PSS) and approximately 340 linear feet of an unnamed tributary to the west branch of the Neshaminy Creek associated with the construction of the proposed Acme Supermarket. The project site is located immediately north of US Route 202, approximately 1700 feet northeast from the intersection with County Line Road, (Doylestown, PA Quadrangle N: 3.5 inches; W: 14.0 inches) in New Britain Township, **Bucks County**.

E09-739. Encroachment Permit. Mark S. DeWitt, 810 Route 313, Perkasio, PA 18944. To construct and maintain a garage, place associated fill, and perform grading within the assumed 100-year floodway of an unnamed tributary to Morris Run (TSF). This site is located approximately 4,000 feet northwest of the intersection of Dublin Pike (SR 0313) and Bedminster Road (SR 0113) (Bedminster, PA USGS Quadrangle N: 2.5 inches; W: 14.7 inches), in Hilltown Township, **Bucks County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E46-754. Encroachment Permit. Pennsylvania Department of Transportation, 200 Radnor-Chester Road, St. Davids, PA 19087. To remove an existing dilapidated two span bridge (length of each span is 18 feet) which spans Minister Creek, and to construct and maintain a new 40-foot long single span concrete bridge, 36.33 feet wide, with a maximum underclearance of 10-feet, which will impact a deminimus area of wetland. The site is located along SR 663, at a point approximately 1250 feet southwest of the intersection of SR 663 and Swamp Road, (Sassamanville, PA Quadrangle N: 8.5 inches; W: 12.2 inches) in New Hanover Township, **Montgomery County**.

E46-759. Encroachment Permit. New Hanover Township, 2943 North Charlotte Street, Gilbertsville, PA 19525-9718. To reconstruct, operate and maintain the existing Middle Creek Road bridge across Swamp Creek (TSF). The work consists of replacing the existing two-span concrete and steel superstructure with single span, precast, prestressed, box beam decking. The proposed 52.6-foot long bridge, with 6.5-foot minimum underclearance, a 24-foot roadway width, will utilize the existing concrete bridge abutments. Reconstruction includes the following activities:

1. Remove the existing center pier to stream bed elevation or below.
2. Construct and maintain a new concrete wing wall at the northeast corner of the bridge.
3. Resurface existing concrete abutment walls with a 6 inch thick coating of concrete.

The bridge is located on Middle Creek Road, approximately 400 feet northeast from the intersection with S. R. 73 (Sassamansville, PA Quadrangle N: 12.1 inches; W: 12.2 inches), in New Hanover Township, **Montgomery County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

Northeast Regional Office: Regional Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 826-5485.

E35-228A. Encroachment. **Lake Benton Soil Products, Inc.**, 2607 Milwaukee Road, Clarks Summit, PA 18411. To operate and maintain a commercial peat extraction operation within approximately 13 acres of wetlands, along a tributary to south branch Tunkhannock Creek. The project includes continued operation within approximately 15 acres (previously authorized by Permit No. E35-228). The project is located on the north side of S. R. 0107, approximately 0.75 mile west of S. R. 0081 (Dalton, PA Quadrangle N: 19.0 inches; W: 5.3 inches), in Benton Township, **Lackawanna County**. The permittee is required to provide 13 acres of replacement wetlands.

E45-308. Encroachment. **Thomas Hennet**, 110 Smith Drive, Stroudsburg, PA 18360. To remove the existing open-bottom concrete box culvert in Lake Creek to allow the reconstruction of its structurally damaged concrete footings. The box culvert will be reset on new concrete footings and have a span of 11.8 feet and an underclearance of 5.2 feet. The project is located along a private road known as Herps Avenue, approximately 400 feet south of S. R. 3004 and S. R. 3017 (Saylorsburg, PA Quadrangle N: 3.5 inches; W: 10.2 inches) in Ross Township, **Monroe County**.

E45-309. Encroachment. **HRP Corp.** c/o Resorts USA, P. O. Box 447, Bushkill, PA 18324. To construct and maintain a stormwater outfall, consisting of 24-inch outfall pipe, R-5 riprap-lined swale section and R-4 riprap apron, along the right bank of Sand Hill Creek. The project is part of Phase IV of the Fairway Villas Planned Residential Community and is located approximately 1,000 feet south of intersection of S. R. 0209 and McCole Road (Bushkill, PA-NJ Quadrangle N: 12.0 inches; W: 6.1 inches), in Middle Smithfield Township, **Monroe County**.

E64-174. Encroachment. **Pennsylvania Department of Transportation**, Engineering District 4-0, P. O. Box

111, Scranton, PA 18501. To remove the existing structure and to construct and maintain a prestressed concrete spread box beam bridge, having a clear span of 65 feet and an underclearance of 18 feet, on a 70° skew across the west branch Lackawaxen River. Approximately 312 square feet of wetlands will be temporarily impacted during construction. This project is located along S. R. 0170, Section 672, immediately south of T-611 (Orson, PA Quadrangle N: 17.1 inches; W: 5.6 inches) in Mount Pleasant Township, **Wayne County**.

Northwest Regional Office: Soils and Waterways Section, 230 Chestnut Street, Meadville, PA 16335-3481, telephone (814) 332-6942.

E62-328. Encroachment. **R. William Holder**, P. O. Box 34, Warren, PA 16365. To remove and replace the existing bridge superstructure, rehabilitate the existing piers and abutments and to maintain a three span steel beam bridge having a center span of 48 feet and end spans of 39 feet and 60 feet with about a 5-foot minimum and 12.5-foot maximum underclearance across Brokenstraw Creek on a private access immediately south of T-433 approximately 5,000 feet west of S. R. 3016 (Youngsville, PA Quadrangle N: 15.7 inches; W: 15.8 inches) in Brokenstraw Township, **Warren County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

SPECIAL NOTICES

Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of March 1997 the Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed below to perform radon-related activities in Pennsylvania. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, 1 (800) 23RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
James Andrews	353 Loveville Road Warriors Mark, PA 16877	Mitigation
Kimberly Applebach	P. O. Box 4214 Lancaster, PA 17604	Testing
John J. Biegalski	515 West Church Road King of Prussia, PA 19406	Testing
Scott M. Hagan	78 Hamilton Drive Abbottstown, PA 17301	Testing
Frank Hague Cape Henlopen Corporation	P. O. Box 312 748 Rodman Avenue Jenkintown, PA 19046	Testing
John L. Jenkins, Jr. GCI Environmental Advisory, Inc.	165 Darling Street Wilkes-Barre, PA 18701	Testing
Ludwig W. Kubli, Jr.	831 East Hutchinson Avenue Pittsburgh, PA 15218	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
George Loudon Inspectal, Inc.	P. O. Box 341 Stroudsburg, PA 18360	Testing
Eugene F. Merrill	2 West Golf Club Lane Paoli, PA 19301	Testing & Mitigation
Tuan Nguyen American Radon Solutions	125 Brindle Road Mechanicsburg, PA 17055	Mitigation
Radon Environmental Services, Inc.	Box 2180 Flemington, NJ 08822	Mitigation
Mark Salasky Landauer, Inc.	2 Science Road Glenwood, IL 60426	Laboratory
Chris Snyder	2231 Bulls Sawmill Road Freeland, MD 21053	Testing
Joseph E. Sulima	P. O. Box 114 Avoca, PA 18641	Mitigation
Dennie Swindell	101 Locust Street, Box 12 Alum Bank, PA 15521	Testing
James A. Weaver Safehouse Services, Inc.	1211 Folsom Avenue Prospect Park, PA 19076	Testing

[Pa.B. Doc. No. 97-599. Filed for public inspection April 18, 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 the 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 December 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 any unbound paper copy of the latest Inventory or an unbound paper copy of any of the final documents listed on the Inventory by calling Elwyn, Inc. (the printer) at 1 (800) 804-4020 if calling in Pennsylvania or (610) 497-5826 if calling from outside Pennsylvania. Elwyn's fax number is (610) 497-5932.

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—Revision to Existing Guidance

DEP ID: 550-0300-001. Title: Oil and Gas Operator's Manual. Description: This document is a comprehensive guidance manual for oil and gas well operators in Pennsylvania. It describes DEP's oil and gas regulatory program and provides copies of applicable laws, regulations, and sample forms and guidelines. It has been updated to reflect the Department's organization and name change, and changes in law, regulation, and approved Department policies which have become effective since it was published 10 years ago. Effective Date: April 1997. Length: Approximately 810 pages (including appendices). Location: Volume 10, Tab 01. To order a copy of this document, persons should contact: Frank Bialas at (717) 772-2199.

DEP ID: 273-4130-007. Title: Stage II Enforcement Strategy. Description: DEP implements the recommendations of the Southwest Pennsylvania Ozone Stakeholders regarding Stage II vapor recovery enforcement in the Pittsburgh-Beaver Valley Area. Effective Date: April 1, 1997. Length: 3 pages. Location: Volume 2, Tab 31. Contact: Terry L. Black at (717) 787-4310 or Scott L. Kepner at (717) 787-1663.

DEP ID: 400-5900-102. Title: Procedure for Authorizing Emergency Response Expenditures. Description: This policy sets forth the criteria for determining whether or not an emergency situation exists, establishing the Department's remedial action, and executing emergency contracts. Effective Date: March 31, 1997. Page Length: 5 pages. Location: Volume 8, Tab 5. Contact: Kris Lutz at (717) 787-5027.

DEP ID: 292-0400-002. Title: Nuclear Power Generating Station Incident Manual. Description: The Bureau of Radiation Protection uses this document in responding to an accident or incident at a fixed nuclear facility in Pennsylvania. These are minor revisions, such as: change of name of the Department and Deputate, changes of addresses, changes reflecting reorganization of the Bureau, etc. Effective Date: January 1994. Page Length: 114 pages. Location: Volume 4, Tab 2, Contact: Marianne Hansen at (717) 787-3720.

Draft Technical Guidance

DEP ID: 562-2504-312. BMR PGM: I:03:12 Title: Surety Reclamation of Bond Forfeiture Sites. Background: Section 4(h) of the Pennsylvania Surface Mining Conservation and Reclamation Act, as amended by Act 43 of 1996, provides a means by which a surety bonding company can reclaim a mine site where the surety's bond money has been forfeited and collected by DEP. This process involves submittal of a reclamation proposal, for review and approval by DEP, along with return of the surety's bond money in exchange for some other form of adequate financial assurance. The process provides increased opportunity for surety companies to

achieve reclamation of mine sites. Deadline for Submittal for Comments: May 27, 1997. Contact: Thomas Callaghan at (717) 783-8845.

DEP ID: 561-2305-201. Title: Technical Review, Application Processing. Background: This document provides technical information regarding the processing of applications for SOAP and ROAP assistance. It revises current policy by transferring the responsibility for conducting Pre-assignment Field Conferences from the Project Officer to the District Mining Office. Deadline for Submittal of Comments: April 30, 1997. Contact: Lou DiLissio at (717) 783-8846.

DEP ID: 561-2305-203. Title: Technical Review, Report Review. Background: This document provides technical information regarding the review of hydrologic reports performed under the SOAP and ROAP assistance programs. It revises current policy by assigning sole responsibility for report review and approval to the District Mining Office. Deadline for Submittal of Comments: April 30, 1997. Contact: Lou DiLissio at (717) 783-8845.

DEP ID: 561-2305-601. Title: Technical Review, Applicant Liability. Background: This document provides technical information regarding the criteria and procedures to be used in seeking reimbursement from SOAP and ROAP recipients and establishing "good faith" criteria for waivers of reimbursement. It revised current policy to include the Remining Operator's Assistance Program (ROAP). Deadline for Submittal of Comments: April 30, 1997. Contact: Lou DiLissio at (717) 783-8846.

DEP ID: 563-2113-660. Title: Coal Refuse Disposal—Site Selection Background: The 1994 amendments (Act 114) to the Coal Refuse Disposal Control Act (CRDCA) outlined a site selection process for locating coal refuse disposal activities. The site selection process requires the applicant for a coal refuse disposal permit to identify and evaluate alternative disposal sites and to select a site that is the most suitable based on environmental, economic, transportation, technical and social factors. The purpose of this guidance is to promote the consistent implementation of the coal refuse site selection process and to ensure appropriate input from responsible State and Federal agencies regarding potential adverse hydrologic and water quality impacts. Deadline for Submittal of Comments: May 16, 1997. Contact: Thomas Callaghan at (717) 783-8845.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 97-600. Filed for public inspection April 18, 1997, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

State Surplus Property Division

The Department of General Services, State Surplus Property Division is offering off road equipment and dump trucks for sale at public auction on May 17, 1997, at 9 a.m. located at the Lycoming County Transportation equipment shed 7 miles south on Rt. 220 on Pine Run Road, across from 84 Lumber, Williamsport, PA.

Some of the equipment for sale will be approximately 42 dump trucks and 2 oil dist. trucks, loaders, excavator, backhoe and graders, plus many other items. (Please note

that the Commonwealth reserves the right to withdraw any or all items from this sale.) For more information, call (717) 787-4085.

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 97-601. Filed for public inspection April 18, 1997, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Office of Social Programs; Bureau of Blindness and Visual Services; Public Meetings

The Department of Public Welfare, Office of Social Programs, Bureau of Blindness and Visual Services (BVS), under the Rehabilitation Act of 1973 (29 U.S.C.A. § 101 et seq.) announces a series of public meetings throughout this Commonwealth. The purpose of these meetings is to allow interested groups, organizations and all segments of the public an opportunity to share their input and suggestions regarding the development of the Bureau's State and Strategic Plans for Federal Fiscal Years 1998-2000.

These Plans provide for the expenditure of State and Federal funds which may be used to provide goods and services reasonably expected to lead to the Vocational Rehabilitation of individuals who are blind or visually impaired.

These Plans are the compliance documents which are filed with the Commissioner of the Rehabilitation Services Administration, United States Department of Education.

The Bureau is interested in hearing from persons with disabilities, advocates and the interested public regarding: (1) views on BVS policies related to the administration of these Plans; (2) plans, policies and procedures regarding the transition to Vocational Rehabilitation services of students with disabilities; (3) procedures and activities regarding the establishment and maintenance of a comprehensive system of personnel development; (4) methods to expand and improve services to individuals with the most severe disabilities; (5) due process procedures; (6) rehabilitation technology services; (7) personal assistance services; (8) policies and procedures relating to consumer choice; (9) utilization of community rehabilitation programs; (10) quality, scope and extent of Supported Employment services; and (11) outreach procedures and practices for identifying and serving individuals with the most severe disabilities who are minorities.

Persons having any special needs in regard to their participation at these public meetings should contact the Manager of the BVS District Office serving the county in which they live. Persons unable to attend these meetings may submit written comments to the appropriate Manager no later than 5 p.m., Friday, May 9, 1997. The schedule of public meetings on these Plans is listed below.

ERIE

(Cameron, Clarion, Clearfield, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Potter, Venango and Warren Counties)
Tuesday, April 22, 1997
11 a.m.—2 p.m.
Blindness and Visual Services
448 West 11th Street
Erie, PA 16501
Telephone No. (814) 871-4401 (Erie BVS: Voice)
Telephone No. (814) 871-4599 (Erie BVS: TDD)

HARRISBURG

(Adams, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, Perry and York Counties)
Wednesday, April 23, 1997
12:30 p.m.—3:30 p.m.
Blindness and Visual Services
2923 North 7th Street, Suite B
Harrisburg, PA 17110
Telephone No. (717) 787-7500 (Harrisburg BVS: Voice)
Telephone No. (717) 787-1733 (Harrisburg BVS: TDD)

PHILADELPHIA

(Bucks, Chester, Delaware, Montgomery and Philadelphia Counties)
Thursday, April 24, 1997
9:30 a.m.—12:30 p.m.
Penthouse
Philadelphia State Office Building
1400 Spring Garden Street
Philadelphia, PA 19130-4064
Telephone No. (215) 560-5700 (Philadelphia BVS: Voice)
Telephone No. (215) 560-5725 (Philadelphia BVS: TDD)

ALTOONA

(Bedford, Blair, Cambria, Centre, Clinton, Columbia, Fulton, Huntingdon, Juniata, Lycoming, Mifflin, Montour, Northumberland, Snyder, Somerset and Union Counties)
Thursday, April 24, 1997
10 a.m.—1 p.m.
Hiram G. Andrews Center (HGAC)
727 Goucher Street
Johnstown, Pa 15905
Room A-143
Telephone No. (814) 255-8200 (HGAC)
Telephone No. (814) 946-7330 (Altoona BVS: Voice)
Telephone No. (814) 949-7955 (Altoona BVS: TDD)

WILKES-BARRE

(Berks, Bradford, Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Sullivan, Susquehanna, Tioga, Wayne and Wyoming Counties)
Monday, April 28, 1997
11 a.m.—2 p.m.
Wilkes-Barre District Office
3rd Floor Conference Room
111 North Pennsylvania Avenue
Wilkes-Barre, PA 18701-3602
Telephone No. (717) 826-2361 (Wilkes-Barre BVS: Voice and TDD)

PITTSBURGH

(Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Washington and Westmoreland Counties)

Monday, April 28, 1997

3:30 p.m.—6:30 p.m.

Pittsburgh Blind Association
Fourth Floor Conference Room
300 South Craig Street
Pittsburgh, PA 15213

Telephone No. (412) 682-5600

Telephone No. (412) 565-5240 (Pittsburgh BVS: Voice)

Telephone No. (412) 565-5509 (Pittsburgh BVS: TDD)

FEATHER O. HOUSTON,
Secretary

[Pa.B. Doc. No. 97-602. Filed for public inspection April 18, 1997, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Finding

Cameron 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 the existing Castle Garden Bridge, which is located on Township Road 343 in Cameron County.

The existing bridge is located in Gibson Township, approximately 0.805 km (0.5 mile) east of State Route 0555. The structure crosses the Bennetts Branch of Sinnemahoning Creek. The proposed bridge will be located on an existing section of Township Road 343 approximately 76.2 m (250 feet) from the location of the existing bridge.

No adverse environmental effect is likely to result from the replacement of this bridge.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 97-603. Filed for public inspection April 18, 1997, 9:00 a.m.]

Retention of Engineering Firm

Huntingdon County Project Reference No. 08430AG2065

The Department of Transportation will retain an engineering firm to provide supplementary construction inspection staff of approximately ten inspectors, under the Department's Inspector-in-Charge, for construction inspection and documentation services on the following projects:

1. S. R. 6522, Section 001, Huntingdon County. Local Name: Relocation of TR 522, Mount Union Bypass. This project involves a 1.5 mile, two-lane relocation of TR 522 around Mount Union involving a single-span structure, a multispan structure over the Juniata River, an 1,800-foot retaining wall, and a signalized intersection.

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. Review of inspectors' resumes with emphasis on construction inspection capabilities and specialized experience in the Maintenance and Protection of Traffic, soils, structures, concrete, asphalt paving (SUPER-PAVE), drainage, engineered retaining walls, environmental regulations and computerized documentation.

b. Past performance of management skills relative to both Consultant Agreement and Construction Inspection Services.

c. Understanding of Department's requirements, policies and specifications including some metric specifications.

d. Location of consultant.

e. Availability and number of inspectors in each class, their certification and abilities to perform testing of materials.

f. Experience with monitoring CPM.

g. Workload.

The qualifications and experience required of the firm's inspectors will be established by the Department, and the qualifications of the firm's proposed employees 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 Manager 2 (TCM-2) (NICET Highway Construction Level 4 or equivalent)	1 (1)
Transportation Construction Insp. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	2 (2)
Transportation Construction Inspector—Materials (TCI—Materials) (NICET Highway Materials Level 2 or equivalent)	1 (1)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	5 (3)
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	1 (0)

The numbers 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 of 1997:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour of Inspection</i>
(TCM-2)	\$49.74
(TCIS)	\$38.21
(TCI—Materials)	\$34.52
(TCI)	\$33.44
(TA)	\$22.98

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, provide certified CDS operators, provide certified inspectors on SUPER-PAVE bituminous paving, and perform other duties as may be required.

The firm selected will be required to supply the following equipment at no direct cost to the Department:

- 2 Nuclear Densometer Gauges/License
- 1 Vehicle for the Transportation of Nuclear Gauges
- 1 Base Radio Station
- 5 Two-way Radios
- 1 Camera

Letters of interest for this project must include a letter, signed by the individuals proposed for all TCM-2, TCM-1 and TCIS positions, giving their approval to use their names in the letter of interest for this specific project.

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>
TCM-2	1
TCIS	2
TCI-M	1
TCI	6
TA	1

The consultant will only be allowed to include one additional resume for each group of five inspectors in a particular classification.

No resumes are required for the TA Classification.

The second copy of the letter of interest and required forms, (see general requirements and information section) shall be sent to Earl L. Neiderhiser, P.E., District Engineer, District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648.

Technical questions concerning the requirements for this project should be directed to William H. Replogle, P.E., District 9-0, at (814) 940-5123 or Richard L. Fox, P.E., District 9-0, at (814) 940-5118.

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 have not previously 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 employees 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 Pennsylvania must include, with each letter of interest, a copy of their registration to do business in the Commonwealth as provided by the Department of State. Firms who are not registered to do business in Pennsylvania 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. 97-604. Filed for public inspection April 18, 1997, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Springfield Township v. DEP; EHB Doc. No. 97-071-MR

Springfield Township has appealed the issuance by the Department of Environmental Protection of an NPDES permit to same for a facility in Springfield Township, Delaware County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, please contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at 1 (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.62. Copies of the Board's rules of practice and procedure are available upon request from the Board.

GEORGE J. MILLER,
Chairperson

[Pa.B. Doc. No. 97-605. Filed for public inspection April 18, 1997, 9:00 a.m.]

Springfield Township v. DEP; EHB Doc. No. 97-071-MR, 3/1/97 NPDES Permit No. PA0051284

Pre-Hearing Order No. 1

Scheduling Discovery and Filing of Dispositive Motions

It is hereby ordered as follows:

1. The above matter has been assigned to Administrative Law Judge, the Honorable Judge Robert D. Myers, for primary handling.

2. All discovery in this matter shall be completed within 90 days of the date of this pre-hearing order, July 7, 1997, unless extended for good cause upon written motion.

3. All dispositive motions shall be filed within 120 days of the date of this pre-hearing order, August 7, 1997. Exhibits, affidavits or discovery documents relied upon in support of a dispositive motion or response must be cited in and, if not otherwise made a part of the record, attached to or incorporated by reference in the motion or response. Exhibits, affidavits or discovery documents which are not cited in the motion or response, or which are cited only in the supporting memorandum, will not be considered by the Board in ruling on the motion. Exhibits submitted with a reply brief which are not otherwise part of the record will not be considered by the Board.

4. The parties may, within 45 days of the date of this pre-hearing order, submit a Joint Proposed Case Management Order to the Board, which may, among other things, propose alternate dates for the conclusion of discovery and the filing of dispositive motions.

5. Any appellant may amend its appeal as of right within 20 days of the date the appeal was filed and docketed by filing a restated notice of appeal with the Board. Thereafter, any appellant desiring to amend an appeal must do so by filing a motion for leave to amend setting forth the basis for the request as authorized by 25 Pa. Code § 1021.53. An appellant may not request leave to amend after the case has been assigned for hearing or the Board has decided any dispositive motions, whichever is later. If the Board grants the motion for leave to amend the appeal may be amended by filing a restated appeal with the Board within the time allowed by the Board's Order.

6. Any request for continuance, or for extending any filing deadline, must be made as a formal motion, under 25 Pa. Code § 1021.71, except when opposing counsel consent to the continuance or extension. When there is such consent, the request may be embodied in an informal letter, provided the letter indicates the consent of opposing counsel. Requests for extensions or continuances, whether in letter or motion form, shall contain a specific date for the extension or continuance.

7. Any party desiring to respond to a petition or motion must do so within the time set forth in 25 Pa. Code §§ 1021.70—1021.74, unless otherwise ordered. A party will be deemed to have waived the right to contest any motion or petition to which a timely response has not been filed. The Board will not notify the parties that a response may be due.

8. After the Board resolves all dispositive motions, it will establish a hearing date for the remaining issues.

9. Within the first 45 days of the 90 days period specified in Paragraph 2 hereof the parties shall meet and discuss the settlement of some or all of the issues raised in this appeal.

GEORGE J. MILLER,
Chairperson

[Pa.B. Doc. No. 97-606. Filed for public inspection April 18, 1997, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 11 a.m., Thursday, April 3, 1997, and took the following actions:

Regulations Approved:

Department of Public Welfare #14-437: Nursing Facility Intergovernmental Transfer (amends 55 Pa. Code Chapter 1187)

Commissioners Present: John R. McGinley, Jr., Chairperson; Robert J. Harbison, III, Vice-Chairperson; Alvin C. Bush; Arthur Coccodrilli; John F. Mizner

Department of Public Welfare—Nursing Facility Intergovernmental Transfer; Doc. No. 14-437

Order

On March 13, 1997, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of Public Welfare (DPW). This rulemaking would amend 55 Pa. Code Chapter 1187. The authority for this regulation is contained in section 443.1 of the Public Welfare Code (62 P. S. § 443.1). Notice of proposed rulemaking was omitted for this regulation, it will become effective upon publication in the *Pennsylvania Bulletin*.

Federal law allows states to use funds transferred from public entities, such as county governments, to quality as part of the State's share of funding for Medicaid services. This money is matched by the Federal government. Over the past several years, the DPW has taken advantage of this provision by entering into an intergovernmental agreement with several county governments.

Most recently, the DPW has entered into an intergovernmental agreement with a group of county governments for fiscal year 1995-96. As a result of this agreement, the DPW has obtained additional Federal funds for nursing home services. Through discussions with the county nursing homes, an agreement was made as to how these additional funds should be distributed.

In August of last year, we approved Regulation Number 14-435 that implemented the 1995-96 agreement for the first half of the 1995-96 fiscal year. This regulation provides for how the funds for the remaining portion of the agreement will be used. Specifically, the regulation provides for a transition rate (that is, the higher of their case-mix rate or an "adjusted" previous rate) for county nursing homes for the last half of fiscal year 1995-96, as well as for fiscal years 1996-97, 1997-98 and the first half of fiscal year 1998-99. The purpose of the transition rate is to help county nursing homes adjust to the new prospective reimbursement system, commonly referred to as case-mix, which began on January 1, 1996.

The regulation also provides for payment of a retroactive transition rate for nursing homes, other than county, hospital based or special rehabilitation homes, for the period of January 1, 1996 through June 30, 1996. As with the county transition rate, the purpose of this payment is to help these homes adjust to the new reimbursement

system. The funds for this transition rate also come from the intergovernmental transfer agreement.

The regulation will result in an additional \$21.5 million being expended on nursing home services from January 1996 through December 1998. Of this \$21.5 million, \$13 million will be reimbursed to county nursing homes and the remainder to private and non-profit nursing homes.

We have reviewed this regulation and find it to be in the public interest. The regulation is necessary to detail how funds from the intergovernmental transfer agreement will be expended. The additional funds from the agreement will allow nursing homes participating in the Medicaid program to better serve those in need of nursing home services.

Therefore, It Is Ordered That:

1. Regulation No. 14-437, from the Department of Public Welfare, as submitted to the Commission on March 13, 1997, is approved; and

2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 97-607. Filed for public inspection April 18, 1997, 9:00 a.m.]

Notice of Filing of Final-Form Rulemakings

The Independent Regulatory Review Commission received, on the date indicated, the following final-form regulations for review. The regulations will be considered within 30 days of its 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 a regulation, interested parties should contact the agency promulgating the regulation.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
	Pennsylvania Public Utility Commission	4/4/97
57-167	Rescission of Obsolete Regulations Regarding Motor Carriers; Amendment of Medallion Program	
16A-438	State Board of Chiropractic Examination and Business Provisions	4/4/97
16A-474	State Registration Board for Professional Engineers, Land Surveyors and Geologists Fees	4/4/97
16A-524	State Board of Optometry Fees	4/4/97
16A-545	State Board of Pharmacy Examination Fees	4/4/97
16A-453	State Board of Cosmetology Examination Fees	4/4/97
16A-466	State Board of Dentistry Fictitious Names	4/4/97

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 97-608. Filed for public inspection April 18, 1997, 9:00 a.m.]

INSURANCE DEPARTMENT

Alleged Violation of Insurance Laws; Philip J. Boshia; Doc. No. SC97-03-028

Notice is hereby given of the Order to Show Cause issued on April 8, 1997, by the Deputy Insurance Commissioner of the Commonwealth of Pennsylvania in the above-referenced matter. Violation of the following is alleged: section 604 of the Insurance Department Act (40 P. S. § 234); 40 P. S. § 279; and 31 Pa. Code §§ 37.46 and 37.47.

Respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If Respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure) and other relevant procedural provisions of law.

Answers, 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, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

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, please contact Tracey Pontius, Agency ADA Coordinator at (717) 787-4298.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 97-609. Filed for public inspection April 18, 1997, 9:00 a.m.]

Application and Request for a Certificate of Authority

The Malta Home Association has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Malta Home for the Aging, in Granville, PA. The initial filing was received on March 19, 1997, and was made under the requirements set forth under the Continuing Care Provider Registration and Disclosure Act of June 18, 1984 (P. L. 391, No. 82) as amended. Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department within 15 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 to inform the Insurance Department of the exact basis of the statement. Written statements should be directed to Robert

Brackbill, Insurance Company Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, or by FAX (717) 787-8557.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 97-610. Filed for public inspection April 18, 1997, 9:00 a.m.]

Application for Approval to Acquire Additional Shares

Allmerica Financial Corporation, a Delaware Corporation, has submitted a plan, whereby it proposes to acquire additional control of Allmerica Financial Benefit Insurance Company, a Pennsylvania domiciled stock fire insurance company. The filing was made under requirements set forth under Article XIV of The Insurance Company Law, the act of May 17, 1921, P. L. 682, No. 284, *as amended*. Persons wishing to comment on the grounds of public or private interest to the issuance of the Department's order approving of this 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 author, identification of the application to which the statement is addressed, and a concise statement with sufficient detail to inform the Insurance Department of the exact basis of the statement and the relevant facts upon which it is based. 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. 97-611. Filed for public inspection April 18, 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 Johns, Thelma; file no. 97-121-00573; Prudential Property & Casualty; doc. no. P97-04-005; May 28, 1997, at 9 a.m.;

Appeal of Buffamoyer, Mark E.; file no. 97-124-01576; Erie Insurance Exchange; doc. no. P97-04-004; May 29, 1997, at 10 a.m.;

Appeal of Riotta, Carmelo and Cathy; file no. 97-121-00493; Erie Insurance Exchange; doc. no. P97-04-002; May 29, 1997, at 11 a.m.;

Appeal of Matlock, John; file no. 97-121-05135; Pennsylvania Patriot Insurance Company; doc. no. P97-04-003; May 29, 1997, at 1 p.m.;

Appeal of Baker, Gregory A.; file no. 97-121-00146; Erie Insurance Exchange; doc. no. P97-04-007; June 2, 1997, at 11 a.m.;

Appeal of Brown, Joseph Dalton; file no. 97-497-90359; State Farm Mutual Automobile Insurance Company; doc. no. E97-03-059; June 2, 1997, at 1 p.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 the 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. 97-612. Filed for public inspection April 18, 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 Labant, Jerome F. and Marcia E.; file no. 97-121-01390; Prudential Property & Casualty Insurance Company; doc. no. P97-04-009, June 2, 1997, at 9 a.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 con-

formance 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. 97-613. Filed for public inspection April 18, 1997, 9:00 a.m.]

Surplus Lines Filing Requirements

Effective January 1, 1997, the Pennsylvania Surplus Lines Association (PSLA) commenced operations as a surplus lines advisory organization. By Insurance Department (Department) Notice No. 1996-19 dated December 23, 1996, surplus lines agents were instructed to submit all filings regarding the placement of surplus lines insurance to PSLA. As authorized by statute, PSLA is empowered to:

Examine declarations for compliance with the Surplus Lines Law or the rules and regulations adopted thereunder; and

Report to the Department any declaration which does not appear to be in compliance with the Surplus Lines Law or the rules or regulations adopted thereunder.

PSLA is obligated to report to the Department any incorrect filings, including declarations of diligence search, which are late, incomplete, or submitted on an incorrect form. PSLA has reported to the Department that up to 85% of the surplus lines declaration filings submitted since January 1, 1997 are deficient in some manner.

By this notice, agents are reminded of their obligation to submit accurate, timely and complete filings regarding the placement of surplus lines policies. Surplus lines agents who repeatedly submit erroneous filings may become subject to enforcement action by the Department. Penalties which may be imposed after a hearing to consider an alleged violation of law include the suspension, revocation or nonrenewal of the offender's license, or imposition of a civil penalty.

All surplus lines agents are expected to be familiar with Article XVI of the Insurance Company Law (40 P. S. § 991.1601 *et seq.*) and the procedures manual previously provided by PSLA. In addition, PSLA will provide, upon request, step-by-step instructions for completing forms 1609-PB, 1609-SLL and 1609-B. Surplus lines brokers may wish to forward a copy of the step-by-step instructions for completing form 1609-PB to all producing brokers from whom they accept business.

Questions concerning the procedures for completing and submitting surplus lines filings should be directed to Kenneth Rudert, Pennsylvania Surplus Lines Association,

Exton Professional Building, Suite 313, 319 North Pottstown Pike, Exton, PA 19341, telephone 1 (888) 209-3230 or (610) 594-1340 or fax (610) 594-7623. Questions regarding this notice may be directed to Cressinda Bybee, Insurance Company Licensing Specialist, Office of Regulation of Companies, 1345 Strawberry Square, Harrisburg, PA 17120, telephone (717) 783-2144.

LINDA S. KAISER,
Insurance Commissioner

[Pa.B. Doc. No. 97-614. Filed for public inspection April 18, 1997, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no such documents have been received. For questions concerning or copies of documents filed, but not published, please call (717) 783-1530.

Governor's Office

Manual M210.3 Index of Issuance—Directive Management System—Amended, February 18, 1997, provides comprehensive statements of policy and procedure on matters that affect agencies and employees under the Governor's jurisdiction. This amendment updates the index for all Executive Orders, Management Directives, and Manuals issued, amended, and rescinded by the Directives Management System after publication of the last index dated March 1, 1996.

Manual M315.1—Municipal Tax Rate Schedules—Revision No. 1, Dated February 14, 1997.

Management Directive No. 205.9—1997 Implementation of Financial Disclosure Provisions of the Governor's Code of Conduct, Amended March 13, 1997.

Management Directive No. 205.10—Financial Disclosures Required by Act 1978-170, as Amended by Act 1989-9, Public Official and Employee Ethics Law, Amended March 7, 1997.

Management Directive No. 205.12—Financial Disclosures Required of Former Employees by Act 1978-170, as Amended by Act 1989-9, Public Official and Employee Ethics Law, Amended March 7, 1997.

Management Directive No. 305.3—Responsibilities of Comptroller Operations, Amended March 19, 1997.

Management Directive No. 310.23—Commonwealth Purchasing Card Program, issued March 10, 1997.

Management Directive No. 310.23—Commonwealth Purchasing Card Program, Amended March 24, 1997.

Management Directive No. 530.18—Benefit Rights of Furloughed Employees—Amended February 24, 1997.

Management Directive No. 570.11—Changes to Retirement and Personnel/Payroll System and Collection of Arrears Balances—Amended March 24, 1997.

Administrative Circular No. 97-11—Commonwealth Purchasing Card Program, Dated February 26, 1997.

GARY R. HOFFMAN,
Director
Pennsylvania Bulletin

[Pa.B. Doc. No. 97-615. Filed for public inspection April 18, 1997, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board lease will expire:

Montgomery County, Regional Office 1, 4501 Kelly Drive, Philadelphia, PA 19129; and ALJ's Office—Phila. Dist., 1080 Delaware Avenue, Philadelphia, PA.

Lease Expiration: November 30, 1997

Lease office space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with two offices. First: Approximately 10,000 to 12,500; Second: Approximately 2,500 to 5,500 net usable square feet of new or existing office space in Whitmarsh, Whitpain or Plymouth Townships, Montgomery County. Office space must be near ramps to I-476 and near SEPTA public transportation. Must include adequate free parking and full office services. Both offices can be within the same building.

Proposals due: May 16, 1997, at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Bureau of Real Estate, 4501 Kelly Drive, Philadelphia, PA 19129-1794
Contact: Robert Jolly, (215) 560-5310

Luzerne County, Wine & Spirits Shoppe #4001, 210 E. End Centre, Wilkes-Barre, PA 18702-6970.

Lease Expiration Date: November 30, 1997

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 2,800 to 3,200 net useable square feet of new or existing retail commercial space within the City of Wilkes-Barre in the area on the south side of Route 115, west of Exit 47 of Route 81 and east of Scott Street.

Proposals due: May 9, 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: Ron Hancher, (717) 657-4228

Washington County, Wine & Spirits Shoppe #6316, Washington Mall, 301 Oak Spring Road, Washington, PA 15301-2966.

Lease Expiration Date: January 31, 1999

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 4,500 net useable square feet of new or existing retail commercial space in a shopping center environment. Space should be located within 1.5 miles of the intersection of I-70/79 and U.S. Route 19 in South Strabane Township.

Proposals due: May 3, 1997, at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Bureau of Real Estate, State Office Building, Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: Bruce VanDyke, (412) 565-5130

Schuylkill County, Wine & Spirits Shoppe #5408, 243 Sunbury Street, Minersville, PA 17954-1345.

Lease Expiration Date: November 30, 1998

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 1,900 to 2,100 net useable square feet of new or existing retail commercial space along PA Route 901 up to 1 mile south of the intersection of Route 901 and Seltzer Road in the Borough of Minersville.

Proposals due: May 23, 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: Ron Hancher, (717) 657-4228

JOHN E. JONES, III,
Chairperson

[Pa.B. Doc. No. 97-616. Filed for public inspection April 18, 1997, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Fuel Cost Adjustment Statements; Doc. No. M-FACE9701—M-FACE9715, M-FACP9701

This notice is to inform the public that the following companies:

Wellsboro Electric Company
 West Penn Power Company
 Citizens Electric Company
 UGI Utilities, Inc.—Electric Division
 Borough of Schuylkill Haven
 Duquesne Light Company
 Pennsylvania Power & Light Company
 PECO Energy Company
 Pennsylvania Power Company
 Metropolitan Edison Company
 Pennsylvania Electric Company
 Pennsylvania Electric Company—Elkland Service Area
 Borough of Saint Clair
 Pike County Light and Power Company
 Borough of Duncannon
 Interstate Energy Company

have filed statements of their revenues and expenses attributable to their use of the automatic adjustment clause (Fuel Cost Adjustment) for the 12 month period ending January 31, 1997.

The filing of these statements is required by section 1307(e) of the Public Utility Code, Pa.C.S. 1307(e).

The Pennsylvania Public Utility Commission has scheduled a hearing on Wednesday, May 14, 1997, at 10 a.m. in the Commission's Hearing Room, Ground Floor, North

Office Building, North Street and Commonwealth Avenue, Harrisburg, PA when and where all persons in interest may appear and be heard if they so desire.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 97-617. Filed for public inspection April 18, 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 May 12, 1997.

Applications of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons by transfer of rights as described under each application.

A-00112039. F. 2. Leon A. George, II, School Buses, Inc. (660 Delaware Avenue, Palmerton, Carbon County, PA 18071), a corporation of the Commonwealth of Pennsylvania—additional right—persons in paratransit service, limited to the transportation of persons going to and from bingo parties, between points in the counties of Carbon, Lehigh and Northampton; subject to the following conditions: (a) that the transportation authorized herein shall be rendered with motor vehicles having a seating capacity of 54 passengers or less, excluding the driver, and (b) that the applicant is hereby authorized to accept payment for transportation rendered under this authority from the bingo party operators; which is to be a transfer of the right authorized George's Leasing Company, Inc., at A-00108953, subject to the same limitations and conditions. *Attorney* James R. Nanovic, P. O. Box 359, Jim Thorpe, PA 18229-0359.

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating as common carriers for transportation of persons as described under each application.

A-00113876. Blaise Rolison (R. D. 2, Box 141, Waymart, Wayne County, PA 18472)—persons, upon call or demand in the city of Carbondale, Lackawanna County, and within an airline radius of 5 statute miles of the limits of the said city.

A-00113851. C & J Marketing Consultants, Ltd., t/d/b/a Trolley Express, (609 Morgan Drive East, Suite 101, Coatesville, Chester County, PA 19320), a corporation of the Commonwealth of Pennsylvania—persons in group and party service, between points in the county of Chester, and within an airline distance of 55 statute miles of the limits of said county.

A-00110846. F. 3. Am-A. Black Tie Luxury Limousine, Inc. (505 Pine Tree Road, Shavertown, Luzerne County, PA 18708), a corporation of the Commonwealth of Pennsylvania—persons in group and party service between points in the counties of Lackawanna and Luzerne,

and from said counties to points in Pennsylvania, and return; subject to the following conditions: (1) that the authority herein is limited to the transportation of not more than 15 persons including the driver; (2) that no right, power or privilege is granted to provide service for excursions, tours or sight-seeing trips: so as to permit the transportation of persons in group and party service, between points in the counties of Columbia, Susquehanna, Wayne, Pike, Wyoming and Sullivan, and from points in said counties to points in Pennsylvania, and return; subject to the following conditions: (1) that the authority herein is limited to the transportation of not more than 15 persons including the driver; (2) that no right, power or privilege is granted to provide service for excursions, tours or sight-seeing trips. *Attorney:* Paul J. Malack, 2100 Lawyers Building, 428 Forbes Avenue, Pittsburgh, PA 15219.

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 May 5, 1997

A-00113843	W. W. Barris, Jr., t/d/b/a B.C.O. Leasing 3509 Sharon Road, West Middlesex, PA 16159; John A. Pillar, Esquire, Pillar, Mulroy & Ferber, 1106 Frick Building, Pittsburgh, PA 15219	A-00113871	Performance Freight Systems, Inc. 322 South Hanover Street, Carlisle, PA 17013
A-00113844	Scott M. Frazier, t/d/b/a Scott M. Frazier Trucking 349 Church Road, Fairhope, PA 15538	A-00113872	American Cable Recyclers, Inc. 939 East Mahanoy Avenue, Mahanoy City, PA 17948
A-00113845	DAvid W. Frankenberger Box 166 C, R. D. 1, Mill Hall, PA 17751	A-00113873	Harold D. Whitesall, t/d/b/a Chick Whitesall & Sons 218 Lighthouse Road, Pennsville NJ 08079
A-00113846	Samuel Paul Hostetler, Sam's Backhoe Service 5596 SR 655, Belleville, PA 17044	A-00113874	J E D Services, Inc. 3000 Grand Avenue, Pittsburgh, PA 15225
A-00113847	Elmer King, t/d/b/a Elmer King Dump Truck Service 272 Cambridge Road, Gap, PA 17557	A-00112624, F. 2	Wahl Refractories, Inc. P. O. Box 530, Fremont, PA 43420
A-00113848	James Pinto, Ltd. 2201 Gettysburg Drive, Aston, PA 19014	A-00113194, F. 2	Jacob R. Trinley, Inc. 10 Ferndale Lane, Linfield, PA 19468
A-00113849	Timothy Farrell 407 Yardley Commons, Yardley, PA 19067	A-00113853	Ray Showman, Jr., Excavating, Inc. P. O. Box 646, Waterford, PA 16441, David Devine, 201 Erie Street, Edinboro, PA 16412
A-00113850	Doug Tyler, t/d/b/a Doug Tyler Trucking R. R. 3, Honesdale, PA 18431	A-00113854	Michael A. Walker, t/d/b/a MAW and JAW Trucking P. O. Box 393, Stewartstown, PA 17363
A-00113852	J. F. Longley & Sons, Inc. P. O. Box 221, Masury, OH 44438	A-00113855	Donald F. Sr., Donald F., and Jeffrey J. Andrews, partners, t/d/b/a Andrews Trucking R. R. 1, Box 170, Forest City, PA 18421
A-00113870	Erik B. Gibbs, t/d/b/a E. G. Hauling 2326 East Buck Road, Pennsburg, PA 18073	A-00113856	Jeffrey M. Brennan R. D. 1, Box 256, Ashland, PA 17921
		A-00113857	Dedicated Transportation, Inc. 2500 Brickvale, Elk Grove Village, IL 60007
		A-00113858	Northeast Rental Corp., t/d/b/a Colombo Transportation Line P. O. Box 529, Dalton, PA 18414
		A-00113859	Charles M. Pezzulo, t/d/b/a Pezzulo Paving & Seal Coat P. O. Box 73, Hillsville, PA 16132; Louis Pomerico, 1406 East Washing- ton Street, New Castle, PA 16101
		A-00113860	Thomas A. Maney, t/d/b/a T. A. Maney Trucking R. R. 1, Box 135, Frenchville, PA 16863
		A-00113860	Baker Hi-Way Express, Inc. P. O. Box 506, Dover, OH 44622; L. Christopher Bobbitt, 2515 West Granville Road, Columbus, OH 43235-2708
		A-00113863	Charles R. Carlin, t/d/b/a Carlin Messenger Service 3955 Walnut Street, Harrisburg, PA 17109; James D. Campbell, Jr., 3631 North Front Street, Harris- burg, PA 17110-1533

- A-00113864 Continental Sealing & Paving, Inc.
P. O. Box 453, Uwchland, PA
19480: Michael Reed, Lancaster Av-
enue, Paoli, PA 19301
- A-00113865 Brian Kitko, t/d/b/a Kitko Trucking
Company
P. O. Box 98, Knoxdale, PA 15847
- A-00113866 Robert G. Comer, t/d/b/a Comer
Trucking
R. D. 1, Box 684, Brogue, PA 17309
- A-00113867 Dana E. Lewis, t/d/b/a/ DEL Delivery
3701 Buffalo Road, Erie, PA 16510
- A-00113868 Timothy F. Gleeson, t/d/b/a Midstate
Messenger Service
1206 Redwood Lane, Lebanon, PA
17046
- A-00113869 Kathleen Ann Lawson, t/d/b/a Wells
Cargo
241 McConnell Road, Canonsburg,
PA 15317

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 97-618. Filed for public inspection April 18, 1997, 9:00 a.m.]

**Telecommunications Service
Without Hearing**

A-310518. Bell Atlantic-Pennsylvania, Inc. and AT&T Wireless Service, Inc. Bell Atlantic-Pennsylvania, Inc. and AT&T Wireless Service, Inc., by its counsel, filed on April 1, 1997, at the Public Utility Commission, a Joint Application for approval of an Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

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 such comments are due on or before 20 days after the date of publication of this notice. Copies of the Bell Atlantic-Pennsylvania, Inc. and AT&T Wireless Service, Inc. Joint Application 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, (717) 787-7466.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 97-619. Filed for public inspection April 18, 1997, 9:00 a.m.]

**Telecommunications Service
Without Hearing**

A-310401F0002. Bell Atlantic-Pennsylvania, Inc. and Intermedia Communications, Inc. Bell Atlantic-Pennsylvania, Inc. and Intermedia Communications, Inc., by its counsel, filed on March 26, 1997, at the Public Utility Commission, a Joint Application for approval of an

Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

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 such comments are due on or before 20 days after the date of publication of this notice. Copies of the Bell Atlantic-Pennsylvania, Inc. and Intermedia Communications, Inc. Joint Application are on file with the Pennsylvania Public Utility Commission and are available for public inspection. Contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-7466.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 97-620. Filed for public inspection April 18, 1997, 9:00 a.m.]

**Telecommunications Service
Without Hearing**

A-310203F0002. Bell Atlantic-Pennsylvania Inc. and MFS Intelenet of Pennsylvania, Inc. Bell Atlantic-Pennsylvania, Inc., and MFS Intelenet of Pennsylvania, Inc., by its counsel, filed on March 28, 1997, at the Pennsylvania Public Utility Commission, a Joint Application for approval of an Interconnection Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

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 such comments are due on or before 20 days after the date of publication of this notice. Copies of the Bell Atlantic-Pennsylvania, Inc. and MFS Intelenet of Pennsylvania, Inc. Joint Application are on file with the Pennsylvania Public Utility Commission and are available for public inspection. Contact person is Cheryl Walker Davis, Director, Office of Special Assistants, 787-7466.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 97-621. Filed for public inspection April 18, 1997, 9:00 a.m.]

**Telecommunications Service
Without Hearing**

A-310519. Helicon Telephone Pennsylvania, LLC. Application of Helicon Telephone Pennsylvania, LLC, for authority to provide local exchange telecommunications services in the service territory of Bentleyville Telephone Company.

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 May 5, 1997, under 52 Pa. Code (relating to public utilities).

Applicant: Helicon Telephone Pennsylvania, LLC, 630 Palisade Avenue, Englewood Cliffs, NJ 07632.

Through and By Counsel: Susan M. Shanaman, Attorney at Law, 212 North Third Street, Suite 203, Harrisburg, PA 17101-1505.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 97-622. Filed for public inspection April 18, 1997, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Proposals

The Philadelphia Regional Port Authority (PRPA) will accept sealed proposals for Project # 9619.7, Rehabilitation of Rail Track at Piers 78 and 80 South until 2 p.m. on Thursday, May 8, 1997. The bid documents can be obtained from the Procurement Administrator, 210 W. Washington Sq., 13th Flr., Phila., PA 19106, (215) 928-9100 and will be available April 22, 1997. The cost of the bid document is \$35 (includes 7% PA Sales Tax) and is nonrefundable. PRPA is an equal opportunity employer. Contractor will be required to comply with all applicable equal employment opportunity laws and regulations.

Mandatory prebid job meeting will be held on May 1, 1997, at 10 a.m., at the job site, Columbus Blvd. (Delaware Ave.) and McKean Street, Phila., PA.

JAMES T. MCDERMOTT,
Executive Director

[Pa.B. Doc. No. 97-623. Filed for public inspection April 18, 1997, 9:00 a.m.]

TURNPIKE COMMISSION

Request for Proposals

Sealed proposals will be received by Jeffrey L. Hess, Purchasing Manager, at the Administration Building, Harrisburg-East Interchange near Highspire, PA (Mailing Address): P. O. Box 67676, Harrisburg, PA 17106-7676) and publicly opened and read at the date and time indicated below for the following contract:

Contract No. 94-0042-FT56. Structural demolition and/or removal for the Mon Fayette Expressway in Washington Co., PA.

Bid Opening Date: May 8, 1997, 11 a.m.

Bid Surety: 5%.

Plans, Specifications and Contract Documents will be available and open to the public inspection at the Administration Building. Copies may be purchased upon payment of \$25 per set (do not add State tax) by check or P. O. Money Order (no cash) to the Turnpike Commission, Attention: Secretary-Treasurer's Office, P. O. Box 67676,

Harrisburg, PA 17106-7676. No refund for any reason will be made for plans, specifications and contract documents.

A mandatory prebid site review of the project will be made on April 23, 1997. The inspection party will meet at the office of the project's Construction Manager, Turnbull Corporation, 600 Park Avenue, Monongahela, PA 15063, telephone (412) 258-9234, at 10 a.m., and will proceed to each site under the direction of authorized Commission personnel.

A Prequalification Certification and Maximum Capacity Rating assigned by the Prequalification Committee of the Department of Transportation is a necessary prerequisite for bidding on this project.

Contact the Purchasing Manager for listing of other locations where plans and space can be inspected.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 97-624. Filed for public inspection April 18, 1997, 9:00 a.m.]

Requests for Proposals

Sealed proposals will be received by Jeffrey L. Hess, Purchasing Manager, at the Administration Building, Harrisburg-East Interchange near Highspire, PA (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676) and publicly opened and read at the date and time indicated below for the following contract:

Contract No. 94-002-FS76. Roadway grading and bridge construction of Mon/Fayette Expressway, State Route 0043, Section 52D, M. P. M-39.8 to M-40.8 in Washington Co., PA.

Bid Opening Date: May 15, 1997, 11 a.m.

Bid Surety: 5%.

Plans, Specifications and Contract Documents will be available and open to the public inspection at the Administration Building. Copies may be purchased upon payment by check or P. O. Money Order (no cash) to the Turnpike Commission, Attention: Secretary-Treasurer's Office, P. O. Box 67676, Harrisburg, PA 17106-7676. No refund for any reason will be made for plans, specifications and contract documents. Selection of the desired materials should be by the following designations with proper respective remittance. (do not add sales tax). Construction Plans—\$40; Cross-sections—\$25, Specifications and Contract Bid Documents—\$25; Total—\$90. Prospective bidders must specify the materials desired when ordering.

A Prequalification Certification and Maximum Capacity Rating assigned by the Prequalification Committee of the Department of Transportation is a necessary prerequisite for bidding on this project.

A mandatory prebid meeting for the project under the direction of the Engineer is scheduled for 10 a.m., April 22, 1997, at the field office of the Project's Construction Manager, Trumbull Corporation, 600 Park Avenue, Monongahela, PA 15063, telephone (412) 258-9234.

Contact the Purchasing Manager for listing of other locations where plans and specs can be inspected.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 97-625. Filed for public inspection April 18, 1997, 9:00 a.m.]

Request for Proposals

Sealed proposals will be received by Jeffrey L. Hess, Purchasing Manager, at the Administration Building, Harrisburg-East Interchange near Highspire, PA (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676) and publicly opened and read at the date and time indicated below for the following contract:

Contract No. 97-001-RS92. Bituminous roadway resurfacing, median barrier installation and shoulder reconstruction between M. P. 48.20 and M. P. 56.32 in Allegheny County, PA.

Bid Opening Date: May 21, 1997, 11 a.m.

Bid Surety: 5%.

Plans, Specifications and Contract Documents will be available and open to the public inspection at the Administration Building. Copies may be purchased upon payment of \$40 per set (do not add State tax) by check or P. O. Money Order (no cash) to the Turnpike Commission, Attention: Secretary-Treasurer's Office, P. O. Box 67676, Harrisburg, PA 17106-7676. No refund for any reason will be made for plans, specifications and contract documents.

A Prequalification Certification and Maximum Capacity Rating assigned by the Prequalification Committee of the Department of Transportation is a necessary prerequisite for bidding on this project.

Contact the Purchasing Manager for listing of other locations where plans and specs can be inspected.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 97-626. Filed for public inspection April 18, 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.
- ③ Contract Information
- ④ Department
- ⑤ Location
- ⑥ Duration
- ⑦ (For Commodities: Contact:) Vendor Services Section 717-787-2199 or 717-787-4705

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

0027-04 SWIF forms management services program—annual contract.

Department: All using agencies
Location: Various locations
Duration: 09/01—08/31
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

0028-04 Voter registration forms—annual contract.

Department: State
Location: Various locations
Duration: 09/01—08/31
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

0030-02 Revenue tax coupon booklets—annual contract.

Department: All using agencies
Location: Various locations
Duration: 09/01—08/31
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

2540-01 Chains, anti-skid and cross—annual contract.

Department: All using agencies
Location: Various locations
Duration: 08/01—03/31
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

2610-09 Tire retreading and repairing, truck/off road—annual contract.

Department: Transportation
Location: Various locations
Duration: 08/01—07/31
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

5610-37 Bituminous stockpile patch mat/cold mix—annual contract.

Department: All using agencies
Location: Various locations
Duration: 09/01—08/31
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

5680-08 Gabion baskets—annual contract.

Department: All using agencies
Location: Various locations
Duration: 08/01—07/31
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

5684-02 Corrugated metal pipe—annual contract.

Department: All using agencies
Location: Various locations
Duration: 08/01—07/31
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

6505-10 Formulas—annual contract.

Department: Health
Location: Various locations
Duration: 08/01—07/31
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

6515-07 Urological catheters and accessories—annual contract.

Department: All using agencies
Location: Various locations
Duration: 08/15—08/14
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

6530-01 Safety products, patient—annual contract.

Department: All using agencies
Location: Various locations
Duration: 08/15—08/14
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

6530-09 Patient care products—annual contract.

Department: All using agencies
Location: Various locations
Duration: 08/01—07/31
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

6810-02 Chloride, sodium—annual contract.

Department: All using agencies
Location: Various locations
Duration: 08/01—07/31
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

6810-03 Chloride, calcium—annual contract.

Department: Transportation and General Services
Location: Harrisburg, Dauphin County
Duration: 08/01—07/31
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

7210-01 Mattress cores/mattress kits/springs—annual contract.

Department: Corrections
Location: Dallas, Luzerne County, PA
Duration: 08/01—07/31
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

7350-04 Trays, insulated with covers—annual contract.

Department: All using agencies
Location: Various locations
Duration: 08/01—07/31
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

8120-12 Above ground concrete vaulted storage tanks—annual contract.

Department: All using agencies
Location: Various locations
Duration: 08/01—07/31
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

9905-05 Sheets/inks and supplies reflect—annual contract.

Department: Corrections
Location: Huntingdon, Huntingdon County, PA
Duration: 07/01—06/30
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1957076 Alarms and signal equipment—8000 each smoke detectors (including batteries).

Department: Health
Location: Harrisburg, Dauphin County, PA
Duration: FY 96/97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1960136 Furniture, hospital—240 each remanufactured hospital beds, Medreco/Hill-ROM No. 77 short series retractable beds, 80" long with 1/2 length side rails or an approved equal.

Department: Military Affairs
Location: Pittsburgh, Allegheny County, PA
Duration: FY 96/97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1020157 Lumber, 1 lot to reconstruct the Schofield Ford covered bridge.
Department: Conservation & Natural Resources
Location: Newtown, Bucks County, PA
Duration: FY 96/97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1757126 Motor vehicles, trailers and cycles—1 each 1997 model driver evaluation/training van.
Department: General Services
Location: Harrisburg, Dauphin County, PA
Duration: FY 96/97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1004187 Paper and printing—3,300 million; cigarette tax stamps—fusion heat applied—continuous pin feed roll machine application.
Department: Revenue
Location: Middletown, Dauphin County, PA
Duration: FY 96/97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1881116 Security systems—1 unit; furnish and install a perimeter intrusion system.
Department: Corrections
Location: Pittsburgh, Allegheny County, PA
Duration: FY 96/97
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

SERVICES

Advertising—01

PDA-395 The Pennsylvania Department of Agriculture, State Farm Products Show Commission, is requesting a vendor to supply all labor, materials and expertise necessary to design, produce and sell scale models of farm implements and other machinery commemorating the 1998 Farm Show to be held January 10—15, 1998 and each successive Farm Show event as described in the contract specifications. (Additional details available upon request).

Department: Agriculture
Location: State Farm Products Show Commission, Farm Show Complex, Cameron and Maclay Streets, Harrisburg, PA 17110-9408
Duration: July 1, 1997 to June 30, 1998 (Additional four one year renewal options)
Contact: William L. Piper, (717) 787-5373

Audio/Video—04

RFP 97-04 Indiana University of Pennsylvania (IUP) is seeking proposals for a vendor(s) to provide a full range of telecommunications services including local telephone service, long distance service and partnering. Proposals will be received at the IUP Purchasing Services Office no later than 1:30 p.m. on Tuesday, May 27, 1997. A preproposal conference will be held during the week of April 28, 1997. For specific information on the conference date and location and a copy of the Request for Proposal, contact Mrs. Pamela K. Froelicher, Director of Purchasing, at (412) 357-3077. The University encourages responses from small firms, minority firms, women owned firms and those firms which have not previously performed work for the system.

Department: State System of Higher Education
Location: Indiana University of Pennsylvania
Duration: August 1, 1998—July 31, 2003
Contact: Pamela K. Froelicher, (412) 357-3077

Computer Related Services—08

SP301982 Scanning and processing of Student Assistance Program Reporting Forms data. This involves scanning approximately 65,000—75,000 scan forms (1 page/2 sided) each year, compile, organize and analyze data from the forms and produce reports and presentation materials according to PDE's specifications. Distribute copies of reports to PDE prior to August 15. Print the form for the subsequent school year (approximately 80,000 copies), (1997-98), mail forms to schools (public, area vocational-technical and non-public) and repeat processing of data from the 1997-98 forms.

Department: Education
Location: Division of Student and School Services, Network for Student Assistance Services, 333 Market Street, 5th Floor, Harrisburg, PA 17126-0333
Duration: June 1, 1997—September 30, 1998
Contact: Kim Swarner, (717) 783-6777

Construction and Construction Maintenance—09

080957 Mercer County SR 62 (B01); Venango County SR 8 (B03); Warren County Group 1-97-600; Centre County SR 504 (A01 and C10); McKean County Group 2-97-ST5; Sullivan County SR 4024 (001); Bradford County SR 220 (55M); Bradford County SR 14 (58M); Lackawanna County SR 81 (253); District Wide Group 5-97-GR2; District Wide Group 5-97-PM1; Berks County Group 5-97-POC1C; Berks County Group 5-97-GR1; Lehigh County Group 5-96-POC3F; Lehigh County Group 5-97-GR3; Northampton County Group 5-97-GR4; Schuylkill County Group 5-97-GR5; Bucks County SR 2071 (A05); Chester County Group 6-97-ST33; Dauphin County SR 322 (009) and 2003 (003); Lancaster County SR 472 (001); Blair County 8th, 9th Avenue Altoona; Cambria County Group 9397 (RS2).

Department: Transportation
Location: Districts 1-0, 2-0, 3-0, 4-0, 5-0, 6-0, 8-0, 9-0
Duration: FY 1996-97
Contact: V. C. Shah, (717) 787-5914

080958 Fulton County SR 4011 (001); Huntingdon County SR 22 (12M); District Wide Group 100-97-RPM; Allegheny County SR 65 (A04); Allegheny County SR 60 (A15); District Wide Group 6-97-GRA; Delaware County Group 6-97- SWP.

Department: Transportation
Location: Districts 6-0, 9-0, 10-0, 11- 0
Duration: FY 1996-97
Contact: V. C. Shah, (717) 787-5914

097396-04 Contractor to supply all labor, tools, equipment, building materials and appurtenances to complete the preparation of roads and the bituminous crack filling, seal coating, and applying coarse aggregate on roads.

Department: Public Welfare
Location: Torrance State Hospital, State Route 1014, Torrance, PA 15779-0111
Duration: 5/1/97—6/30/97
Contact: Linda J. Zoskey, (412) 459-4547

1000-060 Armstrong County, S. R. 1003, Section M01.

Department: Transportation
Location: District 10-0
Duration: FY 1997/1998
Contact: Dennis Shaffer, (412) 357-2852

1186-W The contractor shall provide all labor, equipment, materials, and supplies necessary to repave the northern parking area at the State Correctional Institution at Greensburg. The total approximate size of the area to be serviced is 2,970 square yards.

Department: Corrections
Location: State Correctional Institution at Greensburg, R. D. 10, Box 10, Route 119 South, Greensburg, PA 15601-8999
Duration: August 18, 1997 to June 30, 1998
Contact: Jack Loughry, (412) 837-4397, ext. 339

AE-2371 Restroom renovations. FAX (717) 783-7971.

Department: Transportation
Location: District 6-0 Building, 200 Radnor-Chester Road, St. Davids, Delaware County, PA
Duration: 90 calendar days—proposed bid May 1997
Contact: Tina Chubb, (717) 787-7001

AE-2950 Replacement of existing pass door. FAX (717) 783-7971.

Department: Transportation
Location: PennDOT Maintenance Building, Lewistown, Mifflin County, PA
Duration: 120 calendar days—proposed bid May 1997
Contact: Tina Chubb, (717) 787-7001

AE-5003 Construct wooden material storage structure on existing concrete foundation. FAX (717) 783-7971.

Department: Transportation
Location: Thomasville Stockpile No. 5, Route 30, Thomasville, York County, PA
Duration: 90 calendar days (proposed bid—May 1997)
Contact: Tina Chubb, (717) 787-7001

AE-5091 Construct a wooden material storage structure on existing concrete foundation. FAX (717) 783-7971.

Department: Transportation
Location: Stockpile No. 9, Located on T.R. 607, Indiantown Gap, Lebanon County, PA
Duration: 90 calendar days—proposed bid May 1997
Contact: Tina Chubb, (717) 787-7001

DGS A 202-6 Project title: Replacement of Underground Gasoline Storage Tank. Brief description: remove one (1) 10,000 gallon underground gasoline storage tank, concrete pads, dispenser and piping and replace with one (1) new 10,000 gallon below ground vaulted gasoline storage system with dispenser, card reader, software, a new fuel management system, related piping and electrical work, site assessment, sampling and testing. Electrical and underground storage tank construction. Plans deposit: \$25.00 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 request to: Commonwealth of Pennsylvania, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Telephone: (717) 787-3923. Bid date: Wednesday, May 7, 1997 at 11:00 a.m.

Department: General Services
Location: Pennsylvania State Police, Troop "L" Headquarters, Reading, Berks County, PA
Duration: 120 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 226-4 Project title: Replacement of Underground Gasoline Storage Tank. Brief description: remove one (1) 10,000 gallon underground gasoline storage tank, concrete pads, dispenser and piping and replace with one (1) new 10,000 gallon below ground vaulted gasoline storage system with dispenser, card reader, software, a new fuel management system, related piping and electrical work, site assessment, sampling and testing and new storm water drainage piping and catch basin. Electrical and underground storage tank construction. Plans deposit: \$25.00 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 request to: Commonwealth of Pennsylvania, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Telephone: (717) 787-3923. Bid date: Wednesday, May 7, 1997 at 2:00 p.m.

Department: General Services
Location: Pennsylvania State Police, Troop "J" Headquarters, Lancaster, Lancaster County, PA
Duration: 120 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 229-5 Project title: Replacement of Underground Gasoline Storage Tank. Brief description: remove one (1) 10,000 gallon underground gasoline storage tank, concrete pads, dispenser and piping and replace with one (1) new 10,000 gallon below ground vaulted gasoline storage system with dispenser, card reader, software, a new fuel management system, related piping and electrical work, site assessment, sampling and testing. Electrical and underground storage tank construction. Plans deposit: \$25.00 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 request to: Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Telephone: (717) 787-3923. Bid date: Wednesday, May 7, 1997 at 11:00 a.m.

Department: General Services
Location: PA State Police, Troop "B" Headquarters, Washington, Washington County, PA
Duration: 120 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 251-249 Project title: New Building Construction. Brief description: construct new block building approximately 54' x 128' to house weld shop, truck wash, sign storage and training facility. General, mechanical, plumbing and electrical construction. Plans deposit: \$25.00 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 request to: Commonwealth of Pennsylvania, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Telephone: (717) 787-3923. Bid date: Wednesday, May 14, 1997 at 2:00 p.m. A pre-bid conference has been scheduled for Wednesday, April 30, 1997 at 10:30 a.m. at Department of General Services, Room 102 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Contact: Keith Adams, telephone (717) 783-7118. All contractors who have secured plans and specifications are invited and urged to attend this pre-bid conference.

Department: General Services
Location: PennDOT Maintenance Facility, Lebanon, Lebanon County, PA
Duration: 180 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 251-355 Project title: Bulk Salt Storage Facility With High Gambrel Roof. Brief description: construct a new 60' x 80' bulk salt storage building. General construction. Plans deposit: \$25.00 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 request to: Commonwealth of Pennsylvania, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Telephone: (717) 787-3923. Bid date: Wednesday, May 7, 1997 at 11:00 a.m.

Department: General Services
Location: PennDOT Maintenance Stockpile No. 24, Normalville, Fayette County, PA
Duration: 120 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 251-451 Project title: Roof Replacement. Brief description: remove existing roof, replace with new EPDM roofing, membrane. General construction. Plans deposit: \$25.00 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 request to: Commonwealth of Pennsylvania, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Telephone: (717) 787-3923. Bid date: Wednesday, April 30, 1997 at 2:00 p.m.

Department: General Services
Location: PennDOT Maintenance Building, Carlisle, Cumberland County, PA
Duration: 90 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS 372-1 Revised Rebid Project title: Purchase and Installation of Two (2) Medium Security Pre-fabricated Units with a Capacity of 256 Cells. Brief description: work includes site preparation and construction of inmate modular housing units within the secure perimeter fence. Pre-cast concrete and/or preassembled steel cells, concrete block exterior and interior walls, tile and concrete floors, structural steel joist, metal deck and single ply roof. Independent HVAC systems. Plumbing and electrical services connected to existing underground services, security fencing and bituminous paving. General construction. Plans deposit: \$400.00 per set. Payable to: Kostecy Group. 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: The Kostecy Group, 224 North Front Street, Wormleysburg, PA 17043, (717) 763-5661. Bid date: Wednesday, May 14, 1997 at 11:00 a.m.

Department: General Services
Location: State Correctional Institution, Franklin Township, Greene County, PA
Duration: 365 or 300 calendar days from date of initial job conference depending on which of these two time periods is selected for award
Contact: Contract Bidding Unit, (717) 787-6556

DGS 411-54 Project title: Addition to Roddy Science Center, Phase 2. Brief description: construction of a new four (4) story science center class room building addition, consisting of classrooms, offices, science laboratories, a lecture hall and support spaces involving general, HVAC, plumbing and electrical construction. General, HVAC, plumbing and electrical construction. Plans deposit: \$300.00 per set. Payable to: STV 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: STV Architects, 11 Robinson Street, P. O. Box 459, Pottstown, PA 19464, (610) 326-4600. Bid date: Wednesday, April 30, 1997 at 2:00 p.m.

Department: General Services
Location: Millersville University of Pennsylvania, Millersville, Lancaster County, PA
Duration: 420 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS 572-18 Phase I Project title: Life Safety Code Improvements. Brief description: work includes lead abatement, asbestos abatement, selective demolition, concrete foundations, masonry walls, structural steel, stairs, roofing, doors, interior finishes, HVAC, plumbing, electrical and sprinkler system modifications. General, HVAC, plumbing, electrical sprinkler and asbestos abatement construction. Plans deposit: \$150.00 per set. Payable to: Dynamic Design Engineering, Inc. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. 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: Dynamic Design Engineering, Inc., 416 Main Street, Suite 300, Johnstown, PA 15901, telephone (814) 536-1651. Bid date: Wednesday, April 30, 1997 at 2:00 p.m.

Department: General Services
Location: State Correctional Institution, Huntingdon, Huntingdon County, PA
Duration: 665 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

579-3 Revised Rebid Project title: Purchase and installation of two (2) medium security prefabricated units with a capacity of 256 cells. Brief description: work includes site preparation and construction of inmate modular housing units within the secure perimeter fence. Precast concrete and/or pre-assembled steel cells, concrete block exterior and interior walls, tile and concrete floors, structural steel joist, metal deck and single ply roof. Independent HVAC system, plumbing and electrical services connected to existing underground services, security fencing and bituminous paving. General construction. Plans deposit: \$400.00 per set. Payable to: Kostecky Group. 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: The Kostecky Group, 224 North Front Street, Wormleysburg, PA 17043, (717) 763-5661. Bid date: Wednesday, May 14, 1997 at 2:00 p.m.

Department: General Services
Location: State Correctional Institution, Houtzdale, Clearfield County, PA
Duration: 365 or 300 calendar days from date of initial job conference depending on which of these two time periods is selected for award
Contact: Contract Bidding Unit, (717) 787-6556

DGS 940-5 Phase 3, Part B Project title: Renovations to Tent Building. Brief description: install new carpeting, suspended ceiling and other interior renovations. Install new gutters and windows. Demolish existing vestibule and replace with new entry with ADA compatible features. General construction. Plans deposit: \$25.00 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 request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Telephone: (717) 787-3923. Bid date: Wednesday, May 7, 1997 at 2:00 p.m.

Department: General Services
Location: DGS Public Works Complex, Harrisburg, Dauphin County, PA
Duration: 154 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS 948-34 Phase II Project title: Repair and Restoration Work for the North, South and Center Porticos and Plaza Entries of Capitol Building (Remaining Work in Project). Brief description: repair of exterior masonry including granite facing, portico decks and soffits. Installation of new deck drains and minor electrical retrofits, removal of existing pigeon control system, patching, caulking and sealing throughout. General and plumbing construction. Plans deposit: \$50.00 per set. Payable to: Dan Peter Kopple and Associates. 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: Dan Peter Kopple and Associates, 1611 Walnut Street, Philadelphia, PA 19103, telephone (215) 627-2700. Bid date: Wednesday, April 30, 1997 at 2:00 p.m.

Department: General Services
Location: Capitol Complex, Harrisburg, Dauphin County, PA
Duration: 154 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 953-48 Project title: South Penthouse HVAC Control System. Brief description: replace the motor control center in the south penthouse. Electrical construction. Plans deposit: \$25.00 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 request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Telephone: (717) 787-3923. Bid date: Wednesday, April 30, 1997 at 2:00 p.m.

Department: General Services
Location: Pennsylvania Liquor Control Board Northwest Office Building, Harrisburg, Dauphin County, PA
Duration: 110 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS 960-17 Phase II Project title: Installation of Security Storage Cages. Brief description: provide and install wire mesh partitions, storage shelves and pallet rack storage shelf units. General construction. Plans deposit: \$25.00 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 request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Telephone: (717) 787-3923. Bid date: Wednesday, May 7, 1997 at 2:00 p.m.

Department: General Services
Location: Aviation Brigade Armory, Fort Indiantown Gap, Anville, Lebanon County, PA
Duration: 110 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

Contract No. FDC-306-246 Rehabilitation of existing and/or installation of new equipment at the sewage treatment plant, plant effluent pump station and main lift station at Gifford Pinchot State Park.

Department: Conservation and Natural Resources
Location: Warrington Township, York County, PA
Duration: 240 days
Contact: Construction Management Section, (717) 787-5055
Department: State System of Higher Education
Location: Indiana University of Pennsylvania, Indiana, PA 15705-1087
Duration: Six (6) months
Contact: Ronald E. Wolf, Procurement Specialist, (412) 357-4851

IN-730 Classroom renovations Ackerman Hall. Work under this project consists of removing existing doors, partitions, vinyl asbestos floor tile, visual display boards, ceilings, curtains, unit ventilators, water piping, gas piping, light fixtures, wiring, conduit, electric devices, etc., to furnish and install new gypsumboard, doors, frames, hardware cabinetwork, ceilings, paint, batt insulation, unit ventilators, piping, thermostats, pipe insulation, ductwork, duct insulation, light fixtures, CATV cable, data cable, wiring, conduit, electric devices, etc. Notice to contractors may 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: Six (6) months
Contact: Ronald E. Wolf, Procurement Specialist, (412) 357-4851

DGS A 205-3 Project title: Replacement of Underground Gasoline Storage Tank. Brief description: remove existing V.G. 10,000 gallon gasoline storage tank and replace with a new 10,000 gallon vaulted concrete storage tank system complete with a dispenser and card reader. Electrical and underground storage tank construction. Plans deposit: \$25.00 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 request to: Commonwealth of Pennsylvania, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Telephone: (717) 787-3923. Bid date: Wednesday, May 7, 1997 at 11:00 a.m.

Department: General Services
Location: Pennsylvania State Police-"C" Headquarters, Punxsutawney, Jefferson County, PA
Duration: 120 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS 210-3 Project title: DNA Laboratory. Brief description: the construction of 60'-0" x 112'-0" modular one (1) story laboratory building with a full basement. General and electrical construction. Plans deposit: \$25.00 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 request to: Commonwealth of Pennsylvania, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Telephone: (717) 787-3923. Bid date: Wednesday, May 14, 1997 at 11:00 a.m.

Department: General Services
Location: Pennsylvania State Police Troop-"A", Hempfield Township, Westmoreland County, PA
Duration: 210 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS 948-9 Phase 7 Project title: Replace Sewage Ejector - Finance Building. Brief description: replace sewage ejector in the basement of the Capitol Complex's Finance Building. Plumbing construction. Plans deposit: \$25.00 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 request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Telephone: (717) 787-3923. Bid date: Wednesday, May 14, 1997 at 2:00 p.m.

Department: General Services
Location: Finance Building, Harrisburg, Dauphin County, PA
Duration: 45 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

DGS A 1575-12 Project title: Repair Steam Condensate Lines. Brief description: perform excavation and backfill, remove and replace buried and above grade piping, repair concrete manholes, restore paving and lawn test and insulate piping. Mechanical construction. Plans deposit: \$25.00 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 request to: Commonwealth of Pennsylvania, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Telephone: (717) 787-3923. Bid date: Wednesday, May 7, 1997 at 2:00 p.m.

Department: General Services
Location: State Correctional Institution, Retreat, Luzerne County, PA
Duration: 120 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

IN-723 Roof and HVAC replacement Wyant Hall—Armstrong Branch Campus. Work included under this project consists of removing existing roofing, roof insulation, partitions, paint, diffusers, ductwork, roof drains, ventilators, water cooled units, light fixtures, wiring, conduit, etc., to furnish and install new E.P.D.M. roofing, roof insulation, doors, paint, drywall, steel studs, joint sealers, ductwork, dampers, air handling units, diffusers, fans, piping, light fixtures, wiring, conduit, panelboards, etc. Notice to Contractors may 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: Six (6) months
Contact: Ronald E. Wolf, Procurement Specialist, (412) 357-4851

AE-2607 Replacement of six (6) existing metal doors. FAX (717) 783-7971.

Department: Transportation
Location: PennDOT Maintenance Building, Bellefonte, Centre County, PA
Duration: 120 calendar days, proposed bid date May 1997
Contact: Tina Chubb, (717) 787-7001

AE-2619 Replacement of one existing exterior metal door. FAX (717) 783-7971.

Department: Transportation
Location: PennDOT Maintenance Building, Hyde, Clearfield County, PA
Duration: 90 calendar days, proposed bid date May 1997
Contact: Tina Chubb, (717) 787-7001

AE-2109 Construction of a material storage building, metal roofing and siding on wood frame. FAX (717) 783-7971.

Department: Transportation
Location: Maintenance District 3-6, Stockpile No. 01, Park and Maple Streets, Laporte, Sullivan County, PA
Duration: 90 calendar days, proposed bid date May 1997
Contact: Tina Chubb, (717) 787-7001

Court Reporting—10

226001 To take notes of testimony at and/or provide verbatim transcripts of depositions, public hearings, administrative hearings and viewer's hearings, to be held at various locations within Pennsylvania Department of Transportation Engineering Districts 4, 5 and 11 during the period beginning July 1, 1997 and ending June 30, 1999. Fax requests for bid packages to Michael H. Kline or Helen E. Topolski at (717) 772-2741.

Department: Transportation
Location: PennDOT Engineering Districts 4, 5 and 11 (various locations)
Duration: July 1, 1997 to June 30, 1999
Contact: Michael H. Kline, Assistant Counsel, (717) 787-5079

Drafting and Design Services—12

414-HG Project No. 414-HG: Renovation of the Harvey Green Building (Old Library) a 22,000 SF building built in 1902. It is one of five campus buildings on the National Register of Historic Places. The Request for Proposal is for a two part proposal: 1) Feasibility study, and 2) should the project advance further, provide full architectural and engineering services for design through construction. Requirements include location within 100 miles of the University, AutoCad capabilities, experience on historic preservation projects and expertise in design of communications technology applications. Project may be monitored at some or all phases by an independent consultant for value engineering, constructability and plan checking. The University encourages responses from small firms, minority firms, women owned firms and firms which have not previously worked for the University and will consider joint ventures which will enable these firms to participate. Non-Discrimination and Equal Opportunity are the policies of the Commonwealth and the State System of Higher Education. There is a pre-proposal meeting at 10:00 a.m. on May 8, 1997 in Main Hall Auditorium, Room M168. Proposals are due by 11:00 a.m. on May 22, 1997.

Department: State System of Higher Education
Location: West Chester University, F.H. Green Building, West Chester, PA 19383
Duration: Indeterminate 1996-97
Contact: Jacki Marthinsen, Contracts Manager, (610) 436-2705

Engineering Services and Consultation—14

Project No. 96-34 "Development of Intelligent Transportation Systems for the Lehigh Valley Metropolitan Area" The objective of this project is to define problems and needs, investigate all I.T.S. user services and each component of I.T.L., establish performance criteria, develop user Service Plan, define functional requirements and system architecture. The contractor must also prepare a Strategic Deployment Plan for the Lehigh Valley Metropolitan Area. Detailed requirements and an RFP are available upon request. FAX request to Tina Chubb at (717) 783-7971.

Department: Transportation
Location: PennDOT, Bureau of Office Services, Harrisburg, PA
Duration: 18 months
Contact: Steven A. Davis, (717) 787-1368

11097006 A contract will be bid for on-call drilling services (equipment and personnel) for Geotechnical Geological Subsurface investigations. Response to individual requests must be five (5) days maximum. Approximately 2,000 hours of drilling for the contract, with appropriate maintenance and protection of traffic (MPT) as per Pub. 203A on all classifications of roadways. Installation of instrumentation at specific locations will be required. Minimum E1 rating is required for occasional work performed under Health and Safety Plans (HASPs) requiring OSHA protection to level C.

Department: Transportation
Location: Engineering District 11-0, Various locations throughout Engineering 11-0, Allegheny, Beaver and Lawrence Counties, PA
Duration: 08/01/97 through 07/31/98 with renewal options
Contact: George Smith, Geotechnical Unit, (412) 429-4923

Contract No. FDC-500-278 Retain an engineering firm or a construction management firm to perform construction inspection services on bridge construction, bridge rehabilitation, and bridge approach roadway projects on State forest lands.

Department: Conservation and Natural Resources
Location: Throughout North Central Pennsylvania
Duration: Up to five years
Contact: Division of Field Engineering, (717) 787-3217

ESU 405-MP1 ESU is seeking proposals on ESU 405-MP1 University Facilities Master Plan. Professional firms may request the RFP (Request for Proposal) documents by FAX to: Zaffy Zaffuto at (717) 422-3777. The exact dates for issuance and response will be cited in the RFP. For special accommodations needs and questions call Zaffy at (717) 422-3595. All responsible professional A/E Consulting Firms are invited to participate, including MBE/WBE firms.

Department: State System of Higher Education
Location: East Stroudsburg University, East Stroudsburg, PA 18301
Duration: 12 months
Contact: Zaffy Zaffuto, (717) 422-3595

08430AG2065 Retain an engineering firm to provide supplementary construction inspection staff of approximately ten (10) inspectors for construction inspection and documentation services on S. R. 6522, Section 001, Relocation of TR 522, Mount Union Bypass, Huntingdon County.

Department: Transportation
Location: Engineering District 9-0
Duration: Eighteen (18) months
Contact: Consultant Agreement Division, (717) 783-9309

Environmental Maintenance Services—15

WC 647 Readvertisement of WC 647 which was previously advertised as a sealed bid will now be issued as a Request for Proposal. WC 647 is for the provision of Phase II Site Surveys, Removal and Disposal of Contaminated Soils and In-Situ Treatment. The University may award one, two or three contracts. The work will be supplied under an open-ended agreement with a maximum of \$100,000 per year with work orders issued up to \$25,000 per order. The agreement will be issued for one year with 2 two year options (5 years total). In the best interest of the University only those firms within 50 miles of the University will be considered. All firms that previously requested the bid package for WC 647 will be issued a copy of the Request for Proposal.

Department: State System of Higher Education
Location: West Chester University, West Chester, PA 19383
Duration: One year with 2 two year options for renewal
Contact: Jacki Marthinsen, Contracts Manager, (610) 436-2705

Financial and Insurance Consulting—17

97-3 The Department of Corrections is seeking proposals to provide accounting services for the Bureau of Correctional Industries. The contractor will be responsible to recommend a business orientated accounting system with the development of an automated software application that will encompass the financial services of the Commonwealth's Manufacturing Fund.

Department: Corrections
Location: 2520 Lisburn Road, Camp Hill, PA 17011
Duration: 1—3 years
Contact: Suzanne Malhenzie, Administrative Assistant, (717) 975-4973

Food—19

5137 Frozen juice to be delivered 7/97—12/97.

Department: Public Welfare
Location: Torrance State Hospital, Dietary Storeroom, S. R. 1014, Torrance, PA 15779-0111
Duration: July—December, 1997
Contact: Nancy E. Byers, (412) 459-4677

5138 Pastries to be delivered 7/97—12/97.

Department: Public Welfare
Location: Torrance State Hospital, Dietary Storeroom, S. R. 1014, Torrance, PA 15779-0111
Duration: July—December, 1997
Contact: Nancy E. Byers, (412) 459-4677

5139 Bread and bread products to be delivered 7/97—12/97.

Department: Public Welfare
Location: Torrance State Hospital, Dietary Storeroom, S. R. 1014, Torrance, PA 15779-0111
Duration: July—December, 1997
Contact: Nancy E. Byers, (412) 459-4677

5140 Fresh prepared salads to be delivered 7/97—12/97.

Department: Public Welfare
Location: Torrance State Hospital, Dietary Storeroom, S. R. 1014, Torrance, PA 15779-0111
Duration: July—December, 1997
Contact: Nancy E. Byers, (412) 459-4677

5141 Miscellaneous dairy products to be delivered 7/97—12/97.

Department: Public Welfare
Location: Torrance State Hospital, Dietary Storeroom, S. R. 1014, Torrance, PA 15779-0111
Duration: July—December, 1997
Contact: Nancy E. Byers, (412) 459-4677

5142 Meat and meat products to be delivered 7/97—9/97.

Department: Public Welfare
Location: Torrance State Hospital, Dietary Storeroom, S. R. 1014, Torrance, PA 15779-0111
Duration: July—September, 1997
Contact: Nancy E. Byers, (412) 459-4677

5143 Miscellaneous frozen foods to be delivered 7/97—9/97.

Department: Public Welfare
Location: Torrance State Hospital, Dietary Storeroom, S. R. 1014, Torrance, PA 15779-0111
Duration: July—September, 1997
Contact: Nancy E. Byers, (412) 459-4677

5144 Poultry to be delivered 7/97—9/97.

Department: Public Welfare
Location: Torrance State Hospital, Dietary Storeroom, S. R. 1014, Torrance, PA 15779-0111
Duration: July—September, 1997
Contact: Nancy E. Byers, (412) 459-4677

8906 Bakery and entree items.

Department: Public Welfare
Location: Selingsgrove Center, Box 500, Route 522, Selingsgrove, PA 17870
Duration: July—September 1997
Contact: Arletta K. Ney, Purchasing Agent, (717) 372-5070

8907 Poultry and poultry products.

Department: Public Welfare
Location: Selingsgrove Center, Box 500, Route 522, Selingsgrove, PA 17870
Duration: July—September 1997
Contact: Arletta K. Ney, Purchasing Agent, (717) 372-5070

8908 Meat and meat products.

Department: Public Welfare
Location: Selingsgrove Center, Box 500, Route 522, Selingsgrove, PA 17870
Duration: July—September 1997
Contact: Arletta K. Ney, Purchasing Agent, (717) 372-5070

8909 Bread, rolls and related items.

Department: Public Welfare
Location: Selingsgrove Center, Box 500, Route 522, Selingsgrove, PA 17870
Duration: July—December 1997
Contact: Arletta K. Ney, Purchasing Agent, (717) 372-5070

8910 Pre-portioned fruit juice.

Department: Public Welfare
Location: Selingsgrove Center, Box 500, Route 522, Selingsgrove, PA 17870
Duration: July—December 1997
Contact: Arletta K. Ney, Purchasing Agent, (717) 372-5070

8911 Yogurt/cottage cheese.

Department: Public Welfare
Location: Selinsgrove Center, Box 500, Route 522, Selinsgrove, PA 17870
Duration: July–December 1997
Contact: Arletta K. Ney, Purchasing Agent, (717) 372-5070

LBP-97-001 Dairy (cheese, butter, margarine, cottage cheese, sour cream, etc.). Quantities, specifications and delivery dates may be obtained from the Northeastern Veterans Center.

Department: Military Affairs
Location: Northeastern Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213
Duration: July 1, 1997 through September 30, 1997
Contact: Joseph Libus, Purchasing Agent II, (717) 961-4318

LBP-97-002 Shell eggs. Quantities, specifications and delivery dates may be obtained from the Northeastern Veterans Center.

Department: Military Affairs
Location: Northeastern Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213
Duration: July 1, 1997 through September 30, 1997
Contact: Joseph Libus, Purchasing Agent II, (717) 961-4318

LBP-97-003 Frozen seafood. Quantities, specifications and delivery dates may be obtained from the Northeastern Veterans Center.

Department: Military Affairs
Location: Northeastern Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213
Duration: July 1, 1997 through September 30, 1997
Contact: Joseph Libus, Purchasing Agent II, (717) 961-4318

LBP-97-004 Meat and meat products. Quantities, specifications and delivery dates may be obtained from the Northeastern Veterans Center.

Department: Military Affairs
Location: Northeastern Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213
Duration: July 1, 1997 through September 30, 1997
Contact: Joseph Libus, Purchasing Agent II, (717) 961-4318

LBP-97-005 Frozen fruits, vegetables and miscellaneous frozen food items. Quantities, specifications and delivery dates may be obtained from the Northeastern Veterans Center.

Department: Military Affairs
Location: Northeastern Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213
Duration: July 1, 1997 through September 30, 1997
Contact: Joseph Libus, Purchasing Agent II, (717) 961-4318

LBP-97-006 Bread and rolls. Quantities, specifications and delivery dates may be obtained from the Northeastern Veterans Center.

Department: Military Affairs
Location: Northeastern Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213
Duration: July 1, 1997 through September 30, 1997
Contact: Joseph Libus, Purchasing Agent II, (717) 961-4318

LBP-97-007 Poultry and poultry products. Quantities, specifications and delivery dates may be obtained from the Northeastern Veterans Center.

Department: Military Affairs
Location: Northeastern Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213
Duration: July 1, 1997 through September 30, 1997
Contact: Joseph Libus, Purchasing Agent II, (717) 961-4318

LBP-97-008 Ice cream, sherbet and frozen yogurt. Quantities, specifications and delivery dates may be obtained from the Northeastern Veterans Center.

Department: Military Affairs
Location: Northeastern Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213
Duration: July 1, 1997 through September 30, 1997
Contact: Joseph Libus, Purchasing Agent II, (717) 961-4318

LBP-97-009 Fresh fruits and vegetables. Quantities, specifications and delivery dates may be obtained from the Northeastern Veterans Center.

Department: Military Affairs
Location: Northeastern Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213
Duration: July 1, 1997 through September 30, 1997
Contact: Joseph Libus, Purchasing Agent II, (717) 961-4318

PB-0046 Milk, ice cream, margarine, cheese. Milk, 2%, 1/2 pint containers—500,000 containers; skim milk, 1/2 pint container—65,000 containers; ice cream, Neopolitan slices—85,000 servings; sherbet—85,000 each. Cheese: cottage—2,000 lbs.; provolone—5,000 lbs.; American—25,000 lbs. Margarine: solid—30,000 lbs.; reddies—6,000 cases. To be bid out by institution as needed.

Department: Corrections
Location: State Correctional Institution at Coal Township, 1 Kelley Drive, Coal Township, PA 17866
Duration: May 1, 1997 through June 30, 1998
Contact: Nancy A. Lasko, Purchasing Agent II, (717) 644-7890, ext. 142

PB-0047 Flour, assorted. All purpose flour—85,000 lbs.; bread flour—170,000 lbs.; rye flour—5,000 lbs.; whole wheat flour—5,000 lbs. Flour to be delivered in 100 lb. bags. To be bid out as required by the institution.

Department: Corrections
Location: State Correctional Institution at Coal Township, 1 Kelley Drive, Coal Township, PA 17866
Duration: May 1, 1997 through June 30, 1998
Contact: Nancy A. Lasko, Purchasing Agent II, (717) 644-7890, ext. 142

PB-0048 Eggs. Eggs, shelled, domestic chicken hen type—50,000 dozen; eggs, whole liquid, frozen—20,000 lbs.; egg whites, liquid, frozen—1,500 lbs. To be bid out by institution as needed.

Department: Corrections
Location: State Correctional Institution at Coal Township, 1 Kelley Drive, Coal Township, PA 17866
Duration: May 1, 1997 through June 30, 1998
Contact: Nancy A. Lasko, Purchasing Agent II, (717) 644-7890, ext. 142

PB-0049 Seafood. Clams, chopped—3,500 lbs.; fish submariners, unbreaded—24,000 lbs.; fish fillets, unbreaded—5,000 lbs. To be bid out by institution as needed.

Department: Corrections
Location: State Correctional Institution at Coal Township, 1 Kelley Drive, Coal Township, PA 17866
Duration: May 1, 1997 through June 30, 1998
Contact: Nancy A. Lasko, Purchasing Agent II, (717) 644-7890, ext. 142

PB-0050 Beef and pork products. Sandwich wafer steaks—20,000 lbs.; liver—10,000 lbs.; beef franks—20,000 lbs.; veal patties—20,000 lbs.; beef rib-b-q—20,000 lbs.; meatballs—15,000 lbs.; beef Polish sausage—15,000 lbs. To be bid out by institution as needed.

Department: Corrections
Location: State Correctional Institution at Coal Township, 1 Kelley Drive, Coal Township, PA 17866
Duration: May 1, 1997 through June 30, 1998
Contact: Nancy A. Lasko, Purchasing Agent II, (717) 644-7890, ext. 142

PB-0051 Poultry and poultry products. Chicken leg quarters—90,000 lbs.; processed turkey breast—20,000 lbs.; ground turkey—25,000 lbs.; turkey thighs—25,000 lbs.; turkey ham—10,000 lbs.; turkey bologna—4,000 lbs.; turkey pepperific—4,000 lbs.; turkey, Cajun—4,000 lbs.; smoked turkey—4,000 lbs.; turkey Kielbasa—20,000 lbs.; chicken patties—20,000 lbs. To be bid out by institution as needed.

Department: Corrections
Location: State Correctional Institution at Coal Township, 1 Kelley Drive, Coal Township, PA 17866
Duration: May 1, 1997 through June 30, 1998
Contact: Nancy A. Lasko, Purchasing Agent II, (717) 644-7890, ext. 142

PB-0052 Frozen and dried foods. Frozen broccoli—30,000 lbs.; frozen cauliflower—30,000 lbs.; frozen brussel sprouts—20,000 lbs.; frozen Italian blend—30,000 lbs.; dried split peas—5,000 lbs.; dried kidney beans—12,000 lbs.; dried limas—12,000 lbs.; dried navy beans—15,000 lbs.; blackeyed peas—5,000 lbs.; frozen waffles—80,000 servings; pizza—60,000 servings.

Department: Corrections
Location: State Correctional Institution at Coal Township, 1 Kelley Drive, Coal Township, PA 17866
Duration: May 1, 1997 through June 30, 1998
Contact: Nancy A. Lasko, Purchasing Agent II, (717) 644-7890, ext. 142

PB-0053 Baking and cooking ingredients. Baking powder—1,500 lbs.; baking soda—1,500 lbs.; yeast—16,000 lbs.; shortening, all purpose—35,000 lbs.; salad oil—5,000 gallons; chocolate chips—1,000 lbs. To be bid out by institution as needed.

Department: Corrections
Location: State Correctional Institution at Coal Township, 1 Kelley Drive, Coal Township, PA 17866
Duration: May 1, 1997 through June 30, 1998
Contact: Nancy A. Lasko, Purchasing Agent II, (717) 644-7890, ext. 142

PB-0054 Fresh fruits and vegetables. Cucumbers—22,000 lbs.; cabbage—60,000 lbs.; potatoes—325,000 lbs.; celery—900 cases; tomatoes—1,500 cases; oranges—2,200 cases; apples—2,200 cases; bananas—40,000 lbs.; grapefruit—1,000 cases; onions—80,000 lbs.; lettuce—2,000 cases; Romaine—500 cases; mushrooms—5,000 lbs.; tangelos—400 cases; carrots—60,000 lbs.; pears—1,000 bushels; green peppers—1,200 bushels; broccoli—5,000 lbs.; cauliflower—5,000 lbs.; red cabbage—5,000 lbs. To be bid out by institution as needed.

Department: Corrections
Location: State Correctional Institution at Coal Township, 1 Kelley Drive, Coal Township, PA 17866
Duration: May 1, 1997 through June 30, 1998
Contact: Nancy A. Lasko, Purchasing Agent II, (717) 644-7890, ext. 142

W-2 Fresh produce—to be delivered 2 times weekly during contract period.

Department: Military Affairs
Location: Southeastern PA Veterans Center, Spring City, Chester County, PA 19475
Duration: July 1, 1997 through September 30, 1997
Contact: Theresa Barthel, Purchasing Agent, (610) 948-2493

W-3 Bread and rolls—to be delivered 3 times weekly during contract period.

Department: Military Affairs
Location: Southeastern PA Veterans Center, Spring City, Chester County, PA 19475
Duration: July 1, 1997 through September 30, 1997
Contact: Theresa Barthel, Purchasing Agent, (610) 948-2493

W-5 Meat—to be delivered weekly during contract period.

Department: Military Affairs
Location: Southeastern PA Veterans Center, Spring City, Chester County, PA 19475
Duration: July 1, 1997 through September 30, 1997
Contact: Theresa Barthel, Purchasing Agent, (610) 948-2493

W-6 Poultry—to be delivered weekly during contract period.

Department: Military Affairs
Location: Southeastern PA Veterans Center, Spring City, Chester County, PA 19475
Duration: July 1, 1997 through September 30, 1997
Contact: Theresa Barthel, Purchasing Agent, (610) 948-2493

W-7 Frozen foods—to be delivered weekly during contract period.

Department: Military Affairs
Location: Southeastern PA Veterans Center, Spring City, Chester County, PA 19475
Duration: July 1, 1997 through September 30, 1997
Contact: Theresa Barthel, Purchasing Agent, (610) 948-2493

TM-0049 Bakery supplies: contract(s) shall cover the period of July 1, 1997 to June 30, 1998. The Institution may issue a single or multiple proposals. Delivery of product(s) shall be made as needed and requested by the Institution. Listing of specific commodities can be obtained by contacting the Institutional contact person. Estimated quantities are indeterminate at this time and will be based on the Institution's population projections at the time of bid issuance.

Department: Corrections
Location: State Correctional Institution at Albion, 10745 Route 18, Albion, PA 16475-0001
Duration: July 1, 1997 to June 30, 1998
Contact: Lesley S. Hill, Purchasing Agent, (814) 756-5778

TM-0050 Bread and related products: contract(s) shall cover the period of July 1, 1997 to June 30, 1998. The Institution may issue a single or multiple proposals. Delivery of product(s) shall be made as needed and requested by the Institution. Listing of specific commodities can be obtained by contacting the Institutional contact person. Estimated quantities are indeterminate at this time and will be based on the Institution's population projections at the time of bid issuance.

Department: Corrections
Location: State Correctional Institution at Albion, 10745 Route 18, Albion, PA 16475-0001
Duration: July 1, 1997 to June 30, 1998
Contact: Lesley S. Hill, Purchasing Agent, (814) 756-5778

TM-0051 Cheese products: contract(s) shall cover the period of July 1, 1997 to June 30, 1998. The Institution may issue a single or multiple proposals. Delivery of product(s) shall be made approximately one time each month, or more or less often if deemed necessary by the Institution. Listing of specific commodities can be obtained by contacting the Institutional contact person. Estimated quantities are indeterminate at this time and will be based on the Institution's population projections at the time of bid issuance.

Department: Corrections
Location: State Correctional Institution at Albion, 10745 Route 18, Albion, PA 16475-0001
Duration: July 1, 1997 to June 30, 1998
Contact: Lesley S. Hill, Purchasing Agent, (814) 756-5778

TM-0052 Dairy and related products: contract(s) shall cover the period of July 1, 1997 to June 30, 1998. The Institution may issue a single or multiple proposals. Listing of specific commodities can be obtained by contacting the Institutional contact person. Estimated quantities are indeterminate at this time and will be based on the Institution's population projections at the time of bid issuance.

Department: Corrections
Location: State Correctional Institution at Albion, 10745 Route 18, Albion, PA 16475-0001
Duration: July 1, 1997 to June 30, 1998
Contact: Lesley S. Hill, Purchasing Agent, (814) 756-5778

TM-0053 Fish and seafood: contract(s) shall cover the period of July 1, 1997 to June 30, 1998. The Institution may issue a single or multiple proposals. Delivery of product(s) shall be made approximately one time each month, or more or less often if deemed necessary by the Institution. Listing of specific commodities can be obtained by contacting the Institutional contact person. Estimated quantities are indeterminate at this time and will be based on the Institution's population projections at the time of bid issuance.

Department: Corrections
Location: State Correctional Institution at Albion, 10745 Route 18, Albion, PA 16475-0001
Duration: July 1, 1997 to June 30, 1998
Contact: Lesley S. Hill, Purchasing Agent, (814) 756-5778

TM-0054 Fresh fruits and vegetables: contract(s) shall cover the period of July 1, 1997 to June 30, 1998. The Institution may issue a single or multiple proposals. Listing of specific commodities can be obtained by contacting the Institutional contact person. Estimated quantities are indeterminate at this time and will be based on the Institution's population projections at the time of bid issuance.

Department: Corrections
Location: State Correctional Institution at Albion, 10745 Route 18, Albion, PA 16475-0001
Duration: July 1, 1997 to June 30, 1998
Contact: Lesley S. Hill, Purchasing Agent, (814) 756-5778

TM-0055 Dry/canned fruits and vegetables: contract(s) shall cover the period of July 1, 1997 to June 30, 1998. The Institution may issue a single or multiple proposals. Listing of specific commodities can be obtained by contacting the Institutional contact person. Estimated quantities are indeterminate at this time and will be based on the Institution's population projections at the time of bid issuance.

Department: Corrections
Location: State Correctional Institution at Albion, 10745 Route 18, Albion, PA 16475-0001
Duration: July 1, 1997 to June 30, 1998
Contact: Lesley S. Hill, Purchasing Agent, (814) 756-5778

TM-0056 Margarine: contract(s) shall cover the period of July 1, 1997 to June 30, 1998. The Institution may issue a single or multiple proposals. Delivery of product(s) shall be made as needed and requested by the Institution. Listing of specific commodities can be obtained by contacting the Institutional contact person. Estimated quantities are indeterminate at this time and will be based on the Institution's population projections at the time of bid issuance.

Department: Corrections
Location: State Correctional Institution at Albion, 10745 Route 18, Albion, PA 16475-0001
Duration: July 1, 1997 to June 30, 1998
Contact: Lesley S. Hill, Purchasing Agent, (814) 756-5778

TM-0057 Meat and meat products: contract(s) shall cover the period of July 1, 1997 to June 30, 1998. The Institution may issue a single or multiple proposals. Delivery of product(s) shall be made approximately one time each month, or more or less often if deemed necessary by the Institution. Listing of specific commodities can be obtained by contacting the Institutional contact person. Estimated quantities are indeterminate at this time and will be based on the Institution's population projections at the time of bid issuance.

Department: Corrections
Location: State Correctional Institution at Albion, 10745 Route 18, Albion, PA 16475-0001
Duration: July 1, 1997 to June 30, 1998
Contact: Lesley S. Hill, Purchasing Agent, (814) 756-5778

TM-0058 Miscellaneous frozen foods: contract(s) shall cover the period of July 1, 1997 to June 30, 1998. The Institution may issue a single or multiple proposals. Delivery of product(s) shall be made approximately one time each month, or more or less often if deemed necessary by the Institution. Listing of specific commodities can be obtained by contacting the Institutional contact person. Estimated quantities are indeterminate at this time and will be based on the Institution's population projections at the time of bid issuance.

Department: Corrections
Location: State Correctional Institution at Albion, 10745 Route 18, Albion, PA 16475-0001
Duration: July 1, 1997 to June 30, 1998
Contact: Lesley S. Hill, Purchasing Agent, (814) 756-5778

TM-0059 Poultry and poultry products: contract(s) shall cover the period of July 1, 1997 to June 30, 1998. The Institution may issue a single or multiple proposals. Delivery of product(s) shall be made approximately one time each month, or more or less often if deemed necessary by the Institution. Listing of specific commodities can be obtained by contacting the Institutional contact person. Estimated quantities are indeterminate at this time and will be based on the Institution's population projections at the time of bid issuance.

Department: Corrections
Location: State Correctional Institution at Albion, 10745 Route 18, Albion, PA 16475-0001
Duration: July 1, 1997 to June 30, 1998
Contact: Lesley S. Hill, Purchasing Agent, (814) 756-5778

TM-0060 Shell eggs: contract(s) shall cover the period of July 1, 1997 to June 30, 1998. The Institution may issue a single or multiple proposals. Delivery of product(s) shall be made approximately one time every two weeks, or more or less often if deemed necessary by the Institution. Listing of specific commodities can be obtained by contacting the Institutional contact person. Estimated quantities are indeterminate at this time and will be based on the Institution's population projections at the time of bid issuance.

Department: Corrections
Location: State Correctional Institution at Albion, 10745 Route 18, Albion, PA 16475-0001
Duration: July 1, 1997 to June 30, 1998
Contact: Lesley S. Hill, Purchasing Agent, (814) 756-5778

Fuel Related Services—20

159 Removal of three (3) underground storage tanks, 2000 gallons. One of the tanks is a fuel oil storage tank located at Power Plant and the other two tanks are gasoline storage tanks located at the Warehouse.

Department: Public Welfare
Location: Polk Center, Polk, Venango County, PA 16342
Duration: 5/1/97—6/30/97
Contact: Patty Frank, Purchasing Agent, (814) 432-0397

Heating, Ventilation, Air Conditioning—22

B-7558 Vendor to provide emergency repairs to the 33 K feed line from PECO to SCIG power station and support equipment to include high voltage lines, substations, transformer vaults, wellhouse transformer rooms, aerial lines around wall and on utility poles, utility poles and related items as needed to maintain electrical services. A two hours emergency response time is needed due to security purposes. Contract will be on an as needed basis.

Department: Corrections
Location: State Correctional Institution Graterford, Box 246, Graterford, PA 19426
Duration: Three years
Contact: Kelly Richardson, (610) 489-4151

Janitorial Services—23

FM-40 Furnish all equipment, materials and labor to perform janitorial services including: empty waste baskets, clean lavatories, sweep floors, machine buff tile floors, vacuum carpets, dust furniture, wash windows inside and outside, semi-annual housecleaning at the discretion of the Station Commander or his designated representative at the Embreeville Station, 1818 West Strasburg Road, Coatesville, PA 19320. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

Department: State Police
Location: Facility Management Division, Embreeville Station, 1818 West Strasburg Road, Coatesville, Chester County, PA 19320
Duration: 07/01/97 to 06/30/99
Contact: Deshawn Lewis or Joan Berkoski, (717) 783-5484

Laboratory Services—24

1997-2 Building and equipment maintenance service contract by PA Department of Transportation, 1118 State Street, Harrisburg, PA. Contractor shall visit the job site to acquaint himself with the existing conditions and to clarify all portions of the proposed work. Arrangements to visit the building should be directed to William Carroll at (717) 787-3968. Specifications and bids can be received by calling Jeannie Platt at (717) 783-6717.

Department: Transportation
Location: 1118 State Street, Harrisburg, PA 17120
Duration: 07/01/97—06/30/98 with 4 renewals
Contact: Jeannie Platt, (717) 783-6717

Mailing Services—28

SWIF-02-97 Overnight courier services: pick up, transport and deliver packages of daily correspondence, documents and other material from geographical locations within the Commonwealth of Pennsylvania on an overnight, next day delivery basis.

Department: Labor and Industry
Location: State Workers' Insurance Fund, Statewide
Duration: 7/1/97 to 6/30/99
Contact: Anne Kearney, (717) 963-4614

Medical Services—29

Dental-97 Vendor to provide to the State Correctional Institution Graterford, dental laboratory services as prescribed by the Institutional dentist for the incarcerated inmates.

Department: Corrections
Location: State Correctional Institution Graterford, Box 246, Graterford, PA 19426
Duration: 3 years
Contact: Kelly Richardson, (610) 489-4151

Property Maintenance—33

1210-96-002 Repair and paint two (2) wooden storage buildings. Building repairs.

Department: Transportation
Location: Uniontown, Fayette County, PA
Duration: June 16, 1997 through October 31, 1997
Contact: Liberty Hill, (412) 439-7361

MR 0800-68 Mowing and landscape maintenance at Rest Area Site J located along I-83 Northbound, two (2) miles north of the Pennsylvania-Maryland State Line within York County, Shrewsbury Township.

Department: Transportation
Location: Rest Area Site J, I-83 Northbound, Shrewsbury Township, York County, PA
Duration: August 1, 1997 to July 31, 1999
Contact: Ed Myers, (717) 787-7600

Real Estate Services—35

0800-R/W S.R. 0030 Real Estate Appraiser to complete appraisals on various types of properties identified on plans related to the reconstruction or improvement of SR 0030 in York County. The appraisals will be subject to an extensive review process. Persons submitting bids must be on the Department of Transportation prequalified list of Fee Appraisers and have the proper certification i.e. Residential/General, etc. for the various appraisals to be completed. Properties to be appraised are located in Manchester Township, West Manchester Township and York City.

Department: Transportation
Location: R/W District 8-0: Appraisals to be delivered to: Presnell Associates, Inc., 2555 Kingston Road, York Executive Center, Suite 270, York, PA 17402
Duration: First appraisals to be completed and submitted within 30—60 days
Contact: Thomas Redding-Presnell Associates, Inc., (717) 840-1604

Sanitation—36

SP-299887 Sewage treatment plant operation of the sewage treatment plant at the North East Marina located in North East, PA, including a certified operator performing the operation, maintenance, collection of water samples, analysis of samples, and filing EPA, DER and Erie County Health Department reports to keep the plant in compliance with current DER regulations and requirements.

Department: Fish and Boat Commission
Location: North East, Erie County, PA
Duration: 7/1/97 to 6/30/99
Contact: Mike Roush, (814) 725-8244

050-300 Landfill disposal of solid waste. This contract will include four (4) one year renewals.

Department: Transportation
Location: Lehigh County, PA
Duration: 1 year from effective date
Contact: Bill Bellas, (610) 798-4190

Security Services—37

97-2 The Department of Corrections is seeking proposals for employee background investigation services. The Department expects to contract with several vendors to provide service coverage to all regions of the State.

Department: Corrections
Location: 2520 Lisburn Road, Camp Hill, PA 17011
Duration: 1—3 years
Contact: Suzanne Malhenzie, (717) 975-4973

Veh., Heavy Equip and Powered Mach. Svcs—38

2-0-00338 The Department of Transportation Maintenance District 0240 and 0260 Cameron and Potter Counties will be renting the following equipment. One (1) crawler loader, minimum 13/4 cubic yard 4-in one bucket, (1) Compact hydraulic excavator, minimum 25 horsepower rated engine. All equipment will be bid with operators.

Department: Transportation
Location: Various locations within Cameron and Potter Counties
Duration: July 1, 1997 to June 30, 2000
Contact: Grover C. Beightol, (814) 765-0492

1200-96-003 Rental of equipment with operator. Track mounted excavator with rock hammer; (2) two 40 foot flat bed trailers (no operator); truck mounted aerial platform (minimum 8' width); fork lift; truck mounted post pounder. 1997 Rental Equipment.

Department: Transportation
Location: District 12-0: Fayette, Greene, Washington and Westmoreland Counties, PA
Duration: 7-1-97 to 6-30-00
Contact: Liberty Hill, (412) 439-7361

Miscellaneous—39

RFP No. 7-97 This Request for Proposal Grant for Blindness and Visual Services (BVS) is to select one or more Grantees to provide services which will initiate and expand employment opportunities for people who are blind or visually impaired.

Department: Public Welfare
Location: Services will be provided in the 67 counties of the Commonwealth of Pennsylvania
Duration: This is a one year contract with the option to renew for two additional one year periods
Contact: Polly Hahn, (717) 787-7585

96-007 The Department of Corrections is seeking proposals to provide drug and alcohol treatment services to inmates at the State Correctional Institution at Pittsburgh and the State Correctional Institution at Greensburg.

Department: Corrections
Location: 2520 Lisburn Road, Camp Hill, PA 17011
Duration: 1—3 years
Contact: Suzanne Malhenzie, (717) 975-4973

DMS-97-2 The Commonwealth of Pennsylvania, Department of Environmental Protection, Bureau of Deep Mine Safety has available certain limited funds to provide health and safety training to mining operators including but not limited to CFR 30, Parts 48, 75, 77; design and conduct professional development training for PA Bureau of Deep Mine Safety staff; provide testing services for the PA Bituminous Mine Official Examinations; and edit and revise the PA Bituminous Mine Officials and PA Anthracite Mine Officials Study Guides. Interested providers should contact Donna M. Buddenhagen at (717) 783-6783, Department of Environmental Protection, Bureau of Deep Mine Safety, P. O. Box 8463, Harrisburg, PA 17105-8463.

Department: Environmental Protection
Location: Bureau of Deep Mine Safety, Statewide
Duration: October 1, 1997 to September 30, 2000
Contact: Donna M. Buddenhagen, (717) 783-6783

SP294960 Woven wire fence installation. Site preparation, installation and materials for woven wire fencing around a timber sale on Laurel Run State Forest Road in Jackson Township, Huntingdon County, on Rothrock State Forest, approximately 8200 ft. perimeter.

Department: Conservation and Natural Resources
Location: Rothrock Forest District No. 5, Rothrock Lane, Huntingdon, PA 16652
Duration: 5/15/97 to 8/31/97
Contact: James S. Smith, Forester, (814) 643-2340

SPC 270334 Annual maintenance of electric and electronic typewriters for the period of July 1, 1997 to June 30, 1998.

Department: Education
Location: 333 Market Street, Harrisburg, PA 17126-0333
Duration: One year
Contact: Joe Koslosky, (717) 787-5380

CHAP 97 The contractor shall provide part-time chaplaincy services for inmates of the Protestant faith.

Department: Corrections
Location: State Correctional Institution at Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652
Duration: 07/01/97 through 06/30/00
Contact: Peggy A. Chilcote, Purchasing Agent, (814) 643-6520

[Pa.B. Doc. No. 97-627. Filed for public inspection April 18, 1997, 9:00 a.m.]

DESCRIPTION OF LEGEND

- | | |
|--|---|
| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
|--|---|

GARY E. CROWELL,
Secretary

Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract #	Awarded On	To	In the Amount Of
1105-02	04/03/97	Safariland Ballistics	25,000.00
1105-02	04/03/97	Markl Supply Co.	25,000.00
1105-02	04/03/97	Polar Services	25,000.00
1105-02	04/03/97	Safety League, Inc.	25,000.00
1105-02	04/03/97	Pennsylvania Police Supply, Inc.	86,412.50
1105-02	04/03/97	US Armor	25,000.00
1105-02	04/03/97	Protective Armor International	25,000.00
1299116-02	04/01/97	Barringer Instruments, Inc.	52,485.00
1446726-01	04/01/97	General Sound Telephone Co., Inc. GST, Inc.	184,147.02
1468116-01	04/01/97	Surveillance Systems, Inc.	4,200.00
1468116-02	04/01/97	Washington Professional System	13,469.00
1511166-01	04/04/97	Advanced Training Systems	91,159.00
1516216-01	04/01/97	Johnnys Restaurant and Hotel Service	15,798.00
1540386-01	04/01/97	Amertech	17,214.00
1588116-01	04/02/97	Advanced Distributors, Inc.	21,632.00

Requisition or Contract #	Awarded On	To	In the Amount Of
1635386-01	04/02/97	Laser Networks	21,446.10
1636356-01	04/01/97	Geosonics, Inc.	34,230.00
1637206-01	04/01/97	Havis Shields Equipment Corporation	11,603.25
1676116-01	04/02/97	Wepco Materials Handling	20,264.00
1702226-01	04/01/97	George S. Coyne Chemical Co., Inc.	7,247.55
1780156-01	04/02/97	Zimmerman Electrical Contractors, Inc.	21,900.00
1842176-01	04/02/97	Wilson-EPES Printing Co., Inc.	4595.40
2000156-01	04/04/97	Hirtech, Inc.	12,240.00
8205580-01	04/01/97	Potters Industries, Inc.	175,812.00
8205590-01	04/01/97	Flex-O-Lite, Inc.	83,072.00
8205600-01	04/01/97	Cataphote, Inc.	133,056.00
8345-01	04/15/97	Dettra Flag Co., Inc.	40,919.15
8503680-01	04/01/97	Vehicle Maintenance Program, Inc.	5,064.00
8503680-02	04/01/97	Pep Boys	3,200.00
8503690-01	04/01/97	Vehicle Maintenance Program, Inc.	23,190.00

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 97-628. Filed for public inspection April 18, 1997, 9:00 a.m.]

PROPOSED RULEMAKING

STATE BOARD OF EDUCATION

[22 PA. CODE CH. 49] Certification of Professional Personnel

The State Board of Education (Board) proposes to amend Chapter 49 (relating to certification of professional personnel), to read as set forth in Annex A, under authority of Article XII and sections 1109, 1141, 2603-B and 2604-B of the Public School Code of 1949 (Code) (24 P. S. §§ 12-1201—12-1268, 11-1109, 11-1141, 26-2603-B and 26-2604-B).

Purpose

Chapter 49 sets forth the basic rules for teacher preparation, certification and continuing professional development in this Commonwealth. Proposed changes are necessary to strengthen teacher education programs and support to novice teachers; to expand the assessment program to include performance and to provide for additional assessments; to ensure that certificate and commission holders are current in their professional field; and to provide a structure of professional education, certification and continuing professional development which supports the Commonwealth's curriculum requirements. These proposed amendments are the result of the Board's decennial review of the chapter as required by § 49.51 (relating to review of certification).

Proposed amendments to §§ 49.31—49.34, 49.62 and 49.153 reframe the category of certificate to permit to accurately reflect the authorization given to the holder to work in a school setting for a limited time.

Section 49.64a (relating to authority to annual and reinstate certificates and discipline professional educators) is proposed to be revised and §§ 49.64b and 49.64c are proposed to be deleted. These revisions are necessary to clarify that the authority of the Secretary of the Department of Education (Secretary) with regard to the annulment of certificates is specific to reasons of fraud or mistake and to reflect the authority of the Professional Standards and Practices Commission in matters of discipline and certificate reinstatement under the act of December 12, 1973 (P. L. 397, No. 141) (24 P. S. §§ 2070.1—2070.18). Section 49.64e (relating to mandatory reports from schools) requires notification to the Department of persons charged or convicted of crimes of moral turpitude to enable timely Department action.

Section 49.67 is proposed to be deleted and the provisions for equivalency are proposed in new § 49.191 (relating to Letters of Equivalency). This new section created a Letter of Equivalency and distinguishes its purpose to be for compensation only in accordance with section 1141 of the code.

Age level equivalencies on Instructional Certificates are added to grade level restrictions in § 49.85 (relating to limitations). School entities are permitted to staff by age or grade level. A middle level certificate is established but not mandated in that same section.

Sections 49.102 and 49.103 (relating to Educational Specialist I; and Educational Specialist II) create parallel requirements for Education Specialists and Instructional Certificates including preparation, assessment and conversion to Level II certification.

Sections 49.112 and 49.122 (relating to renewal of Supervisory Certificate; and Administrative Certificate) are proposed to be revised to establish requirements for continuing professional development for renewal of Supervisory and Administrative Certificates.

Section 49.163 (relating to Vocational Administrative Directors) establishes requirements for assessment as a precondition for issuance of a Supervisor of Vocational Education Certificate.

Technical revisions throughout the chapter are proposed for clarity and consistency.

Affected Parties

Local education agencies, teacher preparing institutions and perspective and current teachers and administrators are affected by these proposed amendments.

Cost and Paperwork Estimates

Assessments:

With the expansion of assessment to include a measure of professional performance and to measure performance and knowledge at more points, additional costs will be incurred. It is difficult to accurately estimate these costs, but it is anticipated that the current cost of \$175 for an applicant is likely to double at each of the initial and advanced certificate points. In development of the assessment program, the Department is directed to use, when appropriate available instructions to eliminate development costs. Costs for assessment may be shared among the applicant for certification, the preparing institution and the employing entity.

Currently, candidates for initial certification (Instruction I, Intern and Education Specialist I Certificates) are required to complete a range of tests under the National Teachers Exam (NTE). The cost for these tests are borne by the applicant for certification.

Teacher Preparation Program Revisions:

With new principles/standards for preparation programs, revisions will need to be made in these programs. It is difficult to measure the costs since the 90 institutions which offer at least one teacher preparation program vary in curricular design and delivery costs. However, it is assumed that the costs for revisions in programs will be similar to those costs engaged in program redesign regularly undertaken by institutions as required by changes in licensure or accreditation standards.

The requirement for approved programs to provide support to novice teachers in their first year of teaching will entail additional costs. It is envisioned that institutions, in cooperation with one another and employment appropriate technologies, will be able to accomplish this requirement while minimizing cost.

Professional Development:

Under the proposal, educators will be required to engage in six credits or 180 hours of approved continuing professional development activities every 5 years. Currently, only teachers who have not completed a Master's Degree and commissioned officers holding a Letter of Eligibility are required to engage in professional development every 5 years. With delineating a broader array of professional development activities to include Department-approved continuing professional development activities and experiences (such as, curriculum

development activities professional publications and workshop participation) in addition to academic and inservice courses, additional costs are expected to be minimal.

Additional paperwork will be required of applicants for certification and renewal since they will need to present the results of assessments or professional development activities, or both. Optical scanning equipment and other technology enhancements currently being installed by the Department will improve the ability to process applications and renewals effectively and efficiently.

Effective Date

The final-form regulations will become effective upon final publication in the *Pennsylvania Bulletin*.

Sunset Date

The effectiveness of Chapter 49 will be reviewed by the Board every 10 years, under § 49.51. Thus, no sunset date is necessary.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 9, 1997, the Board submitted a copy of these proposed amendments to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Committees on Education. In addition to submitting the proposed amendments, the Board has provided IRRC and the Committees, with a copy of a detailed Regulatory Analysis Form prepared by the Board in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

If the Committees have objections to any portion of the proposed amendments, they will notify the Board within 20 days of the close of the public comment period. If IRRC has objections to any portion of the proposed amendments, it will notify the Board 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 regulations by the Board, the General Assembly and the Governor of objections raised.

Public Comments, Hearings and Contact Person

Interested persons are invited to submit written comments, suggestions or objections regarding this proposal to Peter H. Garland, Executive Director of the State Board of Education, 333 Market Street, Harrisburg, PA 17126-0333 no later than May 19, 1997. Persons needing additional information regarding this proposal may contact Dr. Garland at telephone number (717) 787-3787 (PA Relay Service (800) 654-5984).

In addition, public hearings will be conducted by the Board beginning at 10 a.m. and concluding no later than 4 p.m. according to the following schedule:

May 7, 1997: Western Instructional Support Center, Multipurpose Room, 5347 William Flynn Highway, Gibsonia, PA (Allegheny County)

May 12, 1997: Montgomery County Intermediate Unit, Conference Room B 3-4, 1605-B West Main Street, Norristown, PA (Montgomery County)

May 16, 1997: Forum Building, Green Room, Ground Level, Commonwealth Avenue and Walnut Street, Harrisburg, PA (Dauphin County)

Persons wishing to testify at any of the hearings should contact the Board office no later than 4 p.m. on April 29,

1997, at the address and telephone numbers given in this Preamble. Testimony will be scheduled on a first-come, first-serve basis. Organizations are limited to a single witness at one hearing site. Testimony will be limited to 15 minutes, and each witness shall provide 30 copies of written statements at the time of the hearing. In lieu of testifying at the hearings, interested persons may submit written comments or testimony as provided. Thirty copies of written testimony are required.

Persons with disabilities are invited to submit testimony in alternative formats such as braille or taped testimony and via the telephone. Written and alternative formats of testimony will be afforded the same thoughtful consideration by the Board as oral testimony and will be received in the State Board of Education office until 4 p.m. on May 19, 1997.

Persons having questions or needing more information about the hearings and persons with a disability needing special accommodations to attend the hearings may contact Dr. Garland at the Board office.

Alternative formats of proposed Chapter 49 (such as, braille, large print, cassette tape) can be made available to members of the public upon request to the Board office.

PETER H. GARLAND,
Executive Director

Fiscal Note: 6-258. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 22. EDUCATION

PART I. STATE BOARD OF EDUCATION

CHAPTER 49. CERTIFICATION OF PROFESSIONAL PERSONNEL

Subchapter A. GENERAL PROVISIONS

THE PROGRAM

§ 49.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Assessment of basic skills—A measurement of a candidate's ability to communicate orally and in writing and to demonstrate proficiency in fundamental computational skills.

Assessment of general knowledge—A measurement of a candidate's knowledge in the fields of literature, fine arts, mathematics, the sciences and social studies.

Assessment of professional knowledge and practice—A measurement of a candidate's knowledge of educational theory, principles of human growth and development, educational psychology and other subjects directly related to educational practice and their application/demonstration in school settings.

Assessment of subject matter—A measurement of a candidate's knowledge of an academic field or discipline to be taught in the public schools of this Commonwealth.

* * * * *

Collegiate studies—Studies pursued at institutions which are entitled to apply to themselves the designation of college or university as defined by [the Board under

section 1 of the act of May 7, 1937 (P. L. 585, No. 150) (24 P. S. § 2421)] 24 Pa.C.S. Chapter 65 (relating to private colleges, universities and seminaries).

Continuing professional development—[The formal acquisition of collegiate or in-service credits designed to improve and expand the expertise of professional personnel who receive their initial certificate in a given certificate category after June 1, 1987] Ongoing enhancement of professional knowledge and skill pursued through activities, studies and other organized experiences.

* * * * *

Induction—A process by which a variety of professional support services are provided to newly employed teachers and educational specialists under the guidance of professional personnel to facilitate entry into the [teaching] education profession.

Induction plan—A description of the induction process developed and submitted by the school entity to the Department for approval which describes how a teacher or educational specialist will be introduced to the teaching profession under this chapter.

* * * * *

[*Passing score*—Satisfactory achievement as determined by the Secretary in consultation with the Board on the Department prescribed tests required in this chapter.]

Permit—A document prepared and issued by the Department indicating that the holder is allowed to serve in lieu of a certificated professional for a specified period of time.

* * * * *

Professional personnel—Professional employes, excluding school secretaries, as defined in section [11-]1101 of the act (24 P. S. § 11-1101).

Professional Standards and Practices Commission (PSPC)—[An advisory] A body [to the Board] composed of educators from the fields of basic and higher education, [a college student, and a parent of a child attending public school] members of the general public, and an ex officio member of the Board established [in sections 1253—1258 of the act (24 P. S. §§ 12-1253—12-1258)] by the Teacher Certification Law.

Satisfactory achievement—An acceptable level of performance as determined by the Secretary in consultation with the Board on the Department prescribed assessments required in this chapter.

* * * * *

Teacher Certification Law—The act of December 12, 1973 (P. L. 397, No. 141) (24 P. S. §§ 2070.1—2070.18).

Term of validity—A period of time as defined in §§ 49.82, 49.92, 49.142 and 49.152 [(relating to Instructional I; and term of validity)] in which the holder of a certificate is entitled to perform the professional duties for which the certificate was issued.

[*Test of basic skills*—An assessment of a candidate's ability to communicate in formal American

English and to demonstrate proficiency in fundamental computational skills.

Test of general knowledge—An assessment of a candidate's knowledge in the fields of literature, fine arts, mathematics, science, and social studies.

Test of professional knowledge—An assessment of a candidate's knowledge of educational theory, principles of human growth and development, educational psychology, and other subjects directly related to teaching.

Test of subject matter—An assessment of a candidate's knowledge of an academic field or discipline to be taught in the public schools of this Commonwealth.]

§ 49.2. Inactivity and invalidity.

* * * * *

(b) *Invalidity*. A certificate shall be invalid if the holder fails to meet, or if circumstances arise as specified in [,] § 49.33, § 49.34(b), § 49.82, [§ 49.84,] § 49.92, § 49.102, [49.111(b)] § 49.142 or § 49.152.

§ 49.11. General.

(a) Certificates and letters of eligibility in force in this Commonwealth on [September 13, 1980] ____ (*Editor's Note: The blank refers to the effective date of adoption of this proposal*) shall continue in force and effect, subject to all the terms and conditions under which they were issued, until they expire by virtue of their own limitations.

(b) State certificates and permits shall be issued as provided in this chapter, and teachers, and other professional personnel may not perform professional duties or services in the schools of this Commonwealth in any area for which they have not been properly certificated or permitted.

(c) This chapter establishes the specific requirements for the certification and permitting of persons serving in the [basic schools] public school entities of this Commonwealth as professional employes, temporary professional employes, substitutes and commissioned school administrators of the Commonwealth.

§ 49.12. Eligibility.

In accordance with sections 1109, 1202 and 1209 of the act (24 P. S. §§ 11-1109, 12-1202 and 12-1209), every professional employe certificated or permitted to serve in the schools of this Commonwealth shall:

* * * * *

(2) [Show a physician's certificate stating that the applicant is neither mentally nor physically disqualified from successful performance of the duties of a teacher.] Provide a physician's certificate stating that the applicant, with or without reasonable accommodation, is able to perform successfully the essential functions and duties of an educator. A qualified applicant who has tuberculosis or another communicable disease or a mental disability, will not be deemed to pose a direct threat to the health or safety of others unless a threat to health or safety cannot be eliminated by a reasonable accommodation.

* * * * *

(4) Except [for] in the case of the [Letter of] Temporary [Certification] Permit, Vocational Instructional Intern Certificate and Vocational Instructional Certificate, have earned minimally a baccalaureate degree as a general education requirement.

§ 49.13. Policies.

* * * * *

(b) The Department will have the following responsibilities with respect to certification and permitting of professional personnel in the schools of this Commonwealth:

* * * * *

(3) Prescription of procedures for issuance of certificates and permits.

(4) Evaluation and approval of teacher education programs leading to the certification and permitting of professional personnel. Program approval teams shall consist of professional educators from basic and higher education.

(5) Registration of certificated and permitted persons.

(6) Maintenance of records of all certificates and permits.

(7) Assurance that each professional person is properly certificated or permitted for the specific position in which [he] the professional person is employed.

* * * * *

(11) Identification and approval of assessment tools, instrument and procedures to measure basic skills and general knowledge; professional knowledge and practice; and subject matter knowledge.

(12) Establishment of equivalencies for education and experience for each certificate area for those candidates not completing an approved program, subject to the approval of the Board.

(13) Establishment of specific criteria for temporary waivers and school entity petition process, subject to the approval of the Board, to provide for flexibility in staffing as necessary to meet the requirements of Chapter 5 (relating to curriculum requirements). The Secretary may grant temporary waivers upon petition of the board of a school entity. The Secretary will report annually to the Board the number and nature of the waivers.

(c) Except for applicants whose certification status is subject to subsection (b)(9) and § 49.171 (relating to general requirements), the Department will require that an applicant for a certificate shall have completed an approved program [and] or its equivalent. Those candidates completing an approved program shall be recommended by the preparing institution.

* * * * *

§ 49.14. Approval of institutions.

To be authorized to conduct programs that lead to certificates for professional positions, institutions and any of their off-campus centers engaged in the preparation of teachers shall meet [all of] the following requirements:

* * * * *

(4) Department prescribed standards developed from the following principles:

(i) Institutions develop clear goals and purposes for each program, including attention to professional ethics and responsibilities.

(ii) Institutions are able to demonstrate how instructional and clinical activities provide educator candidates with the capacity to enable the achievement of all students.

(iii) Institutions are able to demonstrate that educator candidates successfully participate in early and frequent clinical experiences fully integrated within the instructional program.

(iv) Institutions have clearly expressed standards for admission to, retention in and graduation from approved programs and actively encourage the participation of students from historically underrepresented groups.

(v) Institutions provide ongoing assessment of educator candidates' knowledge, skills, dispositions and performance with which to identify needs for further study or clinical experience or dismissal from the program.

(vi) Institutions can demonstrate how information from systematic evaluations of their programs, including students and educator evaluators, and achievement levels of candidates for certification in the Department-designed assessment program are used for continual program improvement.

(vii) Institutions, in partnership with local education agencies, provide a school-based experience integrating the teacher candidates' knowledge, skills and dispositions in professional practice. This experience shall be fully supported by institutional faculty, including frequent observation, consultation with supervising teachers, and opportunities for formative and summative evaluation.

(viii) Institutions provide ongoing support for novice educators in partnership with local education agencies during their induction period, including observation, consultation and assessment.

(ix) Institutions provide evidence that at least 95% of candidates applying for certification achieve at a satisfactory level all assessments appropriate to initial certification in each program for which they are approved.

§ 49.15. [Approval of experimental programs] (Reserved).

[The Department may enter into a written agreement with a preparing institution wishing to conduct an experimental program. The institution shall meet the requirements described in § 49.14 (relating to approval of institutions). Certification shall be given to graduates of such an experimental program upon recommendation by the institution if the institution has met all of the following requirements:

(1) Submitted a detailed explanation of the experimental program to the Department for approval.

(2) Planned a thorough procedure conforming to accepted canons of educational research for evaluating results of the experimental program. These results shall be reported to the Department in accordance with a schedule approved at the time of the agreement.

(3) **Agreed to terminate the experimental program upon request by the Department when it is judged by a program approval team to be inadequate for preparation of professional personnel.]**

§ 49.16. Approval of induction plans.

(a) **[Prior to June 1, 1987, each]** Each school entity shall submit to the Department for approval a plan for the induction experience for first-year teachers and educational specialists as part of their strategic plan every 6 years as required by § 5.203 (relating to strategic plans). The induction plan shall be prepared by teacher or educational specialist representatives, or both, chosen by teachers and educational specialists and administrative representatives chosen by the administrative personnel of the school entity. Newly employed professional personnel with prior school teaching experience may be required by the school entity to participate in an induction program.

* * * * *

(c) The induction plan shall reflect a mentor relationship between the first year teacher or educational specialist, teacher educator and the induction team.

* * * * *

§ 49.17. Continuing professional development.

(a) A school entity shall submit to the Secretary for approval a continuing professional development plan in accordance with section 1205.1 of the act (24 P. S. § 12-1205.1).

(1) A school entity shall develop a continuing professional development plan which shall include options for professional development including[, but not limited to,] activities such as the following:

* * * * *

(iv) Curriculum development work and other program design and delivery activities.

(v) **[Attendance at]** Participation in professional conferences and workshops.

(vi) Supervised **[classroom]** peer observations of or formal consultations with other professional employes.

(2) The continuing professional plan shall define terms used including[, but not limited to,] the following:

* * * * *

(iii) Curriculum development work and other program design and delivery activities.

* * * * *

(v) Supervised **[classroom]** peer observations of or formal consultations with other professional employes.

(3) The continuing professional development plan shall be developed by teacher representatives chosen by the teachers **[and]**, administrative representatives chosen by the administrative personnel of the school entity, parents with children attending a school in the district and individuals from the community. The plan shall describe the persons who developed the plan and how the persons were selected.

* * * * *

(5) The Secretary will **[promulgate]** develop guidelines which include a process for amending approved

continuing professional development plans in accordance with the requirements for initial preparation of the plans.

(6) The continuing professional development plan shall include a section which describes how the professional development needs of the school entity and its professional employes are to be met through implementation of the plan. **Annually, each school entity shall review its plan to determine that it continues to reflect the needs of the school entity and its professional employes and amend as necessary.**

(7) **[Initial continuing professional development plans shall be implemented by a school entity no later than the beginning of the 1988-89 school year.]** The continuing professional development plans shall be coordinated by school entities with their strategic and induction plans.

(b) **[Reserved]**

(c) A commissioned officer who obtains a Letter of Eligibility for Superintendent after June 1, 1987, Professional personnel, obtaining an Instructional II, Educational Specialist II, Supervisory, or Administrative Certificate or Letter of Eligibility or Vocational Instructional II or Vocational Administrative Director Certificate after _____ (*Editor's Note: The blank refers to the effective date of adoption of this proposal*) shall, thereafter, present to the Secretary evidence of satisfactory **[completion of 6 credit hours of]** participation in continuing professional development **[courses]** every 5-calendar years. This subsection will be satisfied by **[taking collegiate studies or Department-approved inservice courses or a combination thereof.]** completing one of the following or a combination thereof:

(1) Six credits of collegiate studies in the areas of assignment and certification.

(2) Six credits of Department-approved inservice courses in the areas of assignment and certification.

(3) One hundred eighty hours of Department-approved continuing professional development activities and experiences.

[(d)] (c) Professional personnel who fail to comply with the continuing professional development plan under subsection (a) or **[commissioned officers]** those who fail to complete the **[required 6 credit hours]** requirements under subsection (c) will have their certificates or commissions rendered inactive until the requirement is met.

[(e)] (d) School districts that employ professional personnel or commissioned officers with inactive certificates or commissions are subject to penalties provided for under section **[25-]**2518 of the act (24 P. S. § 25-2518).

(e) **Activities and experiences approved to meet requirements for continuing professional development shall meet the following standards:**

(1) Have significant intellectual and practical content, the primary objective of which is to improve the participants' professional competence.

(2) Deal with matters directly related to subjects which satisfy the purposes of this chapter.

(3) Be organized and led by persons qualified with the practical or academic experience necessary to conduct the activity or experience effectively.

(4) Be approved as professional activities and experience by the continuing professional development committee of the school entity.

§ 49.18. [Testing] Assessment.

(a) The Secretary will institute [a testing] an assessment program for candidates for certification designed to assess their basic skills[,] and general knowledge[,]; professional knowledge [and knowledge of the subjects in which they seek certification] practice; and subject matter knowledge. The following principles shall guide the Secretary in the development of an assessment program:

(1) The assessment program will be based in the standards developed for each certificate.

(2) The assessment program will measure candidates' abilities across the domains of basic skills knowledge, professional knowledge and practice, and subject matter knowledge employing a variety of measures at a minimum of three points:

- (i) During the candidate's preparation program.
- (ii) Upon application for initial certification.
- (iii) Upon application for Level II, supervisory or administrative certification.

(3) The assessment program will be developed in consultation with teachers, administrators and teacher educators.

(4) The assessment program will employ, when appropriate, available assessment tools, instruments and procedures.

(b) The Secretary, in consultation with the Board, will establish a [passing score] satisfactory achievement level for the [tests enumerated] assessments in subsection (a).

(c) The [tests] assessments in basic skills[,] and general knowledge[,]; professional knowledge and practice; and subject matter knowledge will be given, and [passing scores] satisfactory achievement levels shall be [achieved] reached, prior to the issuance of a certificate.

(d) A periodic review of the [testing] assessment program will be made by the Board every 3 years.

EMERGENCY [CERTIFICATES] PERMITS

§ 49.31. Criteria for eligibility.

The Department may issue an emergency [certificate] permit for service in the public schools, at the request of the employing public school entity, to an applicant who is a graduate of a [State approved teacher preparing four] 4-year college or university to fill a professional vacancy when a fully qualified and properly certificated applicant is not available. The emergency [certificate] permit is issued on the basis of terms and conditions agreed upon between the requesting public school entity and the Department. [Annually] Each July, the Department will report to the Board the

number and nature of emergency [certificates] permits issued during that year.

§ 49.32. Emergency cases.

The Department may approve the issuance of an emergency [certificate] permit to a person at the request of a public school entity upon receiving appropriate evidence of exceptional conditions requiring Department resolution of the staffing problem.

§ 49.33. Expiration.

[All emergency certificates] Emergency permits shall expire with the termination of any summer school conducted [in the summer] which follows the date of issuance. Persons holding an emergency [certificate] permit shall be used in staffing summer school positions only when regular employees holding the appropriate provisional or permanent certificate are not available.

§ 49.34. Issuance by chief school administrator.

(a) The chief school administrator of a public school entity is authorized to issue an emergency [certificate] permit for day-to-day service as a substitute when the following conditions are met:

(1) The person for whom the [certificate] permit is sought holds a valid Pennsylvania [Instructional Certificate] certificate or [a valid Pennsylvania Educational Specialist Certificate] its equivalent from another state.

* * * * *

(3) The person for whom the [certificate] permit is sought consents to an assignment outside the area of [his] the person's certification.

(b) This [certificate] permit shall be valid for 15 cumulative school days of service as a day-to-day substitute in each certificate endorsement area. If renewal is necessary, the chief school administrator may request, [during the initial 15 day period] within 30 days of the person's last day of service, issuance of an emergency [certificate] permit by the Department [pursuant to] under §§ 49.31 and 49.32 (relating to criteria for eligibility; and emergency cases).

(c) This [certificate shall] permit will not qualify the holder to serve in a vacant position which must be filled by a temporary professional employe or professional employe or to serve as a substitute for a regularly appointed professional employe or temporary professional employe on an approved leave of absence. Issuance by the Department is used to qualify persons for [such] this service.

(d) Under no conditions may [this emergency a certificate] a permit be issued or used during a work stoppage.

ADMINISTRATIVE COMMISSION

§ 49.41. Description.

* * * * *

(b) A commission will be issued for a specific term in accordance with Article X of the Public School Code of 1949 (24 P. S. §§ 10-1001—[10-1083.1] 10-1089).

§ 49.42. Letter of eligibility.

A letter of eligibility of an administrative commission shall be issued in lieu of a certificate by the Department to a candidate who has completed an approved program of preparation in administration and who has been recommended by the preparing institution or presents similar experience, skills and education to the Department. Letters of eligibility will be issued to candidates who meet Department prescribed standards based on the following principles:

(1) The administrator demonstrates educational leadership which provides purpose and direction for the achievement of all students.

(2) The administrator effectively organizes and manages the total educational program of a local education agency with particular attention to the statutory and regulatory environment of education.

(3) The administrator understands and effectively manages financial and human resources to foster student achievement.

(4) The administrator effectively communicates with students, faculty, staff, parents and members of the community.

(5) The administrator, in collaboration with faculty, staff, students and parents, fosters a climate conducive to student achievement.

(6) The administrator is a reflective practitioner who thinks systematically about practice, learns from experience, seeks the advice of others, draws upon educational research and scholarship and actively seeks opportunities to grow professionally.

CHANGES IN CERTIFICATION

§ 49.51. Review of certification.

(a) The Department will [review certification regulations annually and will] report [needed revisions to the Board] annually to the Board on the status of certification in this Commonwealth.

* * * * *

MISCELLANEOUS PROVISIONS

§ 49.62. Temporary [letters of certification] permits.

The Department may issue [a letter of certification] permits at the request of an employing public school entity. The [letter of certification] permit may be issued in lieu of a certificate to a competent specialist in any area of knowledge [in order] to enable the schools of [the] this Commonwealth to use the services of noncertified personnel for supplemental instruction under the supervision of a certificated teacher. The service shall be parttime and [shall] may not exceed 300 clock-hours during a school year. [Such] These persons [shall] will not be considered professional staff.

§ 49.62a. [School program] Program specialist certificate.

(a) The Department may issue a [school] program specialist certificate, at the request of the employing public school entity, to an applicant [whom the Department verifies as meeting] who meets the qualifications and competencies needed to perform the duties and

functions of a locally established professional position as set forth by a description of the position approved by the local board of directors.

(b) [School program] Program specialist certificates may be issued only for an area of service in which a certificate does not exist. They may be issued only to persons who hold a valid [Instructional or Educational Specialist] Pennsylvania certificate or its equivalent from another state. Annually, the Department will report to the Board the number and nature of [such] these certificates issued during the year.

(c) [School program] Program specialist certificates are valid only for the position described in the approved position description and are not transferable to other school entities.

[(d) The provisions of this section and of § 49.184 (relating to Intermediate Unit Program Specialist Certificates) are mutually exclusive, neither related nor interchangeable.]

§ 49.63. Applicants educated in foreign countries.

* * * * *

(b) The Department may substitute competency examinations for transcript review in a case involving the loss of [credentials] credentialing documents in a foreign country providing the applicant submits acceptable evidence that [he] the applicant did, in fact, complete a teacher education program.

* * * * *

§ 49.64a. Authority to annul[, revoke, or suspend] and reinstate certificates and discipline professional educators.

(a) [Annulment or revocation. In accordance with the authority vested in the Secretary by section 1211 of the Public School Code of 1949, P. L. 30 (24 P. S. § 12-1211) and by section 2(j) of the act of May 29, 1931, P. L. 210, as amended (24 P. S. § 1225(j)), the Secretary shall annul or revoke the professional certificate or letter of eligibility of any person for cause as enumerated by the above statutes and by § 49.64b (relating to causes for annulment, revocation, or suspension), thereby prohibiting such person from teaching or engaging in other professional services in the schools of the Commonwealth until such time as such person is reinstated in accordance with § 49.64d(b) (relating to reinstatement of suspended or revoked certificates).] A professional certificate or letter of eligibility obtained by fraud or mistake will be considered void "ab initio" and will be annulled by the Secretary. An annulment will not be effected without prior notice and hearing in accordance with reasonable procedures as the Secretary shall prescribe, after review of and comment on the procedures by the Board.

(b) [Suspension. In accordance with the authority vested in the Secretary by section 2(j) of the act of May 29, 1931 P. L. 210, as amended (24 P. S. § 1225(j)), the Secretary shall suspend the professional certificate or letter of eligibility of any person for cause as enumerated by the above statute or by § 49.64b (relating to causes for annulment, revocation, or suspension), for a period of time not to exceed one year, thereby denying such person the right to teach or engage in other professional

services in the schools of the Commonwealth for that period of time. When the period of suspension has passed, the certificate or letter of eligibility shall be reinstated in accordance with § 49.64d(a) (relating to reinstatement of suspended or revoked certificates.)] In accordance with the authority vested with the Professional Standards and Practices Commission by the Teacher Certification Law, the Commission may discipline professional educators.

(c) [*Procedure.* No annulment, revocation, or suspension under subsections (a) and (b) shall be effected without prior notice and hearing in accordance with such reasonable procedures as the Secretary shall prescribe, after review of an comment on the procedures by the Board.] In accordance with the authority vested with the Professional Standards and Practices Commission by section 16 of the Teacher Certification Law (24 P. S. § 2070.16), the Commission may reinstate a professional educator's certificate.

§ 49.64b. [Causes for annulment, revocation, or suspension] (Reserved).

[(a) The Secretary shall annul, revoke, or suspend certification for those causes specified by section 1211 of the Public School Code of 1949 (24 P. S. § 12-1211) and by section 2(j) of the act of May 29, 1931, P. L. 210 (24 P. S. § 1225(j)).

(b) Any professional certificate or letter of eligibility obtained by fraud or mistake shall be considered void *ab initio* and shall be annulled by the Secretary after notice and hearing as provided in § 49.64a(c) (relating to authority to annul, revoke, or suspend).

(c) Any alteration of a professional certificate shall render that certificate null and void and reissuance of a new certificate may be refused pending annulment, revocation, or suspension proceedings for any of the causes enumerated in subsection (a).

(d) In addition to any other remedy provided by law, should any person willfully refuse to return a certificate or letter of eligibility recalled for cause by the Secretary, such certificate may be revoked or further suspended for cause as enumerated in subsection (a) after notice and hearing as provided by § 49.64a(c) (relating to authority to annul, revoke, or suspend).

(e) Annulment, revocation, or suspension of a professional certificate by another state for one of the causes enumerated in subsection (a) shall be considered probable cause for initiation of annulment, revocation, or suspension proceedings by the Secretary, but no annulment, revocation or suspension shall be effected except after notice and hearing as provided by § 49.64a(c) (relating to authority to annul, revoke, or suspend).]

§ 49.64c. [All certificates and letters of eligibility subject to suspension or revocation] (Reserved).

[The suspension or revocation by the Secretary of a certificate or letter of eligibility of any person shall automatically suspend or revoke any and all certificates or letters of eligibility issued by the Department held by that person except that person

found incompetent in any one area of certification may retain their other certificates or letters of eligibility when the sole basis of the suspension or revocation is insufficient knowledge of subject matter.]

§ 49.64d. [Reinstatement of suspended or revoked certificates] (Reserved).

[(a) Any certificate or letter of eligibility which has been suspended is automatically reinstated at the end of the suspension period, provided, in the case of certificates, that the suspended certificate did not expire during the period of suspension. If the certificate expired during the period of suspension, the holder of the former certificate may be issued a new one provided he satisfies the requirements for the new certificate by demonstrating competency in the area of the previous certificate.

(b) An individual whose certificate or letter of eligibility has been annulled or revoked may have his case reconsidered annually. The burden of demonstrating his fitness for having his certificate or letter of eligibility reinstated rests with the individual. If the burden is met, the Secretary may place conditions on the issuance of the reinstated certificate or letter of eligibility.]

§ 49.64e. Mandatory reports from schools.

The board of school directors of the employing school district or the board of directors of each employing intermediate unit or area vocational technical school, or the appropriate governing body of the employing nonpublic school shall report to the Secretary within [ten] 10 days of dismissal the name of any person who has been dismissed and the cause for [such] the dismissal and the name of any individual who is charged or convicted of a crime of moral turpitude.

§ 49.65. Out-of-state and Nationally-certified applicants.

(a) The Department will issue the appropriate Commonwealth certificate to applicants who have:

(1) Graduated from a State approved out-of-[state] State college or university whose teacher education requirements are [equivalent] comparable to those of this Commonwealth.

* * * * *

(4) Presented evidence of satisfactory achievement in assessments prescribed by the Department under § 49.18(a) (relating to assessment).

(b) [If evaluation by the Department reveals minor deficiencies in the preparation program of the applicant, the Department will prescribe the additional educational requirements to be met in securing Commonwealth certification.] The Department may enter into a reciprocal certification agreement with the appropriate authority of another state to recognize comparable certificates.

(c) Candidates certified by the National Board for Professional Teaching Standards will be granted the highest level certificate applicable.

§ 49.67. [Master's degree equivalency certificates] (Reserved).

[A Master's degree equivalency certificate shall be issued for salary purposes only, subject to the following terms and conditions:

(1) The certificate is issued to persons holding a valid Instructional I, Instructional II, Educational Specialist I, Educational Specialist II certificate or their equivalents, upon the accumulation of 36 hours of graduate level credit. A minimum of 18 academic graduate credits must be earned in the content area of the applicant's primary teaching assignment at a college or university approved to offer graduate work. A maximum of 18 of the credit requirement may be satisfied through inservice programs approved by the Secretary of Education for meeting master's equivalency requirements.

(2) The certificate is also issued to holders of Vocational Instructional I, Vocational Instructional II or their equivalents upon the accumulation of 90 college credits. A minimum of 18 credit hours of the final 30 shall be earned at a State-approved baccalaureate degree granting institution. The remaining 12 may be satisfied, in full or in part, through inservice programs approved by the Secretary of Education for meeting master's equivalency requirements.

(3) A grade of "C" or better is required in college and university courses in which grades are given and a letter of satisfactory completion is required for all inservice courses used toward the attainment of the certificate.

(4) This regulation becomes effective July 1, 1974, except that persons with an Instructional I, Instructional II, Educational Specialist I, Educational Specialist II or their equivalents applying for a Master's Degree Equivalency Certificate before September 1, 1975, need have only 12 academic graduate credits earned in the content area of the applicant's primary teaching assignment.]

§ 49.68. Evaluation of prescribed requirements and standards.

Institutions of higher education within this Commonwealth with approved teacher education programs are authorized to evaluate, equate and accredit educational experience and background of candidates for meeting the specific requirements for certification. A candidate may not be recommended for certification until [the candidate passes] providing evidence of satisfactory achievement in the [tests] assessments under § 49.18 (relating to [testing] assessment).

Subchapter B. CERTIFICATION OF GRADUATES FROM COMMONWEALTH INSTITUTIONS

GENERAL PROVISIONS

§ 49.71. Basic requirements.

Applicants for a certificate shall have completed, in addition to all legal requirements, a program of teacher education approved by the Department or its equivalent and, when applicable shall have the recommendation of the preparing institution.

§ 49.72. Categories of certificates and letters of eligibility.

(a) The following basic categories of certificates and letters of eligibility will be issued by the Department:

(1) [Letters of] Temporary [Certification] Permit.

(2) Emergency [Certificates] Permit.

* * * * *

(6) Supervisory [Certificates] Certificate.

(7) Administrative [Certificates] Certificate.

(8) [School] Program Specialist [Certificates] Certificate.

* * * * *

[(11) Intermediate Unit Program Specialist Certificates.]

* * * * *

INSTRUCTIONAL CERTIFICATES

§ 49.81. General.

(a) The Department will issue instructional certificates to persons whose primary responsibility is teaching. Candidates for instructional certificates shall be able to help students achieve under Chapter 5 (relating to curriculum).

(b) Instructional certificates will be issued to candidates who meet Department prescribed standards based on the following principles:

(1) The teacher understands the central concepts, tools of inquiry, and structures of the discipline the teacher teaches and can create learning experiences that make these aspects of subject matter meaningful for all students.

(2) The teacher understands how all children learn and develop, and can provide learning opportunities that support their intellectual, social, career and personal development.

(3) The teacher understands how students differ in their ability and approaches to learning and creates opportunities that foster achievement of diverse learners in the inclusive classroom.

(4) The teacher understands and uses a variety of instructional strategies, including interdisciplinary learning experiences, to encourage students' development of critical thinking, problem solving and performance skills.

(5) The teacher uses an understanding of individual and group motivation and behavior to create a learning environment that encourages positive social interaction, active engagement in learning and self-motivation.

(6) The teacher uses knowledge of effective verbal, nonverbal and media communication techniques supported by appropriate technology to foster active inquiry, collaboration and supportive interaction in the classroom.

(7) The teacher plans instruction based upon knowledge of subject matter, students, the community and curriculum goals.

(8) The teacher understands and uses formal and informal assessment strategies to evaluate and en-

sure the continuous intellectual, social and physical development of the learner.

(9) The teacher is a reflective practitioner who thinks systematically about practice, learns from experience, seeks the advice of others, draws upon educational research and scholarship and who actively seeks out opportunities to grow professionally.

(10) The teacher contributes to school effectiveness by collaborating with other professionals and parents, by using community resources and by working as an advocate for change to improve opportunities for student learning.

§ 49.82. Instructional I.

(a) The Instructional I Certificate shall be valid for 6 years of teaching in the area for which it [is endorsed] applies. It may be converted to an Instructional II Certificate as provided by § 49.83 (relating to Instructional II).

(b) The Instructional I Certificate will be issued to applicants who:

* * * * *

(2) [Successfully complete] Present evidence of successful completion of a Department-approved teacher [certification] preparation program or its equivalent.

(3) Present evidence of [having passed the] satisfactory achievement in assessments prescribed by the Department [-prescribed tests] under § 49.18(a) (relating to [testing] assessment).

(4) Receive recommendation for certification from a college or university if completing a Department-approved teacher preparation program.

§ 49.83. Instructional II.

The Instructional II Certificate shall be a [permanent] renewable certificate as defined in § 49.17(c) (relating to professional development) issued to an applicant who has completed:

* * * * *

(3) Twenty-four credit hours of collegiate study or its equivalent in inservice courses approved by the Department or Department approved professional development activities or [both] a combination thereof.

(4) Present evidence of satisfactory achievement in assessments prescribed by the Department under § 49.18(a) (relating to assessment).

§ 49.84. [Collegiate credit acceptable for renewal or conversion of the Instructional I Certificate] (Reserved).

[(a) College credit acceptable for renewal of the Instructional I Certificate and conversion to the Instructional II Certificate shall be earned at a State approved baccalaureate degree granting institution.

(b) Credits earned in programs designed to prepare for professional fields such as law, medicine or theology, when relevant to the area of certification, will be considered acceptable for purposes of renewing or converting the Instructional I Certificate.

(c) Credits must be earned subsequent to the conferring of the baccalaureate degree.]

§ 49.85. Limitations.

(a) The grade level limitations of instructional certificates shall be the following:

(1) Early childhood (nursery, kindergarten, grades one to three or ages 3 to 8).

(2) Elementary (kindergarten, grades one to six or ages 3 to 11).

(3) [Secondary (grades seven to 12)] Middle level (grades six to nine or ages 11 to 14).

(4) [Specialized areas (kindergarten to grade 12)] Secondary (grades seven to 12 or ages 11 to 21).

(5) Specialized areas (kindergarten to grade 12 or up to age 21).

(b) The decision about staffing based on age or grade level rests with the school entity.

INTERN CERTIFICATES

§ 49.91. Criteria for eligibility.

(a) The Department may make a one-time issuance of an Intern Certificate for service in approved elementary, middle and secondary schools to applicants who, in addition to meeting the requirements of § 49.12 (relating to eligibility), present evidence of [having passed the] satisfactory achievement on Department-prescribed assessments of basic skills, general knowledge and subject matter tests; are enrolled in and have completed appropriate professional education courses in an approved intern program, which may include an induction; and are recommended for certificates by the institution holding approval.

(b) The applicant will be issued an Instructional I Certificate upon completion of the approved intern program and [the passing] satisfactory achievement on the assessment of [the] professional knowledge [test] and practice.

EDUCATIONAL SPECIALIST CERTIFICATES

§ 49.101. General.

The Department will issue educational specialist certificates to persons whose primary responsibility shall be to render professional service other than classroom teaching. The service shall be directly related to the personal welfare of the learner and may include service for the needs of other professional personnel working with learners. Candidates for educational specialist certificates shall be able to help students achieve under Chapter 5 (relating to curriculum). Educational specialist certificates will be issued to candidates who meet Department prescribed standards based on the following principles:

(1) The educational specialist understands the central concepts, structures and delivery styles of the professional area in which the educational specialist practices and can foster learning experiences for all students.

(2) The educational specialist understands how all children learn and develop, and can contribute to the provision of learning opportunities that support their intellectual, social, career and personal development.

(3) The educational specialist understands how students differ in their ability and approaches to learning and creates opportunities that are adapted to diverse learners.

(4) The educational specialist understands and uses a variety of professional strategies to encourage students' development of critical thinking, problem solving and performance skills.

(5) The educational specialist uses an understanding of individual and group motivation and behavior to create a learning environment that encourages positive social interaction, active engagement in learning and self-motivation.

(6) The educational specialist uses knowledge of effective verbal, nonverbal and media communication techniques supported by appropriate technology to foster active inquiry, collaboration, and supportive interaction in and out of the classroom.

(7) The educational specialist plans professional services based upon knowledge of professional field, students, the community and curriculum goals.

(8) The educational specialist understands and uses formal and informal assessment strategies to evaluate and ensure the continuous intellectual, social and physical development of the learner.

(9) The educational specialist is a reflective practitioner who thinks systematically about practice, learns from experience, seeks the advice of others, draws upon educational research and scholarship and who actively seeks out opportunities to grow professionally.

(10) The educational specialist contributes to school effectiveness by collaborating with other educators and parents, by using community resources, and by working as an advocate for change to improve opportunities for student learning.

§ 49.102. Educational Specialist I.

(a) ***

(b) The Educational Specialist I Certificate will be issued to applicants who:

(1) Present evidence of successful completion of a Department-approved educational specialist preparation program or its equivalent.

(2) Present evidence of satisfactory achievement in assessments prescribed by the Department under § 49.18(a) (relating to assessment).

(3) Receive recommendation for certification from a college or university if completing a Department-approved educational specialist preparation program.

§ 49.103. Educational Specialist II.

[(a) The Educational Specialist II Certificate shall be a permanent certificate issued to an applicant who shall have completed 3 years of satisfactory service on a Level I Educational Specialist Certificate attested to by the chief school administrator of the approved public or nonpublic school entity in which the most recent service of the applicant was performed. In addition, the applicant shall have completed 24 semester credit hours of collegiate study as described in § 49.104 (relating to

college credit acceptable for renewal or conversion of Educational Specialist I Certificate).

(b) The 24 semester credit hour requirement may be satisfied, in whole or in part, through inservice programs approved by the Department.]

The Educational Specialist II Certificate shall be a renewable certificate as defined in § 49.17(c) (relating to continuing professional development) issued to applicants who:

(1) Have completed a Department-approved induction program.

(2) Have completed 3 years of satisfactory teaching on an Educational Specialist I Certificate attested to by the chief school administrator of the approved public or nonpublic school entity in which the most recent service of the applicant was performed.

(3) Have completed 24 credit hours of collegiate study or its equivalent in inservice courses approved by the Department or Department-approved professional development activities or a combination thereof.

(4) Present evidence of satisfactory achievement in assessments prescribed by the Department under § 49.18(a) (relating to assessment).

§ 49.104. [College credit acceptable for renewal or conversion of Educational Specialist I Certificate] (Reserved).

[(a) College credit acceptable for renewal of the Educational Specialist I Certificate and conversion to the Educational Specialist II must be earned at a State approved baccalaureate degree granting institution.

(b) Credits earned in programs designed to prepare for professional fields such as law, medicine, or theology, unless relevant to the area of certification, will not be considered acceptable for purposes of renewing or converting the Educational Specialist I Certificate.

(c) Credit shall be earned subsequent to the conferring of the baccalaureate degree.]

§ 49.105. Limitations.

The grade level limitations of educational specialist certificates shall be specified in the standards stated for the respective preparation programs of certification.

SUPERVISORY CERTIFICATES

§ 49.111. Supervisory [I] Certificate.

(a) The Department will issue Supervisory [I] Certificates for positions in the schools of [the] this Commonwealth to persons who:

* * * * *

(2) Have completed an approved graduate program preparing the applicant for the responsibilities of supervising in the [specified single] program area and of directing the activities of certificated professional employees.

(3) Present evidence of satisfactory achievement in assessments prescribed by the Department under § 49.18(a) (relating to assessment).

(4) Are able to help students achieve under Chapter 5 (relating to curriculum requirements).

(5) Meet Department prescribed standards following these principles:

(i) The supervisor understands the central concepts of organizational leadership, tools of research and inquiry and principles of teaching and learning that make supervision effective and efficient.

(ii) The supervisor understands how children learn and develop and configures resources to support the intellectual, social and personal growth of students.

(iii) The supervisor knows and understands effective instructional strategies and encourages and facilitates employment of them by teachers.

(iv) The supervisor uses an understanding of individual and group motivation to create a professional development environment that engages teachers to develop and apply effective instructional techniques for all students.

(v) The supervisor is an effective communicator with various school communities.

(vi) The supervisor organizes resources and manages programs.

(vii) The supervisor understands and uses formative and summative assessment strategies to gauge effectiveness of people and programs on student learning.

(viii) The supervisor is a reflective practitioner who thinks systematically about practice, learns from experience, seeks the advice of others, draws upon educational research and scholarship and who actively seeks out opportunities to grow professionally.

(ix) The supervisor contributes to school effectiveness by collaborating with other professionals and parents, by using community resources and by working as an advocate for change to improve opportunities for student learning.

(b) A Supervisory [I] Certificate for either Curriculum and Instruction or Pupil Personnel Services [, valid for 3 years of provisional service in the specified area,] shall be issued to persons who:

* * * * *

(3) Present evidence of satisfactory achievement in assessments prescribed by the Department under § 49.18(a).

§ 49.112. Renewal of Supervisory [II] Certificate.

Persons who obtain a Supervisory [II Certificates] Certificate after ____ (Editor's Notes: The blank refers to the effective date of adoption of this proposal.) shall [be permanent certificates issued to applicants who shall have completed 3 years of satisfactory supervisory experience on a Supervisory I Certificate attested to by the chief school administrator of the approved public or nonpublic school entity in which the most recent service was performed] thereafter, present to the Secretary evidence of satisfactory participation in continuing professional development as defined in § 49.17(c) (relating to continuing professional development).

ADMINISTRATIVE CERTIFICATES

§ 49.121. Administrative [I] Certificate.

(a) The Department will issue Administrative [I] Certificates to persons who have had a minimum of 5 years of professional school experience, and have completed an approved program of graduate study preparing [him] the applicant to direct, operate, supervise and administer the organizational and general educational activities of a school [Applicants shall be recommended by the preparing institution in which the graduate program was completed], or a similar combination of experience and education.

* * * * *

(c) The Department will issue Administrative Certificates to persons who present evidence of satisfactory achievement on assessments prescribed by the Department under § 49.18(a)(relating to assessment).

(d) The Department will issue Administrative Certificates to persons who meet Department prescribed standards following these principles:

(1) The administrator demonstrates instructional leadership which provides purpose and direction for the achievement of all students.

(2) The administrator possesses the organizational skills to implement plans of action efficiently and effectively for student achievement.

(3) The administrator, in collaboration with students, faculty, staff and parents, creates a school climate that fosters student achievement.

(4) The administrator gathers information from, and communicates effectively to students, faculty, parents, staff and the community to facilitate student achievement.

(5) The administrator understands the importance of a clear, detailed vision and an explicitly stated philosophy in shaping a coherent curriculum and in fostering an effective school.

(6) The administrator makes systematic use of data to assess the needs and accomplishments of students, faculty and staff.

(7) The administrator is a reflective practitioner who thinks systematically about practice, learns from experience, seeks the advice of others, draws upon educational research and scholarship, and actively seeks out opportunities to grow professionally.

§ 49.122. Renewal of Administrative [II] Certificate.

Persons who obtain an Administrative [II Certificates] Certificate after ____ (Editor's Note: The blank refers to the effective date of adoption of this proposal) shall [be permanent certificates issued to applicants who have completed 3 years of satisfactory administrative experience on an Administrative I Certificate attested to by the chief school administrator of the approved public or nonpublic school entity in which the most recent service was performed], thereafter, present to the Secretary evidence of satisfactory participation in continuing professional development as defined in § 49.17(c) (relating to professional development).

Subchapter C. VOCATIONAL EDUCATION
CERTIFICATION

GENERAL PROVISIONS

§ 49.131. Basic requirements for baccalaureate and nonbaccalaureate programs.

(a) Applicants for a certificate [must] shall have completed, in addition to all legal requirements, a program of teacher education approved by the Department or its equivalent and shall have received the recommendation of the preparing institutions, if applicable.

* * * * *

(c) Applicants [must] shall present evidence of [obtaining passing scores on tests] satisfactory achievement on assessments required in § 49.18 (relating to [testing] assessment).

* * * * *

§ 49.132. Types of certificates.

Four basic types of certificates shall be issued, as follows:

* * * * *

[(3) Supervisor of Vocational Education.

(4)] (3) ***

§ 49.133. Levels of certification.

Vocational Instructional Certificates [, Supervisor of Vocational Education Certificates and Vocational Administrative Director Certificates] shall be issued for the following levels of qualifications:

* * * * *

(2) Level II ([Permanent] Renewable).

VOCATIONAL INSTRUCTIONAL CERTIFICATES

§ 49.141. General.

* * * * *

(b) The holder of a vocational teaching certificate may also teach the technical skills and [knowledges] knowledge of [his] the holder's occupation in courses of comparable content provided in secondary school programs which have not been accorded State approval as vocational education programs under conditions [set forth in] the policies and standards of the Department. Candidates for vocational instructional certificates shall be able to help students achieve under Chapter 5 (relating to curriculum).

§ 49.142. Vocational Instructional I.

(a) A single certificate will be issued and titled, "Vocational Instructional Certificate." Individuals qualifying for this certificate shall be authorized to teach in the areas for which they also hold an occupational competency credential. The occupational competency credential will be issued by the Department or an institution of higher education approved by the Secretary. The applicant [must] shall have:

* * * * *

(2) Successfully completed the occupational competency examination or evaluation of credentials for occupations where examinations do not exist or [passed a test]

present evidence of satisfactory achievement on an assessment of subject matter under § 49.18 (relating to [testing] assessment).

(3) Completed 18 credit hours in an approved program of vocational teacher education or its equivalent.

(4) Presented evidence of [having passed] satisfactory achievement on the [test] assessment of basic skills under § 49.18.

(b) The Vocational Instructional I Certificate shall be valid for [7] 6 years, during which time the applicant [must] shall complete the approved preparation program leading to the Vocational Instructional II Certificate.

§ 49.143. Vocational Instructional II.

The Vocational Instructional II Certificate shall be a [permanent] renewable certificate as defined in § 49.17(c) (relating to professional development) issued to an applicant who has:

* * * * *

(2) Completed 60 credit hours in an approved program in the appropriate field of vocational education or its equivalent.

(3) Presented evidence of [having passed the test] satisfactory achievement in assessments of general knowledge and [the test] of professional knowledge and practice under § 49.18 (relating to [testing] assessment).

* * * * *

VOCATIONAL INTERN CERTIFICATES

§ 49.151. Eligibility and criteria.

(a) The Department will issue Vocational Intern Certificates for teaching in State approved programs of vocational education in the public schools of this Commonwealth to applicants who have:

* * * * *

(2) Provided evidence of [passing the test] satisfactory achievement in assessments of subject matter under § 49.18 (relating to [testing] assessment) or satisfactory occupational competency by one of the following:

* * * * *

(b) The applicant shall be issued a Vocational Instructional I Certificate upon presenting evidence of 2 years wage-earning experience, completion of an approved intern program and [passing] satisfactory achievement on the [test] assessment of basic skills.

§ 49.153. Vocational emergency [certificate] permit.

(a) The chief school administrator having jurisdiction over an approved Vocational Education program shall be authorized to issue a special emergency [certificate] permit on a day-to-day basis to an occupational practitioner when no properly certificated teachers are available. The teacher shall function under the supervision of a properly certificated [vocational] supervisor or administrator. Assignments as described in this section shall be made only in case of an extreme emergency and may not exceed 15-consecutive school days. This [certificate] permit shall be valid for 15 days of substitute

service and may be renewed for an additional 15 school days upon the approval of the Secretary.

(b) This [certificate] permit does not qualify the holder to serve as a regularly elected teacher to fill a vacant position or as a long-term substitute. The positions [must] shall be filled by a person holding a valid Vocational Instructional or a State issued Emergency [Certificate] Permit. Reference should be made to § 49.32 (relating to emergency cases).

[SUPERVISOR OF VOCATIONAL EDUCATION CERTIFICATE]

§ 49.161. [Supervisor of Vocational Education I] (Reserved).

[The Department will issue a Supervisor of Vocational Education Certificate to a person who shall have a minimum of three years satisfactory certificated vocational teaching experience and whose primary assignment will be either or both of the following:

(1) Instructional supervision in the fields of vocational education, vocational agriculture, vocational business, distributive education, health occupations, vocational home economics, and vocational industrial or trade and industrial, in area vocational technical schools and corresponding vocational courses in the public secondary schools of the Commonwealth.

(2) Directing the activities of professional staff teaching in the program areas specified in paragraph (1).]

§ 49.162. [Supervisor of Vocational Education II] (Reserved).

[The Supervisor of Vocational Education II Certificate shall be a permanent certificate issued to a person who:

(1) Has three years of satisfactory service on a Supervisor of Vocational Education I Certificate.

(2) Has completed a preparation program and has accumulated three years of satisfactory service on a formerly issued Pennsylvania Supervisory Certificate issued for a single field of vocational education or on a formerly issued Pennsylvania Coordinator of Trade and Industrial or Vocational Education Certificate.]

VOCATIONAL ADMINISTRATIVE DIRECTOR CERTIFICATE

§ 49.163. Vocational Administrative Director [I].

[(a) Vocational Administrative Director I Certificate shall be valid for six years of service as a Director of Vocational Education. It may be converted to a Vocational Administrative Director II Certificate after three years of satisfactory service as provided in § 49.164 (relating to Vocational Administrative Director II).

(b)] The Department will issue the Vocational Administrative Director [I] Certificate to persons who:

(1) Have a minimum of [five] 5 years successful teaching in vocational education.

(2) Have completed an approved program of graduate study of a comprehensive scope preparing them to direct,

operate, supervise[,] and administer the organizational and educational activities of a vocational technical school or department or its equivalent; applicants who graduate from approved programs shall be recommended by the preparing institution in which the graduate program was completed.

(3) Present evidence of satisfactory achievement on assessments prescribed by the Department under § 49.18(a) (relating to assessment).

§ 49.163a. Vocational Administrator Director Professional Development.

Persons who obtain a Vocational Administrator Certificate after ____ (Editor's Note: The blank refers to the effective date of adoption of this proposal.) shall thereafter present to the Secretary evidence of satisfactory participation in continuing professional development every 5 years as provided in § 49.17 (relating to continuing professional development).

§ 49.164. [Vocational Administrative Director II] (Reserved).

[A permanent certificate shall be issued to applicants who have satisfactorily completed three years of administrative experience on a Vocational Administrative Director I Certificate attested to by the chief school administrator of the approved public or nonpublic school entity in which the most recent service was performed.]

Subchapter D. OUT-OF-STATE APPLICANTS

§ 49.171. General requirements.

* * * * *

(c) [Also, the] The Department may issue the comparable Pennsylvania [Level I] Certificate to an applicant who, lacking institutional recommendation:

(1) Has been legally certificated by another state at a level comparable to the [Level I] Pennsylvania certificate sought.

* * * * *

§ 49.172. Letter of eligibility.

(a) The Department will issue the appropriate letter of eligibility for consideration for appointment as a district superintendent or an assistant district superintendent to an applicant who shall

(1) [Either:

(i)] Have completed a Pennsylvania approved graduate level program of educational administrative study [minimally approximating two full academic years] for the preparation of chief school administrators[;], or its equivalent

[(ii) Have been prepared through an out-of-State graduate level program equivalent to those approved in this Commonwealth.]

(2) Have received the recommendation of the preparing institution for certification as a chief school, district level, administrator [or assistant chief school, district level, administrator], if applicable.

* * * * *

(b) Department evaluation will comply with the following:

(1) [For persons prepared at colleges and universities, the] The adequacy of preparation will be determined by the Department.

(2) The qualifying educational service to meet experience requirements out-of-[state] State will be determined for all applicants by the Department.

* * * * *

(c) A commission shall be issued to a person holding [an appropriate] a letter of eligibility upon election as a district superintendent or assistant district superintendent by the respective local board of school directors.

(d) The Department may issue the appropriate letter of eligibility for consideration for appointment as a district-level administrator to an applicant who presents equivalent education and experience to that in subsection (a).

Subchapter E. COMMISSIONS AND CERTIFICATES FOR INTERMEDIATE UNITS

§ 49.182. Letter of eligibility [— executive director].

(a) A letter of eligibility to serve as an intermediate unit executive director or assistant executive director will be issued in lieu of a certificate by the Department to a candidate who has obtained or achieved:

(1) An earned doctorate or a master's degree plus 40 hours of graduate study successfully completed at a State approved college or university or its equivalent.

(2) Who has had [six] 6 years of experience in education work at the elementary, secondary, county office, intermediate unit, [state] State department of education, or State approved college or university level. In [three] 3 of these [six] 6 years the applicant shall have served successfully in a management or supervisory capacity.

(b) The appropriateness of this experience and [his] the candidate's academic preparation will be determined by the Department.

(c) A commission will be issued to a person holding an appropriate letter of eligibility upon [his] the candidate's election as the executive director or assistant executive director of an intermediate unit by its respective board of directors.

§ 49.183. [Letter of eligibility—assistant executive director] (Reserved).

[(a) A letter of eligibility to serve as an intermediate unit assistant executive director will be issued in lieu of a certificate by the Department to a candidate who has obtained or achieved:

(1) An earned doctorate or a master's degree plus 40 hours of graduate study successfully completed at a State approved college or university.

(2) Who has had six years of experience in education work at the elementary, secondary, county office, intermediate unit, state department of education, or State approved college or university level.

(b) The appropriateness of the applicant's experience and academic preparation will be determined by the Department.

(c) A commission will be issued to a person holding an appropriate letter of eligibility upon his election as an assistant executive director of an intermediate unit by its respective board of directors.]

§ 49.184. [Intermediate Unit Program Specialist Certificates] (Reserved).

[(a) Certificates for the employment of program specialists will be issued by the Department at the request of an intermediate unit board of directors when the applicant meets requirements established by a job specification proposal which has been approved by the Department; such certificates shall not be transferable for use in another intermediate unit.

(b) Intermediate Unit Program Specialist Certificates may be issued only for an area of professional service in which a certificate does not exist.

(c) The provisions of this section and of § 49.62a (relating to school program specialist certificate) are mutually exclusive, neither related nor interchangeable.]

Subchapter F. LETTERS OF EQUIVALENCY FOR PAY PURPOSES

§ 49.191. Letters of Equivalency.

(a) A Letter of Equivalency shall be issued for salary purposes only, subject to the following terms and conditions:

(1) The Letter of Equivalency for Master's Degree is issued to persons holding a valid Instructional I, Instructional II, Educational Specialist I, Educational Specialist II certificate or their equivalents, upon the accumulation of 36 hours of graduate level credit. A minimum of 18 academic graduate credits shall be earned in the content area of the applicant's primary teaching assignment at a college or university approved to offer graduate work. A maximum of 18 of the credit requirement may be satisfied through inservice programs approved by the Secretary of Education for meeting master's equivalency requirements.

(2) The Letter of Equivalency for Baccalaureate Degree is issued to holders of Vocational Instructional I, Vocational Instructional II or their equivalents upon the accumulation of 90 college credits. A minimum of 18 credit hours of the final 30 shall be earned at a State-approved baccalaureate degree granting institution. The remaining 12 may be satisfied, in full or in part, through inservice programs approved by the Secretary for meeting baccalaureate equivalency requirements.

(3) A grade of "C" or better is required in college and university courses in which grades are given and a letter of satisfactory completion is required for all inservice courses used toward the attainment of the certificate.

[Pa.B. Doc. No. 97-629. Filed for public inspection April 18, 1997, 9:00 a.m.]