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PENNSYLVANIA BULLETIN

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

No. 307, June 2000

PENNSYLVANIA



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READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

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.

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THE GENERAL ASSEMBLY

Title 101—GENERAL ASSEMBLY

LEGISLATIVE DATA PROCESSING COMMITTEE [101 PA. CODE CHS. 501, 521 AND 551] Use of Legislative Internet

Nature and Purpose of Regulations

The Legislative Data Processing Committee (Committee) is adopting regulations relating to:

(1) The use of Internet service by Legislative service agencies.

(2) The Legislative Intranet, a private, protected network maintained by the Legislative Data Processing Center (LDPC).

The purpose of the regulations is to establish an acceptable use policy for employees of legislative service agencies who access the Internet through the service provided by the LDPC, and to ensure the integrity of the Legislative Intranet.

Statutory Authority

The regulations are adopted under the act of December 10, 1968 (P. L. 1158, No. 365) (46 P. S. §§ 71.1—71.6).

Contact Person

For further information, contact Kathy A. Sullivan, Executive Director, Legislative Data Processing Committee, G-27 North Office Building, Harrisburg, PA 17120, (717) 787-7358, ksullivan@legis.state.pa.us.

Order

The Committee orders that:

(a) Title 101 of the Pa. Code is amended by adding §§ 501.1, 501.2, 521.1—521.10 and 551.1—551.4 to read as set forth in Annex A.

(b) The Executive Director of the Committee shall certify this order and Annex A and deposit them with the Legislative Reference Bureau for publication.

(c) The regulations shall become effective upon publication in the *Pennsylvania Bulletin*.

REPRESENTATIVE LYNN B. HERMAN,
Chairperson

Annex A

TITLE 101. GENERAL ASSEMBLY PART V. LEGISLATIVE DATA PROCESSING COMMITTEE Subpart A. PRELIMINARY PROVISIONS CHAPTER 501. GENERAL PROVISIONS

Sec.

501.1. Scope.
501.2. Definitions.

§ 501.1. Scope.

This part applies to all computer systems established and maintained by the LDPC under the act.

§ 501.2. Definitions.

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

Act—The act of December 10, 1968 (P. L. 1158, No. 365) (46 P. S. §§ 71.1—71.6).

Address—A unique, assigned location of a server or file on an intranet or the Internet.

Agency or entity—A body or office that contains users.

Bipartisan Management Committee—The Bipartisan Management Committee created under the act of January 10, 1968 (P. L. 925 (1967), No. 417) (46 P. S. §§ 42.101—42.163), referred to as the Legislative Officers and Employees Law.

Committee—The Legislative Data Processing Committee created under the act.

Executive Director—The Executive Director of the LDPC.

Internet—A global system of interconnected computer networks based upon TCP/IP networking protocols.

Knowingly—Acting with respect to conduct when the person is aware of the true nature and circumstances of an event and is further aware that a certain result will be caused by the person's conduct.

LDPC—The Legislative Data Processing Center created under the act.

Legislative Intranet—The private, protected network maintained by the LDPC to share legislative and related information and computing resources among members, staff and legislative service agencies of the General Assembly and other persons the Committee with the approval of the Senate Committee on Management Operations and the Bipartisan Management Committee deems appropriate. The term includes the part of the private, protected network that is accessed by offices of State government under section 2(1.1) of the act (46 P. S. § 71.2(1.1)).

Legislative service agency—A nonpartisan body or office created by statute or otherwise to provide services to the General Assembly.

Link—An element of the HyperText Transfer Protocol (http), or a successor protocol, that enables rapid navigation from one file or address to another file or address.

Network—A series of computers interconnected by communication paths.

Senate Committee on Management Operations—The Senate Committee on Management Operations created under the act of January 10, 1968 (P. L. 925 (1967), No. 417), referred to as the Legislative Officers and Employees Law.

Server—A computer that provides network and file sharing services.

Service—Deployment and maintenance of computer hardware and software by the LDPC through which a user connects to the Internet.

User—A person who connects to the Internet using the service.

World Wide Web—A part of the Internet based on http, or a successor protocol, through which clients and servers communicate.

Subpart B. COMPUTER SYSTEMS

Chap.

521. LDPC ACCEPTABLE USE POLICY

551. LEGISLATIVE INTRANET

CHAPTER 521. LDPC ACCEPTABLE USE POLICY

Sec.

521.1.	Scope.
521.2.	Application.
521.3.	Security.
521.4.	Copyright.
521.5.	Acceptable use of service.
521.6.	Unacceptable use of service.
521.7.	E-mail.
521.8.	Training.
521.9.	Disclaimer of warranties.
521.10.	Enforcement.

§ 521.1. Scope.

This chapter relates to use of Internet service.

§ 521.2. Application.

(a) *General rule.* This chapter applies to users.

(b) *Legislative Intranet access.* Members and staff of the General Assembly who do not access the Internet using the service, but who are routed to or otherwise access the Legislative Intranet to send and receive data within the Intranet, are not subject to this chapter.

(c) *Agency and entity policies.* Agencies and entities may establish, consistent with this chapter, Internet use policies applicable to users within their respective local environments.

§ 521.3. Security.

(a) *Primary responsibility.* The LDPC has primary responsibility for maintaining security for the service. In response to a security attack or exploit or in response to a well-founded threat to the security of the service, the LDPC may take action it deems necessary, including suspension of the service on a user, agency or entity or network-wide basis, to preserve the integrity of the service.

(b) *Agency and entity responsibility.*

(1) Each agency or entity that connects to the service shall ensure that its connection to and use of the service does not jeopardize the security of the service.

(2) With regard to individual users, each agency or entity shall ensure that only authorized users from its local environment are able to access the service. For accountability purposes in the event of a security threat or breach, the LDPC has the right to trace the route from a user to points within the service. Each agency or entity shall maintain and, upon request, shall make available to the LDPC a secure log of access events. The log shall be in a format and be for a period as the LDPC prescribes.

(c) *User responsibility.* A user may not knowingly engage in an action that undermines the security of the service or interferes with use of the service by another user.

§ 521.4. Copyright.

(a) *Infringement.* Use of copyrighted material in violation of Federal law or treaties or the terms of a license agreement constitutes copyright infringement.

(b) *Policy under Digital Millennium Copyright Act.* Under Title II of the Digital Millennium Copyright Act (17 U.S.C.A. § 512), the LDPC makes the following statement of policy:

(1) A user who infringes on a copyright will be warned of the consequences of infringement.

(2) The LDPC will terminate service to a user who is a "repeat offender," as defined in Title II of the Digital Millennium Copyright Act and as the term is interpreted by the judiciary.

(3) The LDPC will provide notice of this policy to users.

(4) The LDPC will designate an agent to receive notification of claimed acts of copyright infringement and make contact information concerning the designated agent available in a location accessible to the public and in a filing with the United States Copyright Office.

(5) The LDPC will modify its policy in response to applicable amendments to the Digital Millennium Copyright Act and applicable judicial interpretations of the Digital Millennium Copyright Act.

§ 521.5. Acceptable use of service.

(a) *Generally.* It is acceptable to use the service to access and retrieve data and to communicate for purposes directly related to the mission of an agency or entity and in a manner that is consistent with duties and responsibilities of a user's official capacity.

(b) *Skills development.* In the interest of acquiring and maintaining electronic information searching skills, users may, unless prohibited by an agency or entity policy, make limited, personal use of the service for data access and retrieval. Personal use may not be excessive and may not interfere with official use under subsection (a).

§ 521.6. Unacceptable use of service.

(a) *Generally.* Except as provided in § 521.7(a)(2) (relating to E-mail), use of the service that is contrary to § 521.5 (relating to acceptable use of service) constitutes unacceptable use.

(b) *Specific conduct constituting unacceptable use.* The following actions constitute unacceptable use of the service and are specifically prohibited:

(1) Using the service to violate 18 Pa.C.S. § 3933 (relating to unlawful use of computer) or other Federal or State law.

(2) Using the service to commit harassment of a racial or sexual nature or to engage in any other form of harassment prohibited by law.

(3) Knowingly undermining or attempting to undermine the security of the service.

(4) Knowingly accessing material that would be considered inappropriate for viewing in the workplace applying prevailing community standards for the Harrisburg metropolitan area, except as may be required by the duties and responsibilities of a user's official capacity.

(5) Using the service for private pecuniary benefit.

(6) Using the service for partisan political purposes.

(7) Using the service to solicit or advocate for a religious cause.

(8) Using the service to participate in gambling of any nature.

(9) Using the service to transmit chain letters.

(10) Using the service to participate in chat room discussions of a personal nature.

(11) Deliberately introducing any virus or harmful code to the service or deliberately propagating any virus or harmful code in the service.

(12) Using the service to defame another person.

(13) Using the service in a manner that tends to tarnish the reputation of the General Assembly or a member of the General Assembly.

(c) *Other conduct.* In addition to the conduct specifically prohibited by subsection (b), the LDPC may, after giving notice to users, prohibit any conduct that the Committee finds to be contrary to the intent of the act or inconsistent with prevailing, generally accepted standards for the provision of Internet access by state governments.

§ 521.7. E-mail.

(a) *Use.*

(1) Except as provided in paragraph (2), users shall engage E-mail solely to communicate for purposes directly related to the mission of an agency or entity and in furtherance of the duties and responsibilities of a user's official capacity.

(2) In the interest of developing and maintaining electronic communication skills, users may, unless prohibited by an agency or entity policy, make limited, personal use of E-mail. Personal use may not be excessive and may not interfere with official use under subsection (a).

(b) *Unacceptable use.* Section 521.6(b) (relating to unacceptable use of service) applies to E-mail.

(c) *Right of privacy negated.* While Federal and State laws prohibit the interception of electronic communications, a user has no right of privacy regarding electronic communications stored on computers that are components of the service. Stored E-mail may be reviewed, read and otherwise accessed without notice to or the consent of a user.

(d) *Insecure means of communication.* Unless it is properly encrypted, E-mail is not a secure means for the transmission or receipt of confidential information.

(e) *Communication style.* A user shall communicate by E-mail in a professional, courteous manner that is consistent with the duties and responsibilities of a user's official capacity.

§ 521.8. Training.

Upon request of the head of an agency or entity, the Executive Director may arrange basic instruction as may be required to familiarize a user with the operation of a computer as it relates to this chapter.

§ 521.9. Disclaimer of warranties.

The Committee and the LDPC make no warranties of any kind, whether express or implied, for the service. Utilization of information obtained using the service is at the user's own risk. The Committee and the LDPC make no representation as to the accuracy or quality of information obtained through the service.

§ 521.10. Enforcement.

(a) *Suspension or revocation of service.* The Executive Director may suspend or revoke service to an agency or entity or user who fails to comply with this chapter.

(b) *Violation of law.* The Executive Director will report suspected violations of State and Federal laws by users and will cooperate with and assist appropriate authorities in investigating suspected violations.

CHAPTER 551. LEGISLATIVE INTRANET

Sec.	
551.1.	Statement of purpose.
551.2.	Limitation on access.
551.3.	Links to sites outside the Legislative Intranet.
551.4.	Enforcement.

§ 551.1. Statement of purpose.

The Legislative Intranet was created and exists to serve the information needs of a specific group, rather than the general public. To preserve the integrity of the Legislative Intranet and to further its purposes, certain conditions on access and use are necessary.

§ 551.2. Limitation on access.

Only offices of members and staff of the General Assembly, legislative service agencies, offices of State government under section 2(1.2) of the act (46 P. S. § 71.2(1.2)) and other persons the Committee with the approval of the Senate Committee on Management Operations and the Bipartisan Management Committee deems appropriate may access the Legislative Intranet.

§ 551.3. Links to sites outside the Legislative Intranet.

A site on the Legislative Intranet may link to a site outside the Legislative Intranet if all of the following criteria are met:

(1) Information on the site is relevant to the legislative process.

(2) The site does not contain information that is political or partisan in nature.

(3) The site does not contain information of a predominantly religious nature.

(4) The site cannot reasonably be construed to endorse a commercial product or service.

(5) The operator of the site on the Legislative Intranet regularly monitors the other site to ensure that requirements of paragraphs (1)—(4) are met.

§ 551.4. Enforcement.

(a) *Notice of noncompliance.* The Executive Director will provide written notice to the office of a member or staff member of the General Assembly, legislative service agency or other person who fails to comply with this chapter.

(b) *Suspension or revocation of access.* The Executive Director may, with the approval of the Committee, the Senate Committee on Management Operations and the Bipartisan Management Committee, suspend or revoke access to the Legislative Intranet to the office of a member or staff member of the General Assembly, legislative service agency or other person who fails, after receipt of notice by the Executive Director under subsection (a), to comply with this chapter.

[Pa.B. Doc. No. 00-1075. Filed for public inspection June 23, 2000, 9:00 a.m.]

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

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

Amendments to Rules Relating to Paternity and Enforcement of Child Support; No. 334; Civil Procedural Rules Doc. No. 5

Order

Per Curiam:

And Now, this May 31, 2000, the Pennsylvania Rules of Civil Procedure are amended as follows:

I. Rules 1910.22, 1910.23-1, 1910.23-2, 1910.24, 1910.25, 1910.28, 1910.29, 1910.30 and 1910.31 are rescinded.

II. New Rules 1910.6, 1910.21, 1910.22, 1910.23, 1910.24, 1910.26 and 1910.29 are promulgated as follows hereto.

III. Rules 1910.1, 1910.4, 1910.5, 1910.9, 1910.11, 1910.12, 1910.15, 1910.17, 1910.19, 1910.20, 1910.50, 1920.31, 1920.52, 1930.2 and 1930.3 are amended as follows hereto.

IV. Rules 1910.21-1 through 1910.21-7 are renumbered respectively as rules 1910.25 through 1910.25-6 and amended as follows hereto.

V. Rules 1910.26 and 1910.27 are renumbered respectively as Rules 1910.27 and 1910.28.

This order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective July 1, 2000.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1910. ACTIONS FOR SUPPORT

Rule 1910.1. Scope. **Definitions.**

* * * * *

(c) As used in this chapter, unless the context of a rule indicates otherwise, the following terms shall have the following meanings:

* * * * *

“Overdue support,” the amount of delinquent support equal to or greater than one month’s support obligation which accrues after entry or modification of a support order as the result of obligor’s nonpayment of that order.

“Past due support,” the amount of support which accrues prior to entry or modification of a support order as the result of retroactivity of that order. When nonpayment of the order causes overdue support to accrue, any and all amounts of past due support owing under the order shall convert immediately to overdue support and remain as such until paid in full.

* * * * *

Explanatory Comment—2000

Act 1998-127 technically amended Act 1997-58 to define and differentiate between past due and overdue support to clarify that only overdue support constitutes a lien by operation of law against the obligor’s real or personal property. 23 Pa.C.S. § 4302 now defines overdue support as “support which is delinquent under a payment schedule established by the court.” Past due support is defined as “support included in an order of support which has not been paid.”

The definitions of past due and overdue support in this rule do not substantively change the legislative definitions. They merely elaborate on them in terms which are more familiar and helpful to the bench and bar. Specifically, past due support consists of the purely retroactive arrearages which accumulate between the date of filing of the complaint or petition for modification and the date of hearing and entry of the initial or modified support order. Overdue support refers to the delinquent arrearages which accrue after entry of the order due to the obligor’s failure to pay support pursuant to the order.

These definitions are important for determining the remedies available for collecting support arrearages. Pursuant to 23 Pa.C.S. § 4352(d), only overdue support (delinquent arrearages) constitutes a lien by operation of law against obligor’s property. Conversely, past due support (retroactive arrearages) does not operate as a lien against this property as long as the obligor remains current on the support order.

Rule 1910.20 extends this legislative distinction between overdue and past due support to the following additional remedies available to collect support: (1) consumer agency reporting under 23 Pa.C.S. § 4303; (2) suspension of licenses under 23 Pa.C.S. § 4355; and (3) the full range of new collection remedies under 23 Pa.C.S. § 4305(b)(10). Accordingly, these remedies are available only to collect overdue support. They are not available to collect past due support as long as the obligor remains current on the order. If, however, the obligor subsequently defaults on the support order, Rule 1910.20(c) provides that any past due support still owing under the order immediately becomes overdue support subject to the full range of collection remedies. It remains overdue support until collected in full.

Pursuant to Rule 1910.20(c), all overdue support, including past due support which has converted to overdue support, remains subject to Act 58 remedies until paid in full. Any repayment plan subsequently agreed to by the parties, or ordered by the court pursuant to a contempt proceeding (including any arrearage component), does not preclude the use of these remedies for collecting overdue support more quickly, whenever feasible.

In cases involving past due support only, the obligee is not entirely without remedy in the event that additional income or assets of the obligor are discovered after the hearing which would enable collection of past due support more quickly. In these cases, identification of those income sources

or assets provides a basis for modification pursuant to Rule 1910.19. Modification includes increasing the rate of repayment on past due support and, if appropriate, ordering that the past due support be paid in full. In these cases, the obligee may also petition the court for special relief pursuant to Rule 1910.26 to have the income or assets frozen and seized pending the petition for modification in order to secure payment of the past due support.

Rule 1910.4 Commencement of Action. Fee.

(a) * * *

Official Note: For the form of the complaint, see [Rule 1910.26(a)] Rule 1910.27(a).

* * * * *

Rule 1910.5. Complaint. Order of Court.

(a) The complaint shall be substantially in the form provided by [Rule 1910.26(a)] Rule 1910.27(a).

* * * * *

(c) An order shall be attached at the front of the complaint directing the defendant to appear before an officer for a conference at the time and place directed by the court. The order shall be substantially in the form prescribed by [Rule 1910.26(b)] Rule 1910.27(b).

Official Note: For service of original process in support matters, see Rule 1930.4.

Explanatory Comment—1981

The rules provide for several forms of documents, the first of which is the complaint set forth in [Rule 1910.26(a)] Rule 1910.27(a). An order will be attached to the front of the complaint, the form of which is provided by [Rule 1910.26(b)] Rule 1910.27(b). [Rule 1910.26(b)] Rule 1910.27(b) provides that no notice to defend or notice to plead is required, as usually appears on a complaint in an action at law or in equity. Local practice may vary as to whether preprinted forms of the complaint will be used and how necessary details of the order are obtained and filled in.

* * * * *

Rule 1910.6. [[Rescinded]] Notification.

Parties to a support action shall be provided notice of all proceedings in which support obligations might be established or modified. Notice must be provided at least 20 days prior to the proceeding. The parties shall also be provided with a copy of any order issued in the support action within 14 days after issuance of the order.

Explanatory Comment—2000

Rule 1910.6 implements 23 Pa.C.S. § 4352(b)(2) to require that parties to a support action be notified in advance of all support and modification proceedings and that they be furnished with a copy of any order entered in those proceedings within 14 days of issuance of the order.

Rule 1910.9. Discovery.

* * * * *

(b) Where a party is employed, the court shall ascertain the party's earnings and may enter an order directing the employer to furnish earnings information to the court as provided by [Rule 1910.27] Rule 1910.28.

Explanatory Comment—1997

* * * * *

Subdivision (b) authorizes the court to obtain earnings and health insurance information from the employer of either party to a support action, using the forms provided in [Rule 1910.27] Rule 1910.28.

Rule 1910.11. Office Conference. Subsequent Proceedings. Order.

* * * * *

(c) At the conference, the parties shall furnish to the [conference] officer true copies of their most recent federal income tax returns, their pay stubs for the preceding six months, verification of child care expenses and proof of medical coverage which they may have or have available to them. In addition, they shall provide copies of their income and expense statements in the form required by [Rule 1910.26(c)] Rule 1910.27(c), completed as set forth below.

(1) For cases which can be determined according to the guideline [grids or] formula, the income and expense statement need show only income and extraordinary expenses.

* * * * *

(d) The conference officer may make a recommendation to the parties of an amount of support which is calculated in accordance with the guidelines. If an agreement for support is reached at the conference, the officer shall prepare a written order substantially in the form set forth in [Rule 1910.26(e)] Rule 1910.27(e) and in conformity with the agreement for signature by the parties and submission to the court together with the officer's recommendation for approval or disapproval. The court may enter the order in accordance with the agreement without hearing the parties.

* * * * *

(f) If an agreement for support is not reached at the conference, the court, without hearing the parties shall enter an interim order calculated in accordance with the guidelines and substantially in the form set forth in [Rule 1910.26(e)] Rule 1910.27(e). The order shall state that any party may within ten days after the mailing of a copy of the order file a written demand with the domestic relations section for a hearing before the court.

* * * * *

(i) If a demand is filed, there shall be a hearing de novo before the court. The domestic relations section shall schedule the hearing and give notice to the parties. The court shall hear the case and enter a final order substantially in the form set forth in [Rule 1910.26(e)] Rule 1910.27(e) within sixty days from the date of the written demand for hearing.

* * * * *

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

* * * * *

(b)(1) At the conclusion of a conference attended by both parties, if an agreement for support has not been reached, and the conference and hearing are not scheduled on the same day, the court, without hearing the parties, shall enter an interim order calculated in accordance with the guidelines and substantially in the form set

forth in [**Rule 1910.26(e)**] **Rule 1910.27(e)**, and the parties shall be given notice of the date, time and place of a hearing. A record hearing shall be conducted by a hearing officer who must be a lawyer.

(2) If dependant, having been properly served, fails to attend the conference, the court shall enter an interim order calculated in accordance with the guidelines and substantially in the form set forth in [**Rule 1910.26(e)**] **Rule 1910.27(e)**. Within ten days after the date of the order, either party may demand a hearing before a hearing officer. If no hearing is requested, the order shall become final.

* * * * *

(d) The hearing officer shall receive evidence, hear argument and file with the court a report containing a recommendation with respect to the entry of an order of support. The report may be in narrative form stating the reasons for the recommendation and shall include a proposed order substantially in the form set forth in [**Rule 1910.26(e)**] **Rule 1910.27(e)** stating

- (1) the amount of support calculated in accordance with the guidelines,
- (2) by and for whom it shall be paid, and
- (3) the effective date of the order.

A copy of the report shall be furnished to all parties at the conclusion of the hearing.

* * * * *

(h) If exceptions are filed, the interim order shall continue in effect. The court shall hear argument on the exceptions and enter a final order substantially in the form set forth in [**Rule 1910.26(e)**] **Rule 1910.27(e)** within sixty days from the date of the filing of exceptions to the interim order. No Motion for Post-Trial Relief may be filed to the final order.

Rule 1910.15. Paternity.

(a) **Acknowledgment of Paternity.** If the action seeks support for a child born out of wedlock and the alleged father is named as defendant, the defendant may acknowledge paternity in a verified writing [**substantially in the form provided by Rule 1910.28(a)**]. The conference officer shall advise the parties that pursuant to Section 5103(d) of Title 23 of the Pennsylvania Consolidated Statutes an acknowledgment constitutes conclusive evidence of defendant's paternity without further judicial ratification in any action to establish support. [**In that event**] Upon defendant's execution of the written acknowledgment, the action shall proceed as in other actions for support.

(b) [**If defendant fails to appear as ordered for a conference, hearing or trial, or for genetic tests, the court shall enter an order establishing paternity, and the matter shall proceed as in other actions for support.**

(c) [**Genetic Testing.** If the [**alleged father**] defendant appears but does not execute an acknowledgment of paternity at the conference[,]:

(1) The court shall enter an order [**substantially in the form required by Rule 1910.28(c)**] directing the parties to appear for genetic testing. **The order must advise the defendant that his failure to appear for the testing will result in entry of an order finding that he is the father of the child. The order must also advise the plaintiff that her failure to appear for testing may result in sanctions, including entry of an order dismissing the paternity action without prejudice.**

(2) The conference officer shall advise [**the parties that there will be a trial without jury on the issue of paternity unless within ten days after the conference either party demands a trial by jury. The parties shall be provided with the form set forth in Rule 1910.28(b);**] and provide written notice to the parties that they may enter into a written stipulation whereby both agree to submit to genetic testing for the purpose of resolving finally the issue of paternity. **If the test results indicate a 99% or higher probability of paternity, the defendant shall be stipulated to be the biological father of the child and the case referred for a child support conference. If the test results indicate an exclusion, the action shall be dismissed. The written stipulation constitutes a waiver of the right to a hearing on the genetic testing or trial on the issue of paternity.**

(3) [**the court shall make available to the parties a stipulation substantially in the form required by Rule 1910.28(d)**]. The conference officer shall advise and provide written notice to the parties that if they do not enter into a written stipulation and the test results do not indicate an exclusion, there will be a hearing regarding genetic testing or trial before a judge without a jury on the issue of paternity in accordance with the procedures set forth in subdivision (d) of this Rule.

[(d)] (c) **Estoppel and Presumption of Paternity.** If either party or the court raises [**a question**] the issue of estoppel or the issue of whether the presumption of paternity is applicable, the court shall dispose promptly of the [**question**] issue and may stay the order for genetic testing[.] until the issue is resolved.

[(e)] (d) **Post-Testing Procedures.**

(1) The results of the genetic tests shall be provided in writing to counsel for the parties or, if unrepresented, to the parties themselves.

[(f)(1)] (2) If the results of the genetic tests resolve the issue of paternity pursuant to the stipulation of the parties, a paternity order [**substantially in the form set forth in Rule 1910.28(e)**] shall be entered and served on the parties. [**i**] If the defendant is excluded, the action shall be dismissed[; **ii**]. If the defendant is stipulated to be the biological father, the action shall proceed as in other actions for support.

[(2)] (3) If the results of the genetic tests do not resolve the issue of paternity pursuant to the stipulation of the parties, **but the test results indicate a 99% or more probability of paternity, the court shall issue a rule against the defendant to show cause why an order should not be entered finding him to be the father. The rule shall advise the defendant that**

pursuant to 23 Pa.C.S. § 4343 his defense is limited to a showing by clear and convincing evidence that the results of the genetic tests are not reliable. The rule shall direct that an answer be filed within 20 days after service of the rule on the defendant. The answer shall state the material facts which constitute this defense. Any allegation of fact which does not appear of record must be verified.

If an answer is not timely filed, the court shall enter an order finding paternity and refer the action to conference and hearing as in other actions for support. If an answer is filed raising a disputed issue of material fact relating to the reliability of the genetic testing, the case shall be listed promptly for expedited hearing before a judge. The burden of proof at the hearing is on the defendant and is limited to proof by clear and convincing evidence that the results of the genetic tests are not reliable.

(4) If the results of the genetic tests do not resolve the issue of paternity and the test results indicate less than a 99% probability of paternity, the case shall be promptly listed for expedited trial before a judge.

[(g) (1)] (5) If, after a hearing or trial, the [verdict or] decision is for the defendant on the issue of paternity, a final order shall be entered by the court dismissing the action as to the child. [(2)] If the [verdict or] decision is against the defendant on the issue of paternity, an interlocutory order shall be entered by the court finding paternity. The court may enter an interim order for child support at that time and shall refer the action to conference and hearing as in other actions for support.

(e) Failure to Appear. If defendant fails to appear as ordered for a conference, hearing or trial, or for genetic tests, the court shall, upon proof of service on the defendant, enter an order establishing paternity. The court may also enter an interim order for child support at that time and shall refer the action to conference and hearing as in other actions for support.

[(i)] (f) Appeal of Paternity Order. An order establishing paternity is not an appealable order. [Any] The issue of paternity may be included in an appeal from the final order of child support. [If paternity is tried before a jury, and only then, all issues of paternity raised on appeal must first be raised in timely post-trial motions in accordance with Rule of Civil Procedure 227.1.]

[(h) After an interlocutory order is entered finding that the defendant is the father of the child, the court shall either refer the case to a conference as in other actions for support or as expeditiously as possible hold a hearing and enter a final order of support.]

The 1997 Explanatory Comment to Rule 1910.15 is replaced by the following:

Explanatory Comment—2000

Rule 1910.15 is amended generally to reflect the elimination of jury trials in paternity actions. It has also been reorganized so that it more logically follows the six ways in which paternity may be established: 1) by voluntary acknowledgment under

subdivision (a); 2) in the absence of an acknowledgment, by stipulation of the parties to be bound by the genetic test results under subdivision (b); 3) by estoppel under subdivision (c); 4) by operation of law or presumption under subdivision (c); 5) by a hearing regarding the reliability of genetic testing or a trial before a judge on the issue of paternity upon receipt of the test results under subdivision (d); or 6) by failing to appear for the initial conference, genetic testing, trial or hearing, which results in entry of a default order establishing paternity under subdivision (e).

Subdivision (d)(3) is new. In cases where there is no voluntary acknowledgment or stipulation by the parties, but the genetic test results reveal a 99% or higher probability of paternity, the Rule establishes expedited hearing procedures for resolving paternity prior to a full evidentiary trial before a judge. These procedures borrow heavily from the rule to show cause procedures set forth in Rules 206.1 through 206.7 except that 1) the plaintiff is not required to petition the court to have the rule issued and 2) the court must issue the rule whenever the test results indicate a 99% or higher probability of paternity. The burden is on the defendant to return the rule by filing an answer within 20 days of service. Pursuant to 23 Pa.C.S. § 4343(c)(2), his defense is limited to showing by clear and convincing evidence that the test results are not reliable.

The standard forms which were formerly required by this Rule to be used in paternity actions have been rescinded in light of the statewide implementation of the Pennsylvania Child Support Enforcement System (PACES). All courts are now required to use the standard forms which appear on the PACES system to the extent they are consistent with the Rules of Civil Procedure.

Rule 1910.17. Support Order. Effective Date. Change of Circumstances. Copies of Order.

(a) * * *

Official Note: The order must [“] direct payment to be made payable to or payment to be made to the [domestic relations office] State Collection and Disbursement Unit for transmission to the obligee[. . .]. See 23 Pa.C.S. § 4325.

Every order for support must contain an immediate or conditional order for the attachment of income. See Rule [1910.22] 1910.21.

(b) The order shall notify the obligee and the obligor that each is under a continuing obligation to inform the domestic relations section in writing or by personal appearance and all other parties in writing within seven days of any material change in circumstances relevant to the level of support or the administration of the support order, including but not limited to, loss or change of income or employment and change of personal address or change of address of any child receiving support. The order shall also notify the parties that if a party willfully fails to inform the domestic relations section of the required information, the court may adjudge the party to be in contempt of court pursuant to [Rules 1910.21-1 through 1910.21-7] Rules 1910.25 through 1910.25-6 and may order the party to be punished by one or more of the following: jail, fine or probation.

* * * * *

Rule 1910.19. Support. Modification. Termination. Guidelines as Substantial Change of Circumstances.

(a) A petition for modification or termination of an existing support order shall specifically aver the material and substantial change in circumstances upon which the petition is based. A new guideline amount resulting from new or revised support guidelines may constitute a material and substantial change in circumstances. **The existence of additional income, income sources or assets identified through automated methods or otherwise may also constitute a material and substantial change in circumstances.**

* * * * *

Explanatory Comment—1993

Existence of Guidelines as Substantial Change in Circumstance. In its opinion in *Newman v. Newman*, 597 A.2d 684 (Pa. Super. 1991), the Superior Court held that enactment of the guidelines does not constitute a substantial change in circumstance which could serve as a basis for modification of a support order. The amended rule allows the trier of fact to consider new or revised rules as a change in circumstance where the change in the guidelines, either by itself or in combination with other factors, is material and substantial.

Explanatory Comment—2000

The Pennsylvania Child Support Enforcement System (PACSES) is electronically linked to a variety of governmental and private agencies and institutions. This linkage enables PACSES to immediately locate and identify an obligor's income, income sources and assets. Rule 1910.19 is amended to provide that their identification through these automated methods provides a basis for modifying both the current support obligation and the rate of repayment on either past due or overdue support. Identification through means other than PACSES continues to provide the same basis for modification.

While identification of income sources or assets provides a basis for modification, this rule is not intended to prevent a court from ordering that the income or assets be frozen and seized under Rule 1910.26 pending the hearing on the petition for modification. Such relief remains available under Rule 1910.26 governing appropriate interim or special relief. See Rule 1910.1 Explanatory Comment. Nor is this rule intended to affect the court's ability to seize income or assets under Rule 1910.20 to secure an overdue support obligation.

Rule 1910.20. Support Order. Enforcement. General.

(a) A support order shall be enforced by income [attachment] withholding as required by law in the manner provided by Rule [1910.22] 1910.21. [A support order also may be enforced by contempt proceedings pursuant to Rules 1910.21—1 through 1910.21-7, execution upon a judgment for arrearages pursuant to Rules 1910.23-1 and 1910.23-2 and posting of bond.]

(b) Upon the obligor's failure to comply with a support order, the order may also be enforced by any one or all of the following remedies:

(1) pursuant to Rule 1910.21, and without further hearing or prior notice to the obligor, increasing the amount of monthly support payments for payment of the overdue support at a rate to be determined by the court; withholding or seizing periodic or lump sum payments of income from a government agency, including unemployment compensation, social security, retirement or disability benefits and any other benefits; withholding or seizing periodic or lump sum payments of income from insurance carriers or privately-insured employers, including workers' compensation benefits; withholding or seizing judgments or settlements; and withholding or seizing public and private retirement funds in pay status;

(2) pursuant to Rule 1910.22, imposing liens on real property;

(3) pursuant to Rule 1910.23, attaching and seizing assets of the obligor held in financial institutions;

(4) pursuant to Rule 1910.24, reducing and executing a judgment against the obligor;

(5) pursuant to Rules 1910.25 through 1910.25-6, initiating contempt proceedings;

(6) reporting the amount of overdue support to consumer reporting agencies in the manner prescribed by 23 Pa.C.S. § 4303;

(7) when the obligor owes overdue support in an amount of three months or more, suspending occupational, commercial/driver's and recreational licenses in the manner prescribed by 23 Pa.C.S. § 4355.

These remedies are cumulative and not alternative.

(c) For purposes of this Rule, overdue support remains subject to the remedies set forth in subdivision (b) of this Rule until paid in full. Except as provided in 23 Pa.C.S. § 4355 for suspension of licenses, neither a repayment schedule subsequently agreed to by the parties nor an order of court establishing such a schedule precludes the use of these remedies for collecting overdue support more quickly, whenever feasible.

The 1994 Explanatory Comment is replaced by the following:

Explanatory Comment—2000

Subdivision (a) continues to reflect the use of mandatory income withholding as the primary tool for enforcement of a support obligation. Withholding is applicable to all forms of income, not merely wages, as the term "income" is broadly defined in 23 Pa.C.S. § 4302. Rule 1910.21 prescribes the procedures for withholding income.

Subdivision (b) is new and reflects the availability of the new enforcement remedies set forth in Act 58-1997, 23 Pa.C.S. § 4305(b)(10). Consistent with the definitions of past due and overdue support, these remedies are restricted to cases involving overdue support, i.e., the delinquent support arrearages which accumulate as the result of non-payment of a support order. They may not be used to collect past due support more quickly so long as

the obligor remains current on all provisions of the support order, including repayment of past due support. If, however, the obligor subsequently defaults on the support order, subdivision (c) of this rule and the definitions in Rule 1910.1 make it clear that any past due support still owing under the order immediately converts to overdue support and remains overdue support subject to these remedies until collected in full.

Under the new enforcement rules, an obligor essentially has one opportunity to remain current on his or her support obligation so that Act 58 remedies will not apply to permit collection of the past due support arrearages more quickly than the rate at which he or she is repaying those arrearages under the support order. If, however, the obligor defaults in his or her payment of the order, Rule 1910.20 converts the past due support to overdue support and causes Act 58 remedies to become available to collect all of the overdue support until it is paid in full. It remains subject to these remedies until paid in full despite the existence of any later agreement by the parties or court order providing otherwise.

For example, assume a support order is entered requiring the obligor to pay \$100 per month in current support and an additional \$25 per month on past due support of \$400. So long as obligor remains current on the total monthly payment of \$125 per month, the past due support of \$400 does not operate as a lien on the obligor's real property. Nor will it be collected more quickly through the court's automatic increase of income withholding, seizure of lump-sum forms of income, attachment of the obligor's bank accounts, or reduction of the past due support to a judgment of record for levy and execution on obligor's property in accordance with these Rules. However, subsequent identification of additional income sources or assets provides a basis for increasing the support order under Rule 1910.19 and freezing such income or assets under Rule 1910.26(b).

If, however, the obligor defaults on the support order in any respect (including his or her failure to pay the \$25 per month on the past due support), the \$400 of past due support immediately becomes overdue support under the definitions set forth in 23 Pa.C.S. § 4302 and Rule 1910.1. It becomes a lien on real property and is also subject to increased withholding, attachment of assets and all of the other remedies available for collecting overdue support as quickly as possible. In addition, it remains overdue support subject to these remedies until paid in full. Even if, therefore, the obligor subsequently agreed to repayment of this amount in larger monthly installments, or an order were entered pursuant to a contempt proceeding for larger installments, Act 58 remedies remain available to collect the \$400 whenever additional income or assets are subsequently located and can be used to satisfy the obligation more quickly. This is the case even though at the time of identification the obligor may still be current on the agreement or contempt order.

Subdivision (b) of this rule restricts consumer agency reporting and suspension of licenses to cases involving overdue support. The actual procedures for reporting and license suspension, how-

ever, continue to be governed by statute rather than rule. See 23 Pa.C.S. §§ 4303 and 4355.

Rule 1910.20 does not address the collection of support through IRS intercept, Pennsylvania state tax intercept, lottery winnings or any other remedies which may be authorized by federal or state law but are not specifically listed in this rule.

Rule 1910.21. Support Order. Enforcement. Withholding of Income.

(a) *Immediate Income Withholding.* Every order of court shall contain an immediate order for the withholding of income unless (1) there is no overdue support owing under the order and (2) either the court finds there is good cause not to require immediate income withholding or the parties agree in writing to an alternative arrangement.

(b) *Initiated Income Withholding.* If there is no immediate income withholding pursuant to subdivision (a), and nonpayment of the support order causes overdue support to accrue, the court shall enter an order for the immediate withholding of income.

(c) An order for income withholding must include a provision directing that no commutation or compromise and release of worker's compensation benefits, severance pay or any payment in lieu thereof shall be paid to the defendant until the order for withholding is dissolved by further order of court.

(d) *Service on Employer.*

(1) The order for income withholding shall be served upon the obligor's employer. The employer shall pay to the State Collection and Disbursement Unit the full amount set forth in the order and may deduct from the balance due the obligor an amount authorized by law for clerical work and expense involved in complying with the order. Upon termination of the obligor's employment, the employer shall notify the domestic relations section of the termination, the obligor's last known address, and the name and address of the obligor's new employer, if known.

(2) Upon willful failure to obey an order for income withholding, the employer, or an officer or employee of the employer, may be held in contempt and subject to other remedies provided by law.

Official Note: 23 Pa.C.S. § 4348(k)(1) provides that contempt is punishable by jail or fine. 23 Pa.C.S. § 4348(k)(2) provides that the employer is liable for any amount which the employer willfully fails to withhold or for any amount withheld but not forwarded to the domestic relations section. 23 Pa.C.S. § 4348(k)(3) provides that the court may attach funds or property of an employer.

(e) *Notice to Obligor. Objections.* A notice of entry of an order for income withholding shall be served on the obligor. The obligor may object to the order in writing or by personal appearance before the county domestic relations section within ten days after issuance of the notice. The grounds for an objection are limited to the following mistakes of fact: (i) no overdue support exists under the order or there is a mistake in the amount of overdue support; (ii) there is a mistake in the identity of the obligor; or (iii) the amount being withheld exceeds the maximum amount which may be withheld under the federal Consumer Credit Protection Act, 15

U.S.C. § 1673. If a mistake of fact has occurred, the order shall be modified accordingly.

(f) *Income Withholding When the Obligor Defaults on Support Order.* When nonpayment of the support order causes overdue support to accrue, the court may increase the order for income withholding until the overdue support is paid in full. The court may also direct the employer to withhold any periodic or lump sum distributions of income which may be payable to the obligor in addition to regular income until further order of court.

(g) *Priority of Income Withholding.* If there are multiple support obligations in effect against the income of the obligor, the court shall allocate among the obligees the amount of income available for withholding, giving priority to current child support to the limit provided by law and stating the priority of payment to the obligee.

(h) *Termination of Order for Income Withholding.* An order for income withholding shall continue until dissolved by the court as provided by law.

Official Note. Pursuant to 23 Pa.C.S. § 4348(h), an order for income withholding may be terminated when (1) the support obligation has terminated and the total arrears are paid; (2) the payee cannot be located and it becomes impossible to forward payments; or (3) the result would be unconscionable. The order may also be terminated administratively by the domestic relations section.

Explanatory Comment—2000

1. Rule 1910.21 continues to implement the requirements of mandatory income withholding under 23 Pa.C.S. § 4348(b) in all support cases except those in which there is no overdue support and either the parties agree to an alternative arrangement or the court finds good cause for not requiring such withholding. Consistent with Act 1997-58, advance notice to the obligor is no longer required before the court may issue an order for income withholding. Notice is now provided concurrently with issuance of the order to the obligor's employer under subdivision (e).

2. This Rule continues to apply to the withholding of "income," not merely wages. Income is broadly defined in 23 Pa.C.S. § 4302 as including "compensation for services, including, but not limited to, wages, salaries, bonuses, fees, compensation in kind, commissions and similar items; income derived from business; gains derived from dealings in property; interest; rents; royalties; dividends; annuities; income from life insurance and endowment contracts; all forms of retirement; pensions; income from discharge of indebtedness; distributive share of partnership gross income; income with respect of a decedent; income from an interest in an estate or trust; military retirement benefits; railroad employment retirement benefits; social security benefits; temporary and permanent disability benefits; worker's compensation; unemployment compensation; other entitlements to money or lump sum awards, without regard to source, including lottery winnings, income tax refunds, insurance compensation or settlements; awards or verdicts; and any form of payment due to and collectible by an individual regardless of source."

The Consumer Credit Protection Act, 15 U.S.C. § 1673, sets forth the limitations on monetary with-

holding. It is important to note, however, that these federal limitations apply only to an obligor's wages or earnings, as those terms are defined in the Consumer Credit Protection Act, and do not apply to any additional forms of income set forth in 23 Pa.C.S. § 4302.

3. The term "employer" is broadly defined in 23 Pa.C.S. § 4302 as including an individual, partnership, association, corporation, trust, Federal agency, Commonwealth agency or political subdivision paying or obligated to pay income.

4. Subdivision (c) requires all orders for income withholding to include a provision directing the employer to withhold any income which may be payable to the obligor at the end of the employment relationship. This provision contemplates forms of income payable to obligor "in lieu of" regular income as a direct result of the end of the employment relationship—e.g., lump-sum commutations of workers' compensation benefits, severance pay, golden parachutes, or any form of income payable in lieu of the regular stream of income which had been used during the course of employment to secure the monthly support obligation.

5. Subdivision (f) differs in scope and purpose from subdivision (c). Subdivision (f) applies only in cases involving overdue support, and permits the court to increase the rate of income withholding until the overdue support is paid in full. It also allows the court to order the employer to withhold all forms of income which may be owing and payable to the obligor "in addition to" regular income—e.g., bonuses, proceeds from the exercise of stock options or any other kinds of income which are periodically payable during the course of employment.

6. Subdivision (g) incorporates former Rule 1910.22(e) relating to income withholding for multiple support obligations. The provision is amended only to establish the priority of collecting child support before spousal support in cases where the maximum amount of income which can be withheld under the Consumer Credit Protection Act is not sufficient to cover all of the obligor's support obligations in full. In those cases, the income must be allocated first to meet all of the obligor's child support obligations before it may be used to satisfy any of the obligor's spousal support obligations. The portion of the obligation which cannot be satisfied through income withholding will have to be collected through other available means of enforcement.

Rule 1910.22. Support Order. Enforcement. Liens Against Real Property.

(a) An overdue support obligation of this or any other state which is on record at the domestic relations section shall constitute a lien of record by operation of law against the obligor's real property located in Pennsylvania. When the overdue obligation arises in another state, it shall be transmitted to the Department of Public Welfare Central Registry. Upon receipt and verification of the amount owed, the Central Registry shall notify the appropriate domestic relations section which shall enter the amount owed in its records.

(b) A person seeking certification of a lien of record arising from overdue support owed by an

obligor shall submit a written request for certification to the domestic relations section. The request must include the obligor's full name, date of birth and social security number, if known. Within two business days, the domestic relations section shall provide written certification of the amount of overdue support owed as of the date of certification and shall enter the amount and date of certification on the docket.

Official Note: Rule 76 defines "person" as including a corporation, partnership and association as well as a natural person.

(c) The domestic relations section shall provide a copy of the written certification to the parties. Either party may object to the certification in writing or by personal appearance before the domestic relations section. The grounds for an objection are limited to the following: (1) no overdue support exists under the support order or there is a mistake in the certified amount of overdue support; (2) there is a mistake in the identity of the obligor; or (3) the lien cannot attach to the property as a matter of law. Pending a court's disposition of the objection, the certification shall remain in full force and effect unless stayed by the court for good cause shown.

(d) Payment of the certified amount of overdue support shall constitute a satisfaction thereof and the domestic relations section shall record the amount of payment on the docket.

Explanatory Comment—2000

New Rule 1910.22 implements 23 Pa.C.S. § 4352(d) as amended by Act 1997-58 and Act 1998-127. Under prior law, the existence of overdue support created only a judgment by operation of law against the obligor. The judgment did not, however, operate as a lien against the property until and unless, either at the direction of the court or upon praecipe of the party, the court certified the overdue support and entered it of record at the prothonotary's office. Pursuant to § 4352(d), as amended, the existence of overdue support not only creates a judgment by operation of law against the obligor, it also creates a lien by operation of law against the obligor's real property. The practical effect of this amendment is that certification by the court is no longer required to create the lien on real property. It is the existence of overdue support, not its judicial certification, which creates the lien on real property. The lien also extends to any and all real property owned by the obligor which is located in Pennsylvania.

While the existence of overdue support creates an automatic lien on real property, it does not create an automatic lien against an obligor's personal property. Nor does it have the effect of a fully perfected security interest in such property until the Department of Public Welfare establishes a statewide system for providing public notice of liens on such property. To the extent, however, that overdue support continues to operate as a judgment by operation of law against the obligor, it may still also be reduced to a judgment of record and satisfied through levy and execution on both real and personal property in the manner prescribed in Rule 1910.24.

1. Subdivision (a) requires that the overdue support be "of record" at the domestic relations section. Overdue support becomes a matter of record at the time it is automatically recorded into the PACSES computer system. Since statewide implementation of PACSES means that every domestic relations section in Pennsylvania now has equal access to all information relating to overdue support obligations, no additional paperwork in or by the county is necessary for a lien on real property to become of record for purposes of giving the lien statewide effect against the obligor's real property.

When the overdue support obligation arises in another state but is forwarded for enforcement in Pennsylvania, the originating state must initially forward it to the Department of Public Welfare Central Registry. The Central Registry will verify the amount owed and transmit the information to the appropriate domestic relations section. The domestic relations section must then enter this amount in its records. This recording creates the "lien of record" making the foreign obligation enforceable as a lien against any and all real property owned by obligor which is located in Pennsylvania.

2. While certification of overdue support is no longer necessary to create the lien on real property, certification is necessary for purposes of satisfying and removing the lien from the property prior to refinancing or sale of the property. Subdivisions (b) through (d) prescribe the procedures for obtaining this written certification. The effect of certification on the rights and liabilities of the parties involved in the actual refinancing or sales transaction is set forth in 23 Pa.C.S. § 4352(d.1)(3).

3. Subdivision (c) sets forth the limited grounds for objecting to the imposition of a lien on real property. The third ground for objection is that the property is exempt from attachment as a matter of law. This objection contemplates property held by the obligor and his or her spouse as tenants by the entirety.

4. 23 Pa.C.S. § 4352(d.1)(2) through (9) establish the priorities of liens against real property. Pursuant to 23 Pa.C.S. § 4352(d.1)(2)(i)(B), moreover, any overdue support existing on the effective date of this rule which becomes a lien on property in another county solely by virtue of the promulgation of this rule shall have priority against the property in the other county only from the effective date of this rule.

Rule 1910.23. Support Order. Enforcement. Attachment of Assets Held by Financial Institutions.

(a) Upon identification of an obligor's assets held by a financial institution, the court shall, upon certification of the overdue support owed by the obligor, enter an immediate order prohibiting the release of those assets until further order of court. The order shall be served on the financial institution in the manner prescribed by Rules 400 through 406 governing service of original process or by registered mail, return receipt requested. Service by mail is complete upon the return of the registered mail receipt personally signed by the financial institution or other evidence of service satisfactory to the court. Service of the order on the financial institution shall attach the asset up to the amount of the overdue support until further order of court.

(b) The domestic relations section shall provide written notification of the attachment to the obligor. The obligor and any joint owner of the account who has been notified by the financial institution may object to the attachment in writing or by personal appearance before the domestic relations section within 30 days after issuance of the notice. The grounds for an objection are limited to the following: (1) no overdue support exists under the support order or there is a mistake in the certified amount of overdue support; (2) there is a mistake in the identity of the obligor; or (3) the account is not subject to attachment as a matter of law.

(c) If no objection is made within 30 days after notice was issued, the court shall, upon proof that obligor was properly served with notice of the attachment, enter an order seizing the assets up to the amount of overdue support owed. The order shall be served on the financial institution and a copy of the order provided to both parties.

Explanatory Comment—2000

Rule 1910.23 implements 23 Pa.C.S. § 4305(b)(10) (iii) authorizing the attachment and seizure of an obligor's assets held in financial institutions. A "financial institution" is defined in 23 Pa.C.S. § 4304.1(g) and includes any bank, federal or state credit union, insurer, safe deposit company or money-market mutual fund authorized to do business in Pennsylvania.

Subdivision (b) of this rule sets forth the three limited grounds for objecting to an attachment of assets under this rule. The third ground for objection—that the assets are not subject to attachment as a matter of law—chiefly contemplates assets held by the obligor and his or her spouse as tenants by the entirety. Other examples include assets being held in an escrow or trust account in the name of the obligor as the escrowee or trustee.

Rule 1910.24. Support Order. Enforcement. Judgment for Arrearages. Petition to Correct Judgment. Execution.

(a) On and after the date it is due, overdue support shall constitute a judgment against the obligor as provided by law. The prothonotary shall enter the judgment of record upon the proper docket and in the judgment index either at the direction of the court or upon praecipe of a party or the domestic relations section. The judgment must be accompanied by a written certification showing that obligor owes overdue support pursuant to an order of court.

(b) A petition to correct the judgment shall be limited to the following grounds: (1) no overdue support exists under the support order or (2) there is a mistake in the amount of overdue support. The petition initially shall be determined before a conference officer or hearing officer in the same manner as an original proceeding for support. Except as provided by order of court, the filing of a petition to correct a judgment shall not stay the proceedings.

Official Note: It is important to note that the petition to strike or open a judgment used in civil practice is not adopted here.

(c) The judgment may be enforced against the obligor's real or personal property as provided by Rules 3001 through 3011, governing transfer of judgments, and Rules 3101 through 3149, governing enforcement of judgments for the payment of money.

Official Note: See Section 8104 of the Judicial Code, 42 Pa.C.S., § 8104, which imposes a duty upon a judgment creditor who has received satisfaction of a judgment, upon written request and tender of the fee, to enter satisfaction in the office of the clerk of court (the prothonotary) in which the judgment is outstanding.

Explanatory Comment—2000

Rule 1910.24 incorporates former Rules 1910.23-1 and 1910.23-2 prescribing the procedures for reducing overdue support to a judgment of record against the obligor and for petitioning to have the judgment corrected in the event the amount of overdue support is incorrect. Although 23 Pa.C.S. § 4352(d) states that "a support obligation" constitutes a judgment by operation of law, subdivision (a) states that only overdue support constitutes a judgment by operation of law. This is in accordance with *Welz v. Stump*, 403 Pa. Super. 93, 588 A.2d 47 (1991) which holds that a judgment cannot be entered against the obligor for past due support when the support order specifically provides for repayment of the past due support in monthly installments and the obligor is in compliance with the order.

A judgment entered of record does not arise simply when a support obligation becomes due and remains unpaid. Nor does it arise merely upon the court's determination of the amount of arrears as of a particular date. Rather, the court must specifically direct that the judgment in the specified amount be entered of record. The prothonotary must then enter the judgment in the proper docket and judgment index in order to create the notice of the judgment. Only after the judgment has been properly entered of record is the judgment enforceable under the general rules of civil procedure governing garnishment and execution against the obligor's real or personal property.

Rule 1910.24's authorized use of the prothonotary to enforce a judgment does not in any way limit the authority of the domestic relations section to issue writs and orders pursuant to 23 Pa.C.S. § 4305(b).

[Rule 1910.21-1] Rule 1910.25. Enforcement. Support Order. Civil Contempt. Petition. Service. No Answer Required.

(a) Upon failure to comply with an order of support, a petition for civil contempt

(1) may be filed by the obligee at any time, or

(2) shall be filed by the domestic relations section

(i) immediately upon the accrual of arrearages in any amount for fifteen days where it is known at the outset that income cannot be attached; or

(ii) immediately upon learning that an order for [attachment pursuant to Rule 1910.22] income withholding pursuant to Rule 1910.21 has been ineffective, or within [ninety] twenty days of failure to comply with the order of support, whichever is earlier.

Official Note: Except as provided in 23 Pa.C.S. § 4355 relating to suspension of licenses, an order entered pursuant to a contempt proceeding which establishes a rate of repayment on overdue support does not preclude the use of other remedies under Title 23 or these Rules for collecting overdue support more quickly, whenever feasible.

* * * * *

Rule [1910.21-2] 1910.25-1 **Civil Contempt.** Hearing by Court. Conference by Officer.

(a) After service of the petition and order of court upon the respondent, there shall be (1) an office conference conducted by a conference officer, as provided by [Rule 1910.21-3] Rule 1910.25-2, or (2) an immediate hearing by the court, if permitted by the court.

(b) If, at any time during a contempt proceeding, including proceedings under [1910.21-3, 1910.21-4, and 1910.21-5] 1910.25-2, 1910.25-3 and 1910.25-4, the hearing officer or conference officer determines that the failure to comply with the support order is willful and there is present ability to comply, the petition for contempt shall be heard by the court for consideration of incarceration and other appropriate sanctions.

Official Note: The determination required by subdivision (b) shall be made by a conference officer in counties adopting the procedure of Rule [1910.21-4] 1910.25-3 (conference and hearing de novo) or by a hearing officer in counties adopting the alternative procedure of Rule [1910.21-5] 1910.25-4 (record hearing and exceptions).

Courts should strive to hear these cases promptly, on the same day if possible.

Rule [1910.21-3] 1910.25-2. **Civil Contempt.** Office Conference. Agreement. Alternative Procedures Upon Failure to Agree.

* * * * *

(d) If an agreement is not reached, the procedure shall be as prescribed by Rule [1910.21-4] 1910.25-3 unless the court by local rule adopts the alternative procedure of Rule [1910.21-5] 1910.25-4.

Rule [1910.21-4] 1910.25-3. **Civil Contempt.** Conference Summary. Order. Hearing *De Novo*.

(a) * * *

Official Note: The sanction of imprisonment may be imposed only following an evidentiary hearing before a judge. See Rule [1910.21-6(a)] 1910.25-5(a).

* * * * *

(d) If the court does not enter an order under Rule [1910.21-3(c)] 1910.25-2(c) or subdivision (b) of this rule within five days of the conference, or if an order is

entered and a demand for a hearing before the court is filed, there shall be a hearing de novo before the court. The domestic relations section shall schedule the hearing and give notice to the parties. The hearing de novo shall be held no later than seventy-five days after the date the petition for contempt was filed.

* * * * *

Rule [1910.21-5] 1910.25-4. **Civil Contempt.** Alternative Procedure. Record Hearing. Report. Exceptions. Order.

(b) * * *

Official Note: The sanction of imprisonment may be imposed only following an evidentiary hearing before a judge. See Rule [1910.21-6(a)] 1910.25-5(a).

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Rule [1910.21-6] 1910.25-5. **Civil Contempt.** Contempt Order. Incarceration.

(b) * * *

Official Note: The time periods set forth in Rules [1910.21-1 through 1910.21-6] 1910.25 through 1910.25-6 are for the benefit of the plaintiff, and not for the defendant. The goal is the prompt initiation of contempt proceedings because of the importance of ongoing support payments. The time periods in no way limit the right of either the domestic relations section or the plaintiff to proceed with a contempt action.

[Rule 1910.21-7] Rule 1910.25-6. **Civil Contempt.** No Post Trial Relief.

No motions for post trial relief shall be filed to any orders entered pursuant to [Rules 1910.21-1 through 1910.21-6] Rules 1910.25 through 1910.25-6.

Rule 1910.26. **Support Order. Enforcement. Stay of Proceedings. Special Relief.**

(a) An action for support or a support order may be stayed only by a special order of court upon a showing of compelling circumstances following notice and hearing or upon agreement of the parties in writing.

(b) At any time after the filing of the complaint, the court may on application issue a preliminary or special injunction, appoint a temporary receiver, order the seizure of property, dispose of seized property or grant other appropriate interim or special relief.

Explanatory Comment—2000

New Rule 1910.26 merely consolidates into one rule the provisions formerly found in Rules 1910.24 and 1910.25.

Subdivision (a) continues to reflect the existing policy of eliminating delay and procedural impediments to the receipt of support. The routine granting of a stay of proceedings would defeat this policy and have a disastrous effect upon a destitute obligee and child. Thus, a stay of an action for

support or of a support order may only be granted (1) upon a special order of court following notice and hearing or (2) upon written agreement of the parties.

Subdivision (b) continues to reflect the availability of special relief. Sections 1 and 2 of the Act 1907, 48 P. S. §§ 131 and 132, authorize the bringing of an action at law or in equity to enforce the duty of support. These sections are suspended by these Rules insofar as they provide practice and procedure for an action of support. However, equitable remedies may still be useful in a case which warrants them. Illustrations are the enjoining of a resident trustee from disbursing funds to a defendant beneficiary outside the Commonwealth or to an improvident defendant or obtaining satisfaction from a spendthrift trust. The Rule contains a broad provision empowering the court to provide special relief where appropriate. It may also be used to freeze and seize income or assets to secure past due support when appropriate. See Rule 1910.1 and Rule 1910.20 Explanatory Comments.

[Rule 1910.26] Rule 1910.27. Form of Complaint. Order. Income and Expense Statement. Health Insurance Coverage Information Form. Form of Support Order. Form Petition for Modification.

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[Rule 1910.27] Rule 1910.28. Order for Earnings and Health Insurance Information. Form of Earnings Report. Form of Health Insurance Coverage Information.

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Rule 1910.29. Conduct of Record Hearing. Evidence.

Except as provided in this Rule, the Pennsylvania Rules of Evidence shall be followed in all record hearings conducted in an action for support. A verified petition, affidavit or document, and any document incorporated by reference therein which would not be excluded under the hearsay rule if given in person shall be admitted into evidence if (1) at least 20 days' written notice of the intention to offer them into evidence was given to the adverse party accompanied by a copy of each document to be offered; (2) the other party does not object to their admission into evidence; and (3) the evidence is offered under oath by the party or witness. An objection must be in writing and served on the proponent of the document within 10 days of the date of service of the notice of intention to offer the evidence. When an objection is properly made, the Rules of Evidence shall apply to determine the admissibility of the document into evidence.

Explanatory Comment—2000

23 Pa.C.S. § 4342(f) creates a hearsay exception in support actions to permit a verified petition, affidavit or document and a document incorporated by reference in any of them to be admitted into evidence if it would not otherwise be excluded as hearsay if given in person and it is admitted under oath by a party or witness to the support action. Rule 1910.29 requires that notice of the documents to be admitted be given to the other party prior to the hearing. It also sets forth the procedures for raising an objection to the admission of those documents.

If the requisite 20-day notice is given and there is no objection, the document must be admitted into evidence under this rule and 23 Pa.C.S. § 4342(f). In the event an objection is timely made, the rules of evidence apply to determine the document's ultimate admissibility.

Rule 1910.29 is not intended to affect 23 Pa.C.S. § 4342(g) and (h) relating to admissibility of payment records, billing statements and bills for genetic testing and prenatal and postnatal health care of the mother and child. Those documents are admissible into evidence without advance notice for the limited purposes which are expressly set forth in those statutory provisions.

Rule 1910.50. Suspension of Acts of Assembly.

The following Acts or parts of Acts of Assembly are suspended insofar as they apply to the practice and procedure in an action for support:

(1) Section 3 of the Support Law of June 24, 1937, P. L. 2045, 62 P. S. § 1973, insofar as it provides a procedure to enforce the liability of relatives for the support of an indigent person; **and**

(2) Section 4 of Act 1996-20, 23 Pa.C.S. § 4342, insofar as it provides that long arm jurisdiction shall be used in preference to proceedings under Part VIII-A relating to intrastate family support actions; **[and]**

(3) **Act Nos. 1997-58 and 1998-127 insofar as they are inconsistent with Rule 1910.20 relating to the availability of remedies for collection of past due and overdue support;**

(4) **Section 4 of Act 1997-58, 23 Pa.C.S. § 4342(f), insofar as it is inconsistent with Rule 1910.26 as it relates to record hearings in support actions;**

(5) **Section 4 of Act 1998-127, 23 Pa.C.S. § 4352(d), insofar as it is inconsistent with Rule 1910.22 providing that overdue support on public record at the domestic relations section constitutes a lien of record against all real property within the state of Pennsylvania which is owned by the obligor;**

(6) **Section 4 of Act 1998-127, 23 Pa.C.S. § 4352(d.1), only insofar as subsection (1) of that provision provided that the underlying support action shall either be pending at the county domestic relations section or shall be enforced by the county domestic relations section in order for a lien to arise against real property located in that county; and**

(7) **All Acts or parts of Acts of Assembly inconsistent with these rules to the extent of such inconsistency.**

CHAPTER 1920. ACTIONS OF DIVORCE OR FOR ANNULMENT OF MARRIAGE

Rule 1920.31. Joinder of Related Claims. Child and Spousal Support. Alimony. Alimony Pendente Lite. Counsel Fees. Expenses. **[Effect of Decree on Spousal Support.]**

(a) (1) Within thirty days after the service of the pleading or petition containing a claim for child or spousal support, alimony, alimony pendente lite or counsel fees, costs and expenses, each party shall file a true copy of the most recent federal income tax return, pay stubs for the preceding six months and a

completed income and expense statement in the manner and form required by Rules 1910.11 and [Rule 1910.26] Rule 1910.27.

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Rule 1920.52. Hearing by the Court. Decision. No Post-Trial Relief. Decree.

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[(c) Where a paternity matter is tried by jury, post-trial practice shall be permitted in accordance with Rules of Civil Procedure 227.1.

Official Note: Post-trial motions are a prerequisite to appeal in paternity matters tried by jury.]

[(d)] (c) * * *

[(e)] (d) * * *

CHAPTER 1930. RULES RELATING TO DOMESTIC RELATIONS MATTERS GENERALLY

Rule 1930.2. No Post-Trial Practice. Motions for Reconsideration.

(a) There shall be no motions for post-trial relief in any domestic relations matter [except that where a paternity matter is tried by jury, post-trial practice shall be permitted in accordance with Rule of Civil Procedure 227.1].

* * * * *

Explanatory Comment 1994

[With the exception of paternity jury trials] All post-trial practice in domestic relations cases is abolished by this rule. [Post-trial practice in paternity jury trials is governed by Rule of Civil Procedure 227.1.] In order to allow the trial court to take a second look at a case before it is appealed to the Superior Court, the rule allows a request for reconsideration to be filed in accordance with Appellate rule 1701(b)(3). The aim of these rules is to ensure that domestic cases are moved as quickly as possible toward a final resolution, and thus the requirement of Appellate Rule 1701 that the motion for reconsideration be filed and granted within the thirty day appeal period is adopted here. If the motion for reconsideration is granted, the time for filing the notice of appeal is tolled. However, if it is not granted, there is no extension of the appeal period, so that the matter proceeds without delay.

Rule 1930.3. [Use of Telephone Testimony] Testimony by Electronic Means.

With the approval of the court upon good cause shown, [telephone testimony may be taken] a party or witness may be deposed or testify by telephone, audiovisual or other electronic means at a designated location in all domestic relations matters.

Explanatory Comment—2000

This rule is amended to implement 23 Pa.C.S. § 4342(j) which sets forth the various electronic methods that may be used to take testimony in an action for support. It also extends these methods to all domestic relations matters.

[Pa.B. Doc. No. 00-1076. Filed for public inspection June 23, 2000, 9:00 a.m.]

Title 25—LOCAL COURT RULES

LUZERNE COUNTY

Schedule of Fees; Domestic Relations Section No. 3960C 2000

Now This 2nd day of June, 2000, the Court hereby adopts the following schedule of fees for the Domestic Relations Section of the Court of Common Pleas of Luzerne County effective thirty (30) days after the date of publication in the Pennsylvania Bulletin:

- a) Arrearage certifications \$10.00
b) Photocopy costs—per page50
c) Objection to conference officer's recommendation/request for hearing (must be paid at the time of filing the demand for hearing) 25.00
d) Exceptions to hearing officer's recommendation/request for argument court hearing (must be paid at the time of filing exceptions) ... 50.00
e) Genetic testing per person (which will be assessed against the defendant unless the defendant is excluded, in which case the Domestic Relations section will pay the cost of the genetic test) 68.00
f) AOPC/JCP fee per case (as mandated by the Pennsylvania Supreme Court Rule) 5.00
g) Petition for complex case designation for master's hearing per half day (must be paid at the time the order designating the case as "complex" is filed). Unused fee, or any portion will be refunded 150.00
h) Transcription fee-in accordance with Court Rules

Fees must be paid when service is requested with the exception of the genetic testing fee. Checks maybe accepted subject to collection. A \$20.00 service charge shall be assessed if any check is returned by drawer's bank, for any reason.

The Domestic Relations Section is authorized to adopt regulations and to inaugurate and maintain accounting systems in order to collect and process the above fees.

It is further ordered that the District Court Administrator shall file seven (7) certified copies of this Rule with the Administrative Office of Pennsylvania Courts, two (2) certified copies to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin, one (1) certified copy to the Domestic Relations Procedural Rules Committee and one (1) copy to the Luzerne Legal Register for publication in the next issue.

It is further ordered that this local rule shall be kept continuously available for public inspection and copying in the Domestic Relations Office.

By the Court

JOSEPH M. AUGELLO, President Judge

[Pa.B. Doc. No. 00-1077. Filed for public inspection June 23, 2000, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that Steven J. Marmarou, having been disbarred from the practice of law in the State of New Jersey, the Supreme Court of Pennsylvania issued an Order dated June 6, 2000, disbaring Steven J. Marmarou from the Bar of this Commonwealth. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
Executive Director & Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 00-1078. Filed for public inspection June 23, 2000, 9:00 a.m.]

RULES AND REGULATIONS

Title 16—COMMUNITY AFFAIRS

MUNICIPAL RETIREMENT BOARD

[16 PA. CODE CHS. 81, 83, 85, 87 AND 91]

Revisions to Rules and Regulations

The Municipal Retirement Board (Board) amends Chapters 81, 83, 85, 87 and 91 to read as set forth in Annex A.

Purpose of Final-Form Rulemaking

Under Executive Order 1996-1, the Board has undertaken a review of its existing rules and regulations. Based on that review, the Board proposes a number of technical and substantive amendments to its rules and regulations as set forth in Annex A.

General Comments

1. *Gender neutral language.* The regulations have not been updated since 1976, and generally use the masculine tense. The changes rewrite, where applicable, to gender neutral language.

2. *Deletions of language in the Pennsylvania Municipal Retirement Law (53 P.S. §§ 881.101—881.502) (law).* Generally, where the regulatory provisions merely repeat or restate language already contained in the law, the language was deleted as unnecessary.

3. *Consolidation.* Currently the regulations contain one chapter for each of the four articles of the law. Much of Chapters 85 and 87 was repetitive simply referencing the previous chapters. The revisions consolidate the regulations making all the regulations applicable to every article of the law, and deleting the repetitious sections.

Section by Section Analysis

§ 81.1. *Definitions.*

Active member—Added to clarify plans which use this term.

Actuarially equivalent—Technical correction.

Annuitant—Deleted because language is substantially repetitive of the law.

Beneficiary—Technical correction.

Board—No change.

Contributor—Added to clarify that the term “contributor” includes members not required to make member contributions to the Pennsylvania Municipal Retirement System (System).

Date of termination of service—Technical corrections and rewritten for clarity.

Inactive member—Added to clarify plans which use this term.

Intervening military service—Deleted because language is either substantially repetitive of the law or is outdated under the Uniformed Services Employment and Reemployment Rights Act (USERRA).

Law—Technical correction.

Municipal employe—Deleted as unnecessary.

Municipal fireman—Deleted as unnecessary.

Municipal policeman—Deleted as unnecessary.

Municipality—Deleted because language is either substantially repetitive of or inconsistent with the law.

New member—Deleted because it is an unused term.

Optional membership—Technical corrections.

Portability—Definition added because term is commonly used in municipality contracts.

System—Deleted because language is substantially repetitive of the law.

Vestee—Changed to vested member.

§ 81.2. *Applicability of regulations*—Because regulations are being consolidated to eliminate unnecessary repetition, this section is added to reflect that all regulations are applicable to all articles of the law.

§ 81.3. *General powers of the Board*—Deleted language substantially repetitive of the law and added clarification that the Board acts as an independent administrative board.

§ 81.4. *Actuarial investigation, tables and rates*—Deleted outdated language and added language consistent with the Internal Revenue Code.

§ 81.5. *Information to municipalities*—Deleted because language was substantially repetitive of the law.

§ 81.6. *Election by municipalities to join retirement system*—Deleted because language was either substantially repetitive of the law or outdated.

§ 81.7. *Retirement funds and accounts*—Deleted language substantially repetitive of the law and added language clarifying the various accounts maintained by the System, and clarifying a municipality's right upon withdrawal to a portion of the retired members' reserve account based upon *Pottstown v. PMRS*.

§ 81.9. *Management and investment of fund; interest credits*—Technical corrections and added language clarifying the Fund as a trust.

§ 81.10. *Withdrawal provisions*—Deleted municipal guarantee because language was substantially repetitive of the law and consolidated portion of § 83.14 along with additional language clarifying a withdrawing municipality's responsibility to retired members and beneficiaries, and clarifying the use of the term municipal employe for withdrawal purposes only.

§ 81.11. *Contract provisions*—Added term clarifying how it is determined if a contract contains an increase or decrease of benefits, and limits thereon.

§ 81.12. *Existing local retirement systems*—Deleted because language is either substantially repetitive of the law or outdated.

§ 81.13. *Monthly payments*—Deleted because language is either substantially repetitive of the law or outdated.

§ 81.14. *Exemption of retirement allowance*—Deleted because language is substantially repetitive of the law and conflicting with current Pennsylvania case law regarding domestic relations matters.

§ 83.3. *Compulsory and optional membership*—Technical corrections.

§ 83.4. *Service allowance; change of employment; military service*—Deleted subsections (a)—(h) because language was either substantially repetitive of the law or

outdated. Deleted subsection (i) because language was substantially repetitive of the law and conflicted with USERRA.

§ 83.5. *Determination of municipal liability*—Deleted because language was substantially repetitive of the law.

§ 83.6. *Contributions by members*—Deleted subsections (a) and (b) because language was either substantially repetitive of the law or outdated. Changed subsection (c) to comply with the Internal Revenue Code.

§ 83.7. *Purchase requirements for previous service*—Deleted subsections (a)—(d) because language was either substantially repetitive of the Law or outdated.

§ 83.8. *Superannuation retirement*—Deleted because language was substantially repetitive of the law.

§ 83.9. *Death benefits*—Deleted because language was substantially repetitive of the law.

§ 83.10. *Early retirement*. Deleted because language was substantially repetitive of the law.

§ 83.11. *Options on superannuation or early retirement*—Deleted language substantially repetitive of the law, and rewrote subsections (b) and (c) to reflect the System's current policy and to note that the municipal portion of the benefit shall be paid in a monthly annuity.

§ 83.12. *Disability retirement*—Deleted subsections (a), (c) and (d) because the language is substantially repetitive of the law.

§ 83.13. *Vesting*—Deleted because language was substantially repetitive of the law or outdated.

§ 83.14. *Withdrawal provisions*—Paragraphs (1)—(9) were deleted because the language was substantially repetitive of the law. Paragraph (10) in substantial part has been moved to § 81.10 for consolidation purposes.

§ 83.15. *Procedures for amending contracts*—Deleted because language was substantially repetitive of the law.

Chapter 85. Municipal Firemen and Municipal Police—Deleted and consolidated.

Chapter 87. Optional Retirement Plans—Deleted and consolidated.

§ 91.1. *Applicability of general rules*—Technical corrections.

Statutory Authority

The Board's authority to promulgate rules and regulations for the proper administration of the System is in section 104(10) of the law (53 P. S. § 881.104(10)). The rulemaking consists of technical and substantive amendments to the Board's existing rules and regulations.

The final-form rulemaking is authorized by the Board's authority to promulgate rules and regulations as may be required for the proper administration of the System's Fund, and for the transaction of business of the Board under section 104(10) of the law.

Public Comment

The Board received no comments from the public on the proposed rulemaking.

Comments from the Senate and House Standing Committees

The Board received no comments from the Senate and House Standing Committees on the proposed rulemaking.

Comments from the Independent Regulatory Review Commission

The Board received comments from IRRC. These comments are as follows:

1. IRRC commented that the inclusion of Chapters 85 and 87 in § 81.2 is inappropriate because Chapters 85 and 87 are being deleted.

The change has been made.

2. IRRC commented that the term "nominee registration process" found in § 81.9(b) should be either defined or explained for clarification.

The language of § 81.9 has been changed to broadly and more clearly set forth policy to facilitate the purchase, sale and custody of securities for the Fund.

3. IRRC commented that § 81.10 should be clarified by: (1) reference to section 214 of the law (53 P. S. § 881.214); (2) placing subsection (b) before subsection (a); and (3) rewriting subsection (a).

Section 81.10 has been changed to reference section 412 of the law. Subsection (b) has been moved before subsection (a). Subsection (a) has been changed using in large part the language suggested by IRRC.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted a copy of the notice of proposed rulemaking, published at 28 Pa.B. 5249 (October 17, 1998), to IRRC and the Chairpersons of the House Local Government Committee and the Senate Local Government Committee.

In compliance with section 5(c) of the Regulatory Review Act, the agency also provided IRRC and the Committees with copies of all comments received. In preparing the final-form regulations, the agency has considered all comments from IRRC, the Committees and the public.

Under section 5.1(d) of the Regulatory Review Act (71 P.S. § 745.5a(d)), the final-form regulations were deemed approved by the House and Senate Committees on May 16, 2000. IRRC met on May 25, 2000, and approved the final-form regulations in accordance with section 5.1(e) of the Regulatory Review Act.

Fiscal Impact and Paperwork Requirements

The final-form regulations do not impose increased costs or increased paperwork requirements on the Commonwealth, local governments, the private sector or the general public.

Persons Affected

The final-form regulations affect members of the System and municipalities with pension plans in the System.

Effective Date

The final-form regulations will be effective upon publication in the *Pennsylvania Bulletin*.

Sunset Date

A sunset date is not being established for these regulations because they are necessary for the administration of the substantive provisions of the law. The Board will closely monitor these regulations for their effectiveness.

Further Information

Individuals who need information about the final-form regulations may contact James B. Allen, Secretary, Municipal Retirement System, P. O. Box 1165, Harrisburg, PA 17108-1165.

Findings

The Board finds that:

(1) Public notice of the Board's intention to adopt the amendments was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1202 and 1202), and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The final-form regulations are necessary and appropriate for the administration of the Pennsylvania Municipal Retirement Fund.

Order

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

(a) The regulations of the Board, 16 Pa. Code Chapters 81, 83, 85, 87 and 91, are amended by amending §§ 81.1—81.4, 81.7, 81.9—81.11, 83.3, 83.6, 83.7, 83.11, 83.12 and 91.1 and deleting §§ 81.5, 81.6, 81.12—81.14, 83.4, 83.5, 83.8—83.10, 83.13, 83.14, 85.1, 85.3—85.17 and 87.1—87.13 to read as set forth in Annex A.

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

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

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

JAMES B. ALLEN,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 30 Pa.B. 2688 (June 3, 2000).)

Fiscal Note: Fiscal Note 49-1 remains valid for the final adoption of the subject regulations.

Annex A**TITLE 16. COMMUNITY AFFAIRS****PART III. MUNICIPAL RETIREMENT BOARD****CHAPTER 81. GENERAL PROVISIONS****§ 81.1. Definitions.**

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

Accumulated deductions—The total amount deducted from the salary or compensation of the contributor plus regular interest credited thereon, based on a benefit plan selected and as determined by an actuary, and shall also include payments for arrearages for reinstatement or purchase of service, as otherwise permitted by law.

Active member—A municipal employe, municipal firefighter or municipal police officer who is earning credited service in a System pension plan as a result of employment with a municipality that has enrolled in the System.

Actuarially equivalent—Annuities or lump sum amounts of equal present value determined by appropriate actuarial factors based on mortality tables and interest rates currently adopted and used by the Board.

Beneficiary—A person last designated in writing by a contributor or a retired member, or if one is not so designated, the estate of the member or next of kin under

20 Pa.C.S. § 3101 (relating to payments to family and funeral directors), to the extent applicable.

Board—The Pennsylvania Municipal Retirement Board required by the law to administer the System.

Contributor—The term includes a member who has a member's account with the System, regardless of whether the account contains accumulated deductions.

Date of termination of service—

(i) For an active member, the last day of employment in a status covered by the eligibility requirements of the pension plan.

(ii) For an inactive member, the date on which formal action is taken by the employer to separate the member from employment.

Effective date of disability retirement—The date following the last day for which compensation was paid or the date on which the member filed an effective application for disability benefits, whichever is later.

Inactive member—A municipal employe, municipal firefighter or municipal police officer who is enrolled in the System but is no longer earning credited service in a System pension plan as a result of separation from or leave from employment.

Law—The Pennsylvania Municipal Retirement Law (53 P. S. §§ 881.101—881.502).

Optional membership—Shall be available to those categories of employes authorized by law, resolution or ordinance to elect or refrain from electing membership.

(i) If they choose not to join, the declination of membership shall apply for the period of time the employe serves continuously in that optional category.

(ii) If there is a break in service and the employe returns, the member may not be permitted to purchase optional membership time previously declined, but may be a member for future optional service, if the employe so chooses.

(iii) If the employe returns to service when there is mandatory membership, the member shall be required to join the plan, on a prospective basis only.

Portability—The condition by which a member leaves the employ of a System administered plan and within 1 year of the date of termination of service enters into the employ of another System administered plan and the member elects to transfer his previously accrued service credits to the new employer, subject to provision of municipalities' contracts.

Prior service—This may not apply to municipal employes or officers who are returning to service in those municipalities which had optional plans in which the member chose not to enroll. The term includes service to the municipality prior to the effective date of the plan unless the municipality elects to limit credit for the service.

Regular interest—The rate fixed by the Board, on the basis of earnings on investments and, as applied to members' contributions, means interest compounded annually to be calculated as follows: The sum of the accumulated deductions at the conclusion of the previous year and the mean balance of the current year's contributions multiplied by the regular interest amount then in existence for the fractional part of a year for which the contributor was a member.

Retired member—A former municipal employe, municipal firefighter or municipal police officer, or the beneficiary or survivor annuitant of a municipal employe, municipal firefighter or municipal police officer who is entitled to a monthly benefit payment from the retired member's reserve account of the System.

System—The Pennsylvania Municipal Retirement System created by the law.

Vested member—A member after a stipulated age or with sufficient years of service, or both, based on the plan in which the member is enrolled, who has terminated municipal service and has elected to leave total accumulated deductions in the Fund and to defer receipt of an annuity representing both the member's and municipal benefits, provided the election is made within 90 days after the effective date of termination of service.

§ 81.2. Applicability of regulations.

This chapter and Chapters 83 and 91 (relating to municipal employes) shall be equally applicable under all articles of the law.

§ 81.3. General powers of the Board.

The Board will act as an independent administrative board with all of the powers specified in section 104 of the law (53 P. S. § 881.104).

§ 81.4. Actuarial investigation, tables and rates.

(a) Board adopted actuarial assumptions and tables shall be a part of and applied consistently to all System administered plans.

(b) In the preparation of actuarial studies intended to be used for the possible enrollment of plans into the System, the same actuarial assumptions and tables shall be used as are applied to existing, enrolled plans.

§ 81.5. [Reserved]

§ 81.6. [Reserved].

§ 81.7. Retirement funds and accounts.

(a) The Board will consolidate for investment purposes the assets of the various plans. The Board will account separately for each plan's assets in a municipal account and each individual active member, inactive member and vested member's assets in a member's account. The Board maintains pooled accounts for retired members (the Retired Members' Reserve Account) and for the funding of disability benefits (the disability reserve).

(b) When a municipality withdraws the administration of its plan from the System, the municipality shall only be entitled to the assets credited to the plan's municipal account and the plan's members' accounts in accordance with the provisions of the law. Assets that are actuarially determined by the Board's actuary to be matched to a withdrawing plan's retired members as of the effective date of withdrawal will also be returned to the plan in accordance with the law provided there are sufficient funds in the retired member's reserve account to meet the actuarially determined liability of all retired members of the System, as of the date of withdrawal; otherwise payment shall be on a prorated basis.

§ 81.9. Management and investment of Fund; interest credits.

(a) The Board will have the exclusive responsibility to manage the Fund with full power to invest the moneys therein, subject to the terms, conditions, limitations and restrictions imposed by law upon fiduciaries. The assets of the Fund shall be held in trust. No part of the assets of

the Fund will be used for or diverted to purposes other than for the exclusive benefit of the members, their spouses or the member's beneficiaries prior to the satisfaction of all liabilities of the Fund with respect to them, provided that the Fund shall be used to pay reasonable administrative expenses of the System.

(b) The Board may take action necessary and appropriate to facilitate the purchase, sale and custody of Fund assets.

§ 81.10. Withdrawal provisions.

(a) A plan withdrawal by a municipality shall comply with section 412 of the law (53 P. S. § 881.412).

(b) A plan withdrawing from the System that has retired members shall provide to the Board as a part of the withdrawal application an acknowledgment of the plan sponsor to assume responsibility for the providing of all future benefit payments for the existing retired members and beneficiaries effective with the withdrawal.

(c) Prior to the Board's approval of a withdrawal under section 412 of the law, the Board may require:

(1) The withdrawing municipality to enter into a written agreement with the Board which would terminate its contractual relationship with the Board and fix the respective rights of the parties.

(2) The withdrawing municipality to obtain individual waivers or releases from affected members, who will no longer be eligible for benefits from the System for service rendered to the withdrawing municipality.

(d) The term "municipal employe" for the purpose of plan withdrawal shall include active member, inactive member, vested member and retired member.

§ 81.11. Contract provisions.

(a) Plans enrolling or improving plan benefits under Article IV of the law (53 P.S. §§ 81.401—81.413) may not provide benefits in excess of or provide for member contribution rates less than those available to a municipality or a municipality's class of employes under existing law, including laws applicable to the establishment of pension plans.

(b) Plan improvements shall be determined on a total plan basis and not on a benefit-by-benefit comparison nor on an individual-by-individual comparison. An individual's accrued benefit may not be diminished by the implementation of an improved benefit plan contract.

§ 81.12. [Reserved].

§ 81.13. [Reserved].

§ 81.14. [Reserved].

CHAPTER 83. MUNICIPAL EMPLOYES

§ 83.3. Compulsory and optional membership.

(a) Each municipality shall determine, subject to review and approval by the Board, the eligibility of its employes for membership in the System.

(b) If membership in a plan is optional, the municipality shall advise affected employes of the option and, within 1 year after the optional membership is available to the employe, the employe shall exercise the option or indicate in writing that membership in the plan is not elected. The action is irrevocable during the period of the continuous service of the employe.

(c) Each municipality shall supply the Board with its rules regarding a probationary period for plan membership and the period shall be uniform for all employes. An

employe in the probationary status, if subsequently enrolled as a member may not be eligible for service credit for the time served in the probationary period.

§ 83.4. [Reserved].

§ 83.5. [Reserved].

§ 83.6. **Contributions by members.**

Contributions required to be made by a member may not be paid by the municipality under any circumstances other than the provisions of section 414(h)(2) of the Internal Revenue Code (26 U.S.C.A. § 414(h)(2)). If an employe is simultaneously employed by more than one municipality or in positions that make the individual eligible for membership in more than one plan, the member shall receive credit for concurrent service for each plan and the member's compensation for each plan shall be considered separately for benefit purposes.

§ 83.7. **Purchase requirements for previous service.**

A former contributor who has withdrawn total accumulated deductions may, upon a subsequent return to service, restore to the Fund those accumulated deductions representing that member's previous service and continue accruing service credits for service rendered subsequent to the return to service, provided the member pays the amount due thereon plus regular interest up to the date of purchase in a lump sum within 30 days after billing, or through salary deductions amortized with regular interest through a repayment period of not more than 5 years, provided that regular interest is charged through the repayment period chosen by the member and approved by the Board.

§ 83.8. [Reserved].

§ 83.9. [Reserved].

§ 83.10. [Reserved].

§ 83.11. **Options on superannuation or early retirement.**

(a) Once a member has filed an application for a benefit, and the member has received and cashed the first benefit payment check, the selected retirement benefit option of the member shall be irrevocable unless the retired member returns to active service to the plan from which the member retired. Only the member may change a benefit option.

(b) A plan enrolled in the system may not allow for the present value of a living member's benefit to be paid in one lump sum. The municipal portion of the annuity payment shall be paid in a monthly annuity payment option.

§ 83.12. **Disability retirement.**

(a) Disability applications shall be accompanied by medical documentation on forms supplied by the Board to enable the Board's medical examiners to review and determine whether the applicant is medically disabled and prohibited from engaging in a gainful occupation.

(b) The Board may require the earnings reports as it deems necessary to insure that a disability annuitant is unable to engage in a gainful occupation.

§ 83.13. [Reserved].

§ 83.14. [Reserved].

CHAPTER 85. (Reserved)

§ 85.1. (Reserved).

§§ 85.3—85.17. (Reserved).

CHAPTER 87. (Reserved)

§§ 87.1—87.13. (Reserved).

CHAPTER 91. SPECIAL RULES OF ADMINISTRATIVE PRACTICE AND PROCEDURE

§ 91.1. **Applicability of general rules.**

Under 1 Pa. Code § 31.1 (relating to scope of part), 1 Pa. Code Part II (relating to general rules of administrative practice and procedure), applies to the activities of and proceedings before the Board.

[Pa.B. Doc. No. 00-1079. Filed for public inspection June 23, 2000, 9:00 a.m.]

Title 52—PUBLIC UTILITIES

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 59]

[L-980134]

Reporting Requirements Relating to the Submission of Gas Supply and Demand Data

The Pennsylvania Public Utility Commission (Commission) on March 2, 2000, adopted a final rulemaking order modifying the reporting requirements in §§ 59.81 and 59.84 (relating to periodic reporting requirements for major gas utilities; and formats) regarding gas supply and demand data. The contact persons are William Hall, Bureau of Conservator, Economics and Energy Planning (717) 783-1547 and Rhonda Daviston, Law Bureau, (717) 787-6166.

Executive Summary

On February 9, 1998, the Pennsylvania Gas Association (PGA) filed a petition requesting that the Commission modify the reporting requirements in §§ 59.81 and 59.84. These requirements involve gas supply and demand data. The petition requested that the existing requirements be replaced by the proposed modified supply and demand forms.

The purpose of this regulation is to consolidate the existing 10 forms, containing 49 tables, which now provide data on 5 historic years and 3 projected years. The changes eliminate seasonal data requirements, reduce the historical reporting period from 5 years to 2 years, eliminate detailed pricing information and tariff rates for transportation and storage, and add new tables which are focused on the current year annual and peak day data. The result is that the existing 10 forms with 49 tables will be reduced to 9 forms with 9 tables. These new forms and tables will provide a clearer and more concise presentation than the current tables.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Commission submitted a copy of the proposed rulemaking published at 29 Pa.B. 1515 (March 20, 1999) and served on March 10, 1999, to the Independent Regulatory Review Commission (IRRC) and the

Chairpersons of the House Committee on Consumer Affairs and the Senate Committee on Consumer Protection and Professional Licensure for review and comment.

Under section 5(c) of the Regulatory Review Act, the Commission also provided IRRC and the Committees with copies of all comments received, as well as other documentation. In preparing these final-form regulations, the Commission has considered all comments received from IRRC, the Committees and the public.

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), on May 9, 2000, these final-form regulations were deemed approved by the House Committee on Consumer Affairs and by the Senate Committee on Consumer Protection and Professional Licensure. The final-form regulations were deemed approved by IRRC on May 11, 2000, under section 5.1(e) of the Regulatory Review Act.

Commissioners Present: John M. Quain, Chairperson; Robert K. Bloom, Vice Chairperson; Nora Mead Brownell; Aaron Wilson, Jr.; Terrance J. Fitzpatrick

Public Meeting held
March 2, 2000

Final Rulemaking Order

By the Commission:

On February 9, 1998, the PGA filed a petition requesting that the Commission amend §§ 59.81 and 59.84. These regulations concern the Natural Gas Integrated Resource Planning Reports. The petition specifically involved the gas supply and demand forms (Forms IRP IA, IB, 1C, 2A, 2B, 2C, 4A, 4B, 4C).

Simultaneously, the PGA requested a waiver of the existing reporting requirements, and also requested that the proposed modified supply and demand forms be accepted by the Commission in lieu of the current requirements. The Commission approved that request on February 26, 1998.

The proposed rulemaking was published at 29 Pa.B. 1515 (March 20, 1999). Following publication, the Commission received a letter from the PGA in lieu of a formal comment. In its letter, the PGA noted that the new forms were developed through the joint efforts of utility representatives and Commission staff. The PGA endorsed the proposed amendments and stated that the new forms significantly reduce the number of tables submitted without compromising the Commission's analytical base or emergency preparedness.

By this order, we amend the reporting requirements in §§ 59.81 and 59.84 relating to the submission of gas supply and demand data. Specifically, we are consolidating the 10 forms containing 49 tables, which now provide data on 5 historic years and 3 projected years. The nine new consolidated forms will eliminate seasonal data and duplicative data. Each new form will contain one table and will provide data for 2 historic years and 3 projected years. Under the amended regulations, the existing 10 forms with 49 tables will become 9 forms with a total of 9 tables.

The amendments cover four main topics: elimination of seasonal data requirements, reduction of the historical reporting period from 5 years to 2 years, elimination of detailed pricing information and tariff rates for transportation and storage, and the addition of new tables which are focused on the current year annual and peak day data.

We are satisfied that we need not continue requiring the submission of seasonal data, except for the annual storage report. The Commission has not had occasion to use seasonal data for policy review for at least the past few years, nor have we received a request for seasonal information from the public or any other agency.

There have been some special cases in which we have examined seasonal storage data (injections and withdrawals). However, if seasonal data is necessary in a particular instance, specific data can always be gathered on a case by case basis. Additionally, the amended regulations continue to require the submission of annual and peak day storage injection and storage withdrawal data.

A reduction of the historical reporting period from 5 years to 2 years is reasonable. Since a 5-year span only reiterates data which is available from previous reports, the Commission will continue to have access to this information, as necessary.

The elimination of detailed supply pricing information and tariff rates for transportation and storage will significantly simplify the reports. Although the contract volumes and termination dates of contracts will still be important during the continued restructuring of the gas industry, the detailed shipping pricing data is not essential. As we have recognized, the statement that the supply pricing data, along with the pipeline transportation tariffs and storage tariffs, is also contained in the section 1307(f) filings. The section 1307(f) filings include data on storage and pipeline transportation tariffs in addition to other gas costs. Additionally, summary information of this data will still be provided under the amended reporting requirements.

The new tables for supply provide a clearer presentation than the current tables. The new tables provide peak day and annual data based on the most recent year. The suggested forms present the data in a more concise and clear format. The new forms still provide the supply, transport, upstream and storage information that is used for analysis. Detailed supply contract reporting is limited to the ten largest contracts or 75% of total gas supply contracts (by volume). The remaining gas supply would be reported as miscellaneous (other) contract supplies which will provide a balance of supply and demand data.

We will not mandate the format of the required data. Instead, each jurisdictional utility shall continue to use the forms and schedules as specified by the Bureau of Conservation, Economics and Energy Planning, as already stated in § 59.84.

The Commission may still require additional data or information in certain instances. Nothing in this amended rulemaking should be construed as restricting our authority to require the submission of additional gas utility data as the Commission may deem necessary. Rather, it is the intention of the Commission to eliminate unnecessary and burdensome reporting requirements whenever it is possible. Accordingly, under 66 Pa.C.S. §§ 308(c), 501, 504, 5213, 1319 and 1501, and the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201, et. seq.) and regulations promulgated thereunder at 1 Pa. Code §§ 7.1—7.4, we hereby amend the regulations in 52 Pa. Code §§ 59.81 and 59.84; *Therefore, It Is Ordered That:*

1. The regulations of the Commission, 52 Pa. Code (relating to public utilities) are amended consistent with this order by amending the reporting requirements in §§ 59.81 and 59.84 to read as set forth in Annex A.

2. The Secretary shall certify this order and Annex A and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. The Secretary shall submit this order and Annex A to the Office of Attorney General for review as to form and legality.

4. The Secretary shall submit this order and Annex A to the Governor's Budget Office for review of fiscal impact.

5. The Secretary shall submit this order and Annex A for review by designated standing committees of both Houses of the General Assembly, and for review and approval by the Independent Regulatory Review Commission.

6. A copy of this order and Annex A shall be served upon all jurisdictional gas utility companies, the Office of Consumer Advocate, and the Office of Small Business Advocate.

JAMES J. MCNULTY,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 30 Pa.B. 2688 (May 27, 2000).)

Fiscal Note: Fiscal Note 57-198 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart C. FIXED SERVICE UTILITIES

CHAPTER 59. GAS SERVICE

ANNUAL RESOURCE PLANNING REPORT

§ 59.81. Periodic reporting requirements for major gas utilities.

(a) For the purposes of this subchapter, each jurisdictional public utility with sales of 8 billion cubic feet per year or more including transportation volume shall submit to the Commission an annual integrated resource planning report. Except for Form 1A/2A, whose filing date is March 1, copies of the report shall be submitted on or before June 1, 1996, and June 1 of successive years. An original and five copies of the report shall be submitted. This report shall include a plan that includes the past year's historical data, program changes, and the next 3-year forecast. One copy of the report shall also be submitted to the Office of Consumer Advocate, the Office of Small Business Advocate and the Office of Trial Staff. The information contained within the report shall conform to the following requirements:

(1) The name and telephone number of persons having knowledge of the matters, and to whom inquiries should be addressed.

(2) A forecast of annual and peak day energy demand requirements in million cubic feet displayed by component parts, as indicated in Form-IRP-Gas-1A and Form-IRP-Gas-1B. The load growth projections shall reflect the effects of price elasticity, market-induced conservation, building and appliance efficiency standards and the effects of the utility's existing and planned conservation and load management activities.

(3) A forecast of annual and peak day energy supply resources in million cubic feet indicating sources of presently available and new supplies which the utility estimates will become available displayed by component

parts, as indicated in Form-IRP-Gas-2A, a list of contracts for gas transportation, to the reporting utility's city gate, upstream of the city gate and related to transportation as indicated in Form-IRP-Gas-2B and a list of contracts for gas storage services provided to the reporting utility, as indicated in Form-IRP-Gas-2C.

(4) A forecast of the number of customers (year end) displayed by component parts, as indicated in Form-IRP-Gas-3.

(5) A summary forecast of annual and peak day energy supply resources and demand requirements in million cubic feet, as indicated in Form-IRP-Gas-4A and Form-IRP-Gas-4B.

(6) The data required under paragraphs (1)–(5) shall consist of the past 2 years actual historical data, the current year (both actual and projected) and a 3-year forecast. For the purpose of this section, the term "current year" refers to the year in which the filing is being made.

(7) A detailed discussion of the methodologies, data sources and assumptions used in preparing the information required by this section shall be included.

(b) The reporting formats referred to in this section are contained in § 59.84 (relating to formats). Annual data shall be submitted on a calendar year basis, January 1 through December 31. If the utility purchases gas on a contract basis other than a calendar year, the contract time interval shall be identified.

(c) Annual integrated resource planning reports submitted under subsection (a) shall be accompanied by a summary suitable for public distribution. The summary shall include an implementation plan specifying activities scheduled for the acquisition and development of the resources delineated in the report, which are to take place during the planning period. Utilities shall maintain copies of the summary open for public inspection during normal business hours.

(d) Informal sessions may be scheduled for reviewing integrated resource plans and providing an opportunity for interested parties to participate in the review process.

§ 59.84. Formats.

In preparing the annual integrated resource planning reports required by § 59.81(a) (relating to periodic reporting requirements for major gas utilities), each jurisdictional utility shall use the forms and schedules specified by the Bureau of Conservation, Economics and Energy Planning, which shall include the following:

(1) Form-IRP-Gas-1A—Annual Gas Demand Requirements; Form-IRP-Gas-1B—Peak Day Gas Requirements.

(2) Form-IRP-Gas-2A—Natural Gas Supply; Form-IRP-Gas-2B—Natural Gas Transportation; Form-IRP-Gas-2C—Natural Gas Storage.

(3) Form-IRP-Gas-3—Number of Customers (Year End).

(4) Form-IRP-Gas-4A—Annual Supply and Demand Requirements Summary; Form-IRP-Gas-4B—Peak Day Supply and Demand Requirements Summary.

(5) Form-IRP-Gas-5—Program Description.

(6) Form-IRP-Gas-6—Energy Users.

- (7) Form-IRP-Gas-7—Program Summary.
 - (8) Form-IRP-Gas-8—Cost-Benefit Analysis Inputs.
 - (9) Form-IRP-Gas-9—Cost-Benefit Analysis Results.
- [Pa.B. Doc. No. 00-1080. Filed for public inspection June 23, 2000, 9:00 a.m.]

Title 67—TRANSPORTATION

TURNPIKE COMMISSION [67 PA. CODE CH. 601] Traffic Regulations

The Turnpike Commission (Commission) amends §§ 601.1, 601.4—601.6, 601.9, 601.15 and 601.101 and adds § 601.18 to read as set forth in Annex A. The Commission adopts the following amendments under the authority of the act of May 21, 1937 (P. L. 774, No. 211) (36 P. S. § 652d); section 7 of the act of September 30, 1985 (P. L. 240, No. 61) (36 P. S. § 651.7); and 75 Pa.C.S. § 6110 (relating to regulation of traffic on Pennsylvania Turnpike).

A. Purpose

The amendments are intended to promote the health, safety and welfare of the Commission's customers and are designed to update, clarify and improve the Commission's traffic regulations.

B. Summary of Proposal

After a review of its existing regulations, the Commission adopted amendments at its April 6, 2000, Commission meeting as follows:

§ 601.1. Definitions.

The definition of "Class 9 vehicle" has been amended in conjunction with § 601.101 to increase the length limit for tandems from 76 feet to 85 feet. The definition of "Commission" has been amended for purposes of clarification.

§ 601.4. Speed limits.

This section has been amended to allow for a maximum speed limit not to exceed the posted limit in conjunction with 75 Pa.C.S. § 6110 to reflect the current speed limits on the Turnpike. The minimum speed limit has been amended from 40 miles per hour to 15 miles per hour below the posted speed limit to account for different speed zones on the Turnpike, to facilitate a free flow of traffic and to improve safety.

§ 601.5. Hazardous materials.

The Department of Transportation (Department) terminated its hazardous materials permitting process and the Commission, following the Department's lead, has done the same. The Commission will no longer issue hazardous materials permits, since transporters of hazardous materials are presently required to obtain a Federal permit. The amendment conforms the Commission to the Federal permit system.

Transportation of hazardous materials through the existing Turnpike tunnels is limited by regulation. This section has been amended to permit transportation of several hazardous materials which were previously prohibited. These materials are permitted in nonbulk packaging only. A consulting firm has determined the Commission's tunnel restrictions for transportation of hazardous

materials are more restrictive than surrounding states. Consequently, transporters of hazardous materials may choose less restrictive routes, which routes not only may be ill equipped to respond to accidents but also may be located closer to residences. The intent of the amendment is both to encourage more transporters of hazardous materials to travel the closed system of the Turnpike and to guarantee the safety of all individuals traveling the Turnpike.

§ 601.6. Parking, stopping, loading or unloading.

The amendment to this section is editorial.

§ 601.9. U-turns.

The amendment to this section is editorial.

§ 601.15. Vehicles excluded from the Turnpike.

This section has been amended to prohibit vehicles that cannot maintain the minimum speed required in § 601.4 and to prohibit nonmotorized vehicles. Both slow moving vehicles and nonmotorized vehicles present a serious hazard to all individuals traveling the Turnpike.

§ 601.101. Length limit for tandems.

The length limit for tandem trailer combinations has been amended from 76 feet to 85 feet. To enter the Turnpike, vehicles over 85 feet now require a Class 9 permit. The maximum length limit for commercial carriers has been increased to accommodate the increasing number of tandem trailer combinations which exceed the present 76 foot maximum requirement. In addition, the length amendment improves public safety by reducing tandem trailer combination travel on State and local roads which may have no length limitations but may be less equipped to accommodate the size of these vehicles.

§ 601.18. Accident prevention investigations.

This addition will allow the Commission to perform in-depth investigations and studies of accidents and the causes thereof in an attempt to eliminate these causes. This information will be privileged and confidential so as to cause no ill effect to the Commission. The amendment is designed to protect this information.

C. Comment and Response Summary

Notice of proposed rulemaking was published at 29 Pa.B. 4968 (September 25, 1999). The proposal is being adopted with changes as set forth in Annex A.

The Commission received one comment from the public during the public comment period. The Commission also received comments from the Independent Regulatory Review Commission (IRRC). No comments were received from the House Transportation Committee or the Senate Transportation Committee.

The amendments to the proposed rulemaking in response to comments are as follows:

(1) IRRC questioned the statutory authority supporting the proposed administrative fee in § 601.5(f), to be imposed for violation of the hazardous materials transportation regulations. After additional consideration, the Commission has withdrawn this provision from its final-form regulations.

(2) IRRC questioned the basis for eliminating the Commission-issued permit to transport hazardous materials, addressed in § 601.5(a)—(e). In addition to following the Department's elimination of a requirement for a hazardous materials permit, the Commission proposes to

eliminate its permitting process, since the *Code of Federal Regulations* addresses transportation of hazardous materials.

(3) Both IRRC and a commentator questioned the provisions of § 601.18(b), limiting the discoverability of accident investigations in civil and criminal proceedings. The proposal has been modified to limit the discoverability of investigative reports in civil proceedings. This modification reflects recent case law, which requires accident investigations to be shared with authorities in criminal proceedings.

(4) For clarity of § 601.6(b), the Commission accepts IRRC's recommendation to eliminate the following provision: "The State Police may remove or direct removal of the vehicle within 24 hours of the time of the vehicle's presumption of abandonment."

(5) For clarity of § 601.4, the Commission accepts IRRC's recommendation to delete specific references to speed limits included in § 601.4 and require vehicles to obey the posted maximum and minimum speed limits.

D. Effective Date

The final-form rulemaking takes effect upon publication of final adoption in the *Pennsylvania Bulletin* and after posting of the approved regulations at the Commission interchanges. The approved regulations will remain in effect until modified or rescinded by the Commission.

E. Paperwork

The final-form regulations will not increase paperwork or create new paperwork for the Commonwealth or political subdivisions.

F. Fiscal Impact

The Commission is funded primarily by bonds and tolls. Therefore, these final-form regulations will not have any fiscal impact on the Commonwealth.

G. Sunset Requirement

The Commission has not established a sunset date for these regulations rulemaking because the traffic regulations are in effect on a continual basis. The Commission continually monitors its regulations and will propose appropriate amendments when required.

H. Contact Person

The contact person for an explanation of the amendments is Lydia H. Lucas, Assistant Counsel, Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106-7676 or (717) 939-9551.

I. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 13, 1999, the Commission submitted a copy of the notice of proposed rulemaking, published at 29 Pa.B. 4968, to IRRC and the Chairpersons of the House Committee on Transportation and the Senate Committee on Transportation for review and comment.

In compliance with section 5(c) of the Regulatory Review Act, the Commission also provided IRRC and the Committees with copies of the comments received as well as other documentation. In preparing these final-form regulations, the Commission has considered the comments received from IRRC and the public.

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), these final-form regulations were deemed approved by the Committees on May 10, 2000.

Under section 5.1(c) of the Regulatory Review Act, IRRC met on May 11, 2000, and approved the final-form regulations.

J. Findings

The Commission finds that:

(1) Public notice of intention to amend the regulations 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 amendments are necessary and appropriate for the administration and enforcement of the authorizing statutes.

K. Order

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

(a) The regulations of the Commission, 67 Pa. Code Chapter 601, are amended by amending §§ 601.1, 601.4—601.6, 601.9, 601.15 and 601.101 and by adding § 601.18 to read as set forth in Annex A.

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

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

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

JOHN T. DURBIN,
Executive Director

Fiscal Note: The Commission is funded primarily by bonds and tolls. Because there is no direct cost to the Commonwealth as a result of these proposed amendments, the Commission has not submitted a fiscal note.

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 30 Pa.B. 2688 (June 3, 2000).)

Annex A

TITLE 67. TRANSPORTATION

PART II. TURNPIKE COMMISSION

CHAPTER 601. TRAFFIC REGULATIONS

GENERAL

§ 601.1. Definitions.

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

Acceleration lane—A speed change lane for the purpose of:

(i) Enabling a vehicle entering a roadway to increase its speed to a rate at which it can safely merge with through traffic.

(ii) Providing the necessary merging distance.

(iii) Giving the main roadway traffic the necessary time and distance to make appropriate adjustments.

Class 9 vehicle—A vehicle which exceeds 100,000 pounds in weight, 13 feet 6 inches in height, 10 feet in width, 85 feet in overall length, or which has a load or part thereof extending 5 feet or more beyond the front bumper or 15 feet or more beyond the rear bumper. The

front and rear overhang of stinger steered vehicles, as defined in 23 CFR 658.13(d) (relating to length), may not be included in calculating the overall length of the stinger steered vehicle, as long as the front overhang does not exceed 3 feet and the rear overhang does not exceed 4 feet.

Commission—The Pennsylvania Turnpike Commission.

Deceleration lane—The portion of the roadway adjoining the traveled way constructed for the purpose of enabling a vehicle that is exiting a roadway to slow to a safe speed after it has left the mainstream of traffic.

Hazardous material—An explosive, blasting agent, flammable liquid, combustible liquid, flammable solid, flammable and nonflammable compressed gas, corrosive material, poison, poison gas, irritant, oxidizer, organic peroxide, radioactive material, etiologic agent or other regulated material defined in 49 CFR Parts 100—177 (relating to research and special programs administration, Department of Transportation) whether a material, a substance or a waste product.

Max-time formula—The method by which the Commission determines the maximum amount of time a patron should normally spend on the Turnpike system.

Recreational vehicle—A multipurpose passenger vehicle that provides living accommodations for persons or an apportionable vehicle designed or converted and used exclusively for personal pleasure or travel by an individual or the individual's family.

Shoulder—The portion of the highway, contiguous to the roadway, for accommodation of stopped vehicles, for emergency use and for lateral support of the roadway.

Tandem—A truck tractor, semitrailer and trailer.

Traffic lane—A strip of roadway intended to accommodate the forward movement of a single line of vehicles.

Turnpike System—The limited access highway maintained and constructed by the Commission, extending eastward from the Ohio line to the New Jersey line and northward from a point near Norristown, Pennsylvania to a point near Scranton, Pennsylvania and other extensions thereto, which have been or may hereafter be designated as part of the Turnpike System by the Legislature.

Unsafe vehicle—A vehicle which does not comply with Chapter 175 (relating to vehicle equipment and inspection) or with an equipment requirement of this part, or a vehicle which poses a driving hazard to the vehicle's occupants or to other motorists.

§ 601.4. Speed limits.

(a) A vehicle shall be limited to a maximum posted speed limit. The minimum speed for a vehicle on the Turnpike is 15 miles per hour below the posted speed limit, except as noted otherwise.

(b) The Commission, in cooperation with the State Police, has the authority to temporarily reduce speed limits on a part of the Turnpike System where hazardous conditions warrant the reduction in speed or where the reduction is necessary for construction or maintenance operations.

§ 601.5. Hazardous materials.

(a) Hazardous materials may be transported, under the required Federal permits, on the Turnpike system, if the

shipments are in full compliance with 10 CFR 71 (relating to packaging and transportation of radioactive material), 49 CFR Subchapter C (relating to hazardous materials regulations), the Federal motor carrier safety regulations, 49 CFR 390—397, and other Federal or State laws or regulations relating to the transportation of hazardous materials.

(b) A transporter of hazardous materials shall carry the required Federal permits while traveling on the Turnpike System and shall present the permits upon demand to any Commission employe or the Pennsylvania State Police.

(c) Explosives Divisions 1.1, 1.2, 1.3 and Radioactive materials as defined in 49 CFR 73.50 and 173.403, respectively (relating to Class 1—definitions; and definitions) are prohibited from being transported on the Turnpike in tandem trailer combinations.

(d) The total volume of material in a tandem combination may not exceed the total volume that could be carried in a single trailer.

(e) The following materials are prohibited, restricted or permitted in Commission tunnels under the following chart. Restricted is defined as nontanker loads, limited to transport in nonbulk packaging of 119 gallons per container or less, under 49 CFR 171.8 (relating to definitions and abbreviations).

PLACARD NAME	POLICY
Table 1 Materials	
Explosives 1.1	Prohibited
Explosives 1.2	Prohibited
Explosives 1.3	Prohibited
Poison Gas	Prohibited
Dangerous When Wet	Prohibited
Poison (Inhalation Hazard)	Prohibited
Radioactive	Prohibited
Table 2 Materials	
Explosives 1.4	Prohibited
Explosives 1.5	Prohibited
Explosives 1.6	Prohibited
Flammable Gas	Restricted
Non-Flammable Gas (Refrigerated Oxygen)	Permitted
Flammable Liquids	Restricted
Combustible (Fuel Oil)	Permitted
Flammable Solid	Restricted
Spontaneously Combustible	Restricted
Oxidizer	Restricted
Organic Peroxide	Restricted
Poison	Restricted
Keep Away From Food	Permitted
Corrosive	Restricted
Miscellaneous (Class 9)	Permitted

§ 601.6. Parking, stopping, loading or unloading.

(a) A vehicle may not be stopped, left standing, parked, loaded or unloaded on a traffic, acceleration or deceleration lane, or on the shoulder adjacent thereto. In case of emergency only, parking, stopping, standing, loading or unloading of a vehicle is permitted on the shoulder to the right of the travel lanes facing with the direction of travel when the wheels of the vehicle and the projecting parts of the body or load are safely off and to the right of the travel lanes. Parking, standing, stopping, loading or unloading on the shoulders is not permitted at:

- (1) A bridge or structure.
- (2) In front of a service station between the traffic lanes and the station area.
- (3) A place where a sign prohibiting is posted.

(b) A vehicle otherwise permitted to park off the traffic, deceleration or acceleration lanes may not remain there longer than necessary to meet the emergency. A vehicle will not be permitted to remain anywhere on the Turnpike System longer than 24 hours. A vehicle remaining on the Turnpike System for more than 24 hours will be deemed to be abandoned and may immediately be removed by, or at the direction of, the State Police to the contract garage providing service for that area or to a nearby licensed salvor, at the owner's expense. The State Police will then promptly notify the registered owner of the vehicle by certified mail of its action, designating the milepost from which the vehicle is removed, the reason for its removal and the location of the contract garage to which it was removed. In the interest of safety, the Commission has the right to immediately remove any vehicle from a portion of the Turnpike traffic lanes, shoulders or other part of the Turnpike System.

§ 601.9. U-turns.

The making of a U-turn on the Turnpike System is prohibited except by authorized vehicles. A driver of a motor vehicle may reverse direction of travel only by passing through an interchange and paying the fare. The Pennsylvania State Police may authorize a U-turn in an emergency and fare collection personnel may authorize a U-turn at an interchange.

§ 601.15. Vehicles excluded from the Turnpike.

(a) During adverse weather conditions, recreational vehicles, motorcycles, vehicles towing trailers, tandem trailers, buses and Class 9 vehicles may be excluded from parts or all of the Turnpike System. Vehicles may be excluded from the Turnpike System to effect proper snow removal or to remedy hazardous situations. Unsafe vehicles may be excluded at any time.

(b) Class 9 vehicles are prohibited from using the Turnpike System except by special permit from the Commission, as indicated in §§ 601.1 and 601.14 (relating to definitions; and Class 9 vehicles).

(c) Vehicles which are not capable of maintaining a speed of at least 15 miles per hour below the posted speed limit on level roadway are prohibited from using the Turnpike System.

(d) Nonmotorized vehicles are not permitted to be operated on the Turnpike System.

§ 601.18. Accident prevention investigations.

(a) The Commission may conduct in-depth accident investigations and safety studies of the human, vehicle and environmental aspects of traffic accidents for the purpose of determining the cause of traffic accidents and the improvements which may help prevent similar types of accidents or increase the overall safety of the Turnpike roadway and bridges.

(b) In-depth accident investigations and safety studies and information, records and reports used in their preparation are not discoverable or admissible as evidence in any civil action or proceeding. Officers or employees or the agencies charged with the development, procurement or custody of in-depth accident investigations and safety study records and reports are not required to give depositions or evidence pertaining to anything contained in the in-depth accident investigations or safety study records or reports in any civil action or other proceeding.

TANDEM TRAILER COMBINATIONS

§ 601.101. Length limit for tandems.

A semitrailer, or the trailer of a tandem trailer combination, may not be longer than 28 1/2 feet. A tandem combination—including the truck tractor, semitrailer and trailer—which exceeds 85 feet in length is considered a Class 9 vehicle which requires a special permit to travel on the Turnpike System.

[Pa.B. Doc. No. 00-1081. Filed for public inspection June 23, 2000, 9:00 a.m.]

PROPOSED RULEMAKING

NAVIGATION COMMISSION FOR THE DELAWARE RIVER AND ITS NAVIGABLE TRIBUTARIES

[4 PA. CODE CHS. 401—403 AND 405]
Navigation Licensure and Renewal

The Navigation Commission for the Delaware River and its Navigable Tributaries (Commission) proposes to amend Chapters 401—405 to read as set forth in Annex A.

This proposal would revise and update four of the six chapters of the Commission's regulations. The Commission's regulations have not been significantly revised since their promulgation in 1977. Revisions to the remaining Chapters 407 and 409 (relating to navigation; and wharves and docks) will be the subject of future rulemaking by the Commission.

This proposal has three objectives:

(1) To enhance navigational safety on the Delaware River through the implementation of requirements for State-licensed pilots such as random drug testing, continuing education, special training in bridge resource management and automatic radar plotting aids and mandatory pilotage trips to maintain current knowledge of river conditions (recency-of-route).

(2) To eliminate regulations which are obsolete because of statutory changes affecting the Commission and State-licensed pilots or which are unnecessary because their subject matter is adequately covered by statute.

(3) To give those regulations retained by the Commission better organization and clarity.

I. Statutory Authority

The Commission has authority to promulgate regulations under section 4 of the act of March 29, 1803 (P. L. 542, 4 Sml 67) (55 P. S. § 31); and section 2504-B(4) of The Administrative Code of 1929 (71 P. S. § 670.2(4)).

II. Description of Proposed Revisions

A. Chapter 401. General Provisions

§ 401.1 (Definitions)

Section 401.1 lists definitions of words and phrases that are used in Chapters 401—409. The revisions would change the definition of "Department" from the Department of Commerce of the Commonwealth to the Department of State of the Commonwealth and the definition of "Secretary" from the Secretary of Commerce of the Commonwealth to the Secretary of the Commonwealth. These changes are necessary because section 1 of Reorganization Plan No. 1 of 1982 (71 P. S. § 751-37), transferred to the Department of State those powers and duties of the Department of Commerce with regard to the Commission that were not being transferred to the Department of Environmental Protection (DEP). The Secretary of the Commonwealth is the Secretary of the Department of State who chairs the Commission.

§ 401.2 (Commission offices)

The proposal amends § 401.2 by identifying the Commission's office at 1400 Spring Garden Street, Philadelphia, as the location of the Philadelphia State Office Building. The revisions identify the Philadelphia State Office Building as the principal office of the Commission and 302 North Office Building, Harrisburg, 17105-2649 as the location of the Commission's administrative office. Section 475(a) of The Administrative Code of 1929 (71 P. S. § 180-5(a)) requires the Commission's principal office to be in Philadelphia.

B. Chapter 402. Administration

§§ 402.5 and 402.9 (Composition of Commission; and Quorum)

These sections set forth the Commission's membership and quorum requirements, respectively, which are found in section 475 of The Administrative Code of 1929 as modified by the Reorganization Plan 1 of 1982. The proposal would repeal these sections as unnecessary.

§ 402.10 (Standing committees)

The section now provides for standing committees. Because of the transfer of many of the Commission's duties to DEP (see, Chapter 403, *infra*), it is not necessary for the Commission to continue to organize itself into standing committees. The revisions would repeal this section.

§ 402.11 (Meetings)

Subsection (a) provides that the Commission's regular meetings are held on the second Tuesday of every month unless cancelled by the Commission chair for lack of business. The proposed revisions provide that the Commission will meet semiannually. Subsection (b) allows the Commission chair to convene special meetings; the revisions would make editorial changes to this subsection. Subsection (c) provides that the chairs of the Commission's standing committees may convene committee meetings. The revisions would repeal this subsection to conform to proposed § 402.10.

C. Chapter 403. Construction Permits

This chapter sets forth the procedures by which the Commission formerly issued permits for the construction of piers, wharves, and other harbor structures within the Delaware River and its navigable tributaries under sections 7 and 8 of the act of June 8, 1907 (P. L. 496) (55 P. S. §§ 6 and 9).

The Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) repealed sections 7 and 8 of the act of June 8, 1907 and established a plan for joint approval by the Commission and the Department of Environmental Resources (DER) for permits for dams, water obstructions and encroachments in the commercially navigable waters of the Delaware River and its tributaries. Section 2 of Reorganization Plan No. 1 of 1982 transferred the Commission's functions in this area to DER, which is now the DEP. See 71 P. S. § 751-37(1). The revisions would repeal this chapter as obsolete.

D. Chapter 405. Pilots and Pilotage

This chapter relates to the Commission's licensure of pilots on the Delaware River and to pilotage fees and other pilotage requirements. The Commonwealth and Delaware, operating under similar enabling statutes, are empowered to license pilots of foreign vessels and vessels

that are traveling to or from a foreign port; the Federal Government, through the Coast Guard, licenses pilots of domestic vessels that are traveling to or from a United States port.

§ 405.2 (Authority)

This section recites an incomplete and outdated list of the Commission's powers and duties under section 4 of the act of March 29, 1803, section 2504-B of The Administrative Code of 1929, and section 12 of the act of June 8, 1907 (55 P.S. § 111). The revisions would repeal this section as unnecessary.

Section 1 of the act of June 23, 1993 (P. L. 114, No. 27), (55 P.S. § 31) rewrote the Commission's powers and duties. One of the major changes made was that those aggrieved by any decision or penalty imposed by the Commission shall have the right of review under 2 Pa.C.S. Chapter 7, Subchapter A (relating to judicial review of Commonwealth agency action). Previously, the right of review was granted to the court of common pleas of the county of Philadelphia.

§ 405.3 (Applications)

This section currently provides that an applicant for a pilot's license in any class, or for appointment as an apprentice, must appear in person before the Commission to obtain an application and specifies the five types of application forms that the Commission uses. The revisions would alter this section to provide that an applicant for initial licensure, for renewal of a license or for appointment as an apprentice shall submit an application on a form provided by the Commission.

§ 405.4 (Examinations)

This section currently requires an applicant for a fourth-class pilot's license to pass an oral and written examination; no examination is required for the other license classes. Subsection (a) authorizes the Commission to appoint at least three first-class pilots to conduct or develop an oral or written examination for an entry level pilot's license, as authorized by section 17 of the act of March 29, 1803 (55 P.S. § 42). Subsection (b) lists the topics on which an applicant may be examined and establishes that the applicant obtain at least a passing grade. Subsection (c) provides that the Commission may conduct further examinations as necessary to establish an applicant's proficiency.

The 1993 amendments to section 17 of the act of March 28, 1803 established the sixth-class license as the new entry-level license. Accordingly, the revisions would make the examination requirement applicable to a sixth-class license instead of a fourth-class license.

The revisions would require an oral examination to be tape-recorded and the original recording to be filed with the Commission as part of its permanent records. The revisions also would require that if a written examination is used, the original shall be filed with the Commission.

§ 405.5 (Classification of pilots)

This section mirrors vessel draft limitations that were in effect for the four license classes prior to the 1993 amendments to section 17 of the act of March 29, 1803. The 1993 amendments established new vessel draft limitations for all license classes including the recently-created fifth-class and sixth-class licenses. The revisions would repeal this section as unnecessary.

§ 405.6 (Underrate pilot limitations)

This section repeats the outdated vessel draft limitations in § 405.5 and also establishes limitations on pilots

of the second, third and fourth classes with regard to gross tonnage and vessel length. The purpose of the tonnage and length limitations was to help pilots in the lower, or underrate, license classes adapt gradually to the challenges of piloting larger-size vessels. However, with the establishment of the fifth-class and sixth-class licenses in 1993, the tonnage and length limitations are no longer necessary. Accordingly, the revisions would repeal this section.

§ 405.7 (Qualifications for license)

The proposed revisions rewrite this section, which sets forth the requirements for licensure in the various pilot classes.

A new subsection (a) would provide that an applicant for a pilot's license in any class shall: (1) have served at least 1 year in each of the license classes below the class of license applied for; (2) (if the applicant is a current-license holder seeking renewal) have piloted at least 52 vessels during the previous license period, unless this requirement is waived by the Commission; (3) have passed a physical examination during the prior 6 months based on the requirements in § 405.8 (relating to physical examinations); (4) have participated in a program of random drug testing that meets the standards of Coast Guard regulations in 46 CFR 16.101—16.401 (relating to chemical testing); (5) have been qualified as a radar observer; (6) have completed a Commission-approved course in bridge resource management during the prior 3 years; (7) have completed a Commission-approved course in automatic radar plotting aids (ARPA); (8) post a surety bond in accordance with § 405.13 (relating to bonding); and (9) pay the required license fee.

The requirement that a license applicant have served at least 1 year in each license class below the class of license applied for tracks the 1993 amendments to section 18 of the act of March 29, 1803 (55 P.S. § 44). The physical examination, radar observer, and bonding requirements are consistent with the current licensure requirements in § 405.7.

Under the current regulation in § 405.8(b), physical examinations are required annually for pilots over 50 years of age and are required every 3 years for pilots 50 years of age and under. Under the proposed §§ 405.7(a)(3) and 405.12(1), all pilots must now pass a physical examination within 6 months of the date of application for the annual renewal of their license. New language is also added allowing the Commission to order physical examinations at any time for any cause. These requirements are similar to the rules that the Delaware Board of Pilot Commissioners adopted on April 3, 1996.

Two additional license requirements are also aimed at sharpening a pilot's navigational skills. Mandatory training in ARPA helps a pilot avoid navigational errors caused by overreliance on advanced radar technology. The requirement is consistent with current Coast Guard training regulations. See 46 CFR 10.305 and 10.306 (relating to Radar—Observer Certificates and qualifying courses; and Radar—Operator course and certificates). Bridge resource management (BRM) training helps a pilot make optimum use of bridge personnel in piloting a vessel. Both training requirements have been incorporated into the apprentice training program. The ARPA training would not need to be repeated, while the bridge resource management training would be repeated every 3 years.

Requiring a course in BRM every 3 years also meets two recommendations of the National Transportation Safety Board (NTSB). The first recommendation was

issued as a result of NTSB's investigation of the grounding of the United Kingdom passenger vessel *RMS Queen Elizabeth 2* near Cuttyhunk Island, Vineyard Sound, Massachusetts on August 7, 1992. In its investigation, the NTSB found that a critical need existed for improved communication between the pilot, the master and the other crewmembers of the bridge. The course in BRM teaches pilots how to conduct a conference with the master and other crewmembers of the bridge. The NTSB has recognized these courses as fulfilling its requirements for this recommendation.

The second NTSB recommendation was issued as a result of the NTSB's investigation of the grounding of the Liberian passenger vessel *Star Princess* near Juneau, Alaska on June 26, 1997. In its investigation, the NTSB determined that the probable cause of the grounding was the pilot's poor performance, which may have been exacerbated by chronic fatigue caused by sleep apnea. Also contributing to the accident was the fact that the pilot and watch officers did not practice BRM. All of the American Pilots' Association (APA) approved courses on BRM either include a specific module on identifying and countering the effects of fatigue, on both pilots and crew, or cover the subject as a basic consideration in selecting the most effective BRM. Pilots of this Commonwealth are currently taking APA approved courses on BRM. Because the NTSB in its recommendation asked state pilot commissions to advise their pilots about the effects of fatigue on performance and about sleeping disorders such as sleep apnea, this course on BRM meets or exceeds this NTSB recommendation.

The new random drug testing requirement is intended to ensure that navigational safety on the Delaware River is not compromised because substance abuse has impaired a pilot in the performance of his duties. Coast Guard regulations that took effect October 1, 1991, establish comprehensive standards under which certain categories of marine employers are required to implement random drug testing for crewmembers who serve in positions that affect the safe operation of vessels. The Commission's requirement adopts the Federal standards for drug testing. Since 1986, pilots of this Commonwealth and apprentices have participated in a program of random drug testing, consistent with Federal standards. Voluntary participation has been coordinated through the Pilots' Association for the Bay and River Delaware, a business association that represents State-licensed pilots in this Commonwealth and Delaware.

A new subsection (b) would require an initial applicant for a first-class license, in addition to meeting the requirements of subsection (a), to have completed 40 hours of continuing education in navigation, vessel handling or related topics during the previous 5 years. Courses in BRM, radar observer and ARPA could be counted toward the 40-hour total. The new continuing education requirement follows a recommendation made by the American Pilots Association, a trade group representing all State pilot associations, and parallels a similar requirement adopted by the Delaware Board of Pilot Commissioners. To provide sufficient notice to pilots so that they can meet this new continuing education requirement, this requirement would take effect 2 years after the date of final publication of the regulations in the *Pennsylvania Bulletin*.

The new subsection (b) also would require an initial applicant for a first-class license to appear before the Commission for a personal interview regarding the applicant's qualifications.

A new subsection (c) would require an applicant for a sixth-class license, in addition to meeting the requirements of subsection (a), to have scored a passing grade or better on an examination conducted or developed by first-class pilots in accordance with § 405.4. Prior to the examination, the applicant would have to be at least 21 years of age, be within 3 months of completing a Commission-approved apprenticeship, and have acquired a Federal pilot's license for the Delaware River issued by the Coast Guard. The age and apprenticeship requirements are in section 18 of the act of March 29, 1803, as amended by section 3 of the act of June 23, 1993 (P. L. 114, No. 27). The acquisition of a Federal pilot's license is already a part of the Commission's comprehensive apprentice training program. The written examination and other requirements related to the Federal pilot's license are useful training tools in helping an apprentice prepare for the more rigorous requirements associated with State licensure. An applicant would not be required to maintain a Federal pilot's license after issuance of the entry-level State license.

A new subsection (d) contains the "recency-of-route" requirement, also known as the "52-vessel rule," which requires an applicant for a pilot's license to have piloted at least 52 vessels during the preceding license period, if the applicant is a current license-holder. The requirement ensures that a pilot has current knowledge of river conditions, which are subject to frequent change, by compelling the pilot to make a minimum number of pilotage trips during each license period. A new subsection (d)(2) would permit the Commission to waive the requirement for illness, disability or other good cause that prevents a pilot from piloting the minimum number of vessels. If a waiver is granted, the Commission would be authorized to withhold issuance of the license until the pilot has completed refresher trips, in the company of a first-class pilot, as the Commission deems necessary to refamiliarize the pilot with conditions along the route.

The "recency-of-route" requirement and the provisions for waiver and refresher trips are similar to rules and adopted by the Delaware Board of Pilot Commissioners in January 1987. Moreover, the use of refresher trips is compatible with the 1993 amendments to section 14 of the act of March 29, 1803, which authorized the Commission to condition a pilot's return to active status from inactive status upon the completion of refresher trips in the company of a first-class pilot.

§ 405.8 (Physical qualifications)

Paragraphs (1) and (2) specify the visual and hearing qualifications for a pilot. Visual acuity of 6/6 refers to the metric system of measurement, and is equivalent to 20/20 vision.

The proposed amendments to paragraph (3) are based on a recommendation of the NTSB as a result of its investigation of the grounding of the Liberian passenger vessel *Star Princess* near Juneau, Alaska on June 26, 1997. The NTSB recommended that state navigation commissions review the medical standards, guidelines and examination forms to ensure that they require the disclosure and appropriate evaluation of the history or presence of any medical conditions, symptoms or medication use that would affect an individual's fitness to pilot a vessel. Paragraph (3) now includes as a physical qualification the absence of any medical condition that may directly affect one's ability to pilot a vessel safely.

When pilots licensed by the Commission renew their license annually, they customarily submit as proof of a

physical examination the "Merchant Marine Personnel Physical Examination Report," of the United States Coast Guard, Form CG-719K (Rev. 3-95). Question 14 on this form addresses medical conditions and symptoms that could affect an individual's fitness to pilot a vessel. Question 15 asks the pilot about medications taken, including dosage, purpose and side effects. Thus, completion and submission of this Coast Guard form meets the NTSB recommendation for disclosure and appropriate evaluation of the history or presence of any medical conditions, symptoms, or medication use that would affect an individual's fitness to pilot a vessel.

The revisions make the requirements in subsection (a) applicable to apprentices as well as pilots and delete subsection (b) in light of the revisions to § 405.7 and § 405.12. The revisions require every pilot, regardless of age, who is applying for initial issuance of a license or annual renewal of a license to have undergone a physical examination within 6 months of making application. The revisions also would make editorial changes to subsection (a).

§ 405.9 (Apprentices)

This section would fix the term of an apprenticeship at a maximum of 4 years; establish the number of trips an apprentice must make during an apprenticeship; and provide for the submission of apprentice reports by pilots to the joint Pennsylvania/Delaware Apprentice Pilot Training Program Administrator, who shall consolidate the reports and file reports with the Commission.

The proposed revisions to this section mirror the 1993 amendments to section 18 of the act of March 29, 1803. A new subsection (a) requires an applicant for an apprenticeship to (1) be of good moral character; (2) have acquired a bachelor's degree from a maritime academy or an accredited college or university or have acquired at least a third mate's license issued by the Coast Guard to serve on all oceans aboard vessels of any gross tons; and (3) have passed a physical examination during the prior 6 months based on the requirements of § 405.8. The new standards are sufficiently broad to allow even individuals without prior maritime experience or education to be considered for apprentice openings.

A new subsection (b) requires every apprentice to serve a 4-year apprenticeship. An apprentice who possesses at least a third mate's license at the time of appointment, however, may serve a 3-year apprenticeship. The new subsection (b) also provides that an apprenticeship consists of both theoretical education and supervised practical experience needed for licensure as a sixth-class pilot. Topics comprising the theoretical education must include those covered by the sixth-class pilot's examination in § 405.4. The new subsection (b) also increases from 350 to 500 the number of trips that an apprentice must make with a pilot licensed by the Commonwealth or Delaware. Finally, subsection (b) also requires pilots who train apprentices to file reports with the Joint Pennsylvania/Delaware Apprentice Pilot Training Program Administrator. When apprentices are in the program, the Administrator will provide reports to the Commission at Commission meetings, which are held twice a year.

§ 405.10 (Term of license)

This section contains editorial changes and establishes the term of a pilot's license at 1 year, subject to renewal by the Commission.

§ 405.11 (Nondiscrimination)

The revisions make editorial changes to this section, which provides that no person will be denied licensure as

a pilot, refused appointment as an apprentice or be discriminated against in the provision of pilotage services because of race, religion, national origin, sex or age.

§ 405.12 (Renewal of license)

This section provides that a pilot is entitled to renew his license each year unless disqualified by the Commission and specifies the type of form that shall be submitted for license renewal.

The revisions would rewrite this section by requiring a pilot who is applying for annual renewal of a license to meet the same requirements as a pilot who is applying for initial licensure under § 405.7(a) and (b)(1).

All first class pilots must attain 40 hours of continuing education every 5 years to maintain their knowledge and skills. Because these courses are only available at limited locations outside of this Commonwealth in 1 or 2 day courses, it is not practical to provide for an annual continuing education requirement. Pilots in the sixth, fifth, fourth, third and second class will generally move from one class to another within a year. Thus, the pilots in classes below the first class will take their continuing education requirements to meet the initial requirement for a first class pilot in § 405.7(b)(1) within a 5 year period. To provide sufficient notice to pilots so that they can meet this new continuing education requirement, this requirement would take effect 2 years after the date of final publication of the regulations in the *Pennsylvania Bulletin*.

§ 405.14 (Number of pilots and apprentices)

This section states that the maximum number of pilots in the first and second classes combined may not exceed 42, that the maximum number of pilots in the third and fourth classes combined may not exceed 10, and that the number of apprentices is within the Commission's discretion. These provisions are contrary to section 6 of the act of May 11, 1889 (P. L. 188) (55 P. S. § 41), which, as last revised in 1977, provides that the maximum number of pilots in the first class may not exceed 42, that the maximum number of the pilots in the second, third and fourth classes combined may not exceed 10 and that the number of apprentices is within the Commission's discretion. There is no statutory limitation on the number of pilots in the fifth and sixth classes. The revisions would repeal this section as unnecessary.

§ 405.16 (Acting as pilot without license)

This section recites the criminal penalty for unlicensed pilotage of vessels in excess of 75 gross tons. The 1993 amendments to section 17 of the act of March 29, 1803 raised the tonnage limit for unlicensed practice to 100 gross tons and also set forth new civil penalties that the Commission may impose for unlicensed practice. The revisions would repeal this section as unnecessary.

§ 405.17 (Offering of services)

This section provides that the first pilot who offers pilotage services to an inbound vessel from a foreign port is entitled to take charge of the vessel if the size of the vessel is within the capacity of the pilot's license classification. The language of this section is taken verbatim from section 21 of the act of March 29, 1803 (55 P. S. § 171), which was last amended in 1907. The revisions would repeal this section as unnecessary.

§ 405.18 (Vessels required to take a pilot)

Subsection (a) sets forth the requirement that vessels bound to or from a foreign port are obligated to accept the services offered by a State-licensed pilot unless exempt by

law. Subsection (b) provides that a vessel not subject to compulsory State pilotage that voluntarily accepts the pilotage services of a State-licensed pilot may not be required to pay a pilotage fee that exceeds the fee for compulsory State pilotage.

Because these and other requirements relating to compulsory State pilotage are fully set forth in the 1993 amendments to section 29 of the act of March 29, 1803 (55 P. S. § 172), and the 1969 amendments to section 4 of the act of May 11, 1889 (P. L. 188) (55 P. S. § 174), the revisions would repeal this section as unnecessary.

§ 405.19a (Docking, undocking and anchoring of vessels)

This new section codifies a May 1989 resolution of the Commission requiring a State-licensed pilot to remain on the vessel's bridge, attentive to duty, until the vessel is docked or anchored. The docking, undocking and anchoring of a vessel is within the scope of a pilot's duties, and he has been trained to perform these tasks. However, it is not uncommon for a vessel's master to employ the services of a docking master to conduct docking or anchoring maneuvers. This section clarifies that when a vessel's master has retained a docking master, the pilot shall remain aboard vessel, available to render advice or supervision, until the docking or anchoring procedure has been completed. The Delaware Board of Pilot Commissioners has adopted a similar rule. The use of the term "State-licensed pilot" refers to a pilot in the Delaware Bay and river and is used to distinguish such a pilot from a "docking master" or a "docking pilot."

§ 405.21 (Accident reports)

The proposed subsection (a) requires a pilot involved in a marine accident to submit within 5 days to the Commission a written report of the accident if the accident involves a stranding or grounding, loss of life, injury resulting in hospitalization for more than 72 hours, damage affecting the seaworthiness or efficiency of the vessel or any damage in excess of \$1,500. The Delaware Board of Pilot Commissioners has adopted a similar rule to the proposed rule, and the Coast Guard has a similar rule in 46 CFR 4.05-10(a) (relating to written report of marine casualty).

Subsection (c) requires the accident report to set forth the location, date and time of the accident, the vessels or objects involved in the accident, the weather and sea conditions at the time of the accident, the nature of the accident and the damage caused by the accident. Subsection (c) also provides that a pilot may satisfy the reporting requirement by submitting a copy of a completed Coast Guard vessel casualty or accident form.

The revisions make editorial changes to subsection (a) and rewrite subsection (b) to provide that in addition to a written report, a pilot must make a telephonic report of an accident to the Commission within 24 hours if the accident involves loss of life, a collision or grounding or an oil spill. The purpose of the telephonic report is to enable the Commission to conduct an immediate postcasualty investigation of a serious accident. The Delaware Board of Pilot Commissioners has adopted a similar rule. The revisions make editorial revisions to current subsections (b) and (c) and recodify them as subsections (c) and (d), respectively.

§§ 405.27 and 405.28 (Rates for pilotage between Capes and ports; and rates for pilotage between capes and breakwater)

These sections reflect out-of-date pilotage rates formerly set forth in sections 3.1 and 3.2 of the act of

May 11, 1889 (55 P. S. §§ 173.1 and 173.2). The pilotage rates have been statutorily adjusted by the General Assembly of the Commonwealth several times since 1977, most recently in 1998. The revisions would repeal these sections as unnecessary.

§ 405.29 (Disabled vessels)

This section concerns the method for determining the additional compensation to be paid to a pilot for conducting disabled vessels to or from port. It is based on the original language of section 28 of the act of March 29, 1803, which was amended in 1993. Because basic pilotage rates and increased rates for piloting disabled vessels are set forth in statute, the revisions would repeal this section as unnecessary.

§ 405.31 (Extraordinary services)

This section lists an incomplete and outdated schedule of fees for special pilotage services. These special services include: transportation of vessels on the river by geographic location; adjustment of a compass or calibration of a direction finder; and cancellation of sailing orders. The current fees are in section 3.3 of the act of May 11, 1889 (55 P. S. § 173.3). The revisions would repeal this section as unnecessary.

§ 405.33 (Neglect of duties)

This section tracks the pre-1993 version of section 19 of the act of March 29, 1803, by requiring a pilot to forfeit his license if the pilot refuses or willfully neglects to perform the duties of a pilot during any 2-week span, or if a pilot enters into a combination with a view of preventing another person from executing his duties. The 1993 amendments to section 19 repealed these archaic anti-strike and anticompetition provisions. Accordingly, the revisions would repeal this section as obsolete.

III. *Fiscal Impact*

This proposal would have no measurable fiscal impact on the Commonwealth, its political subdivisions or the private sector because the Commission is supported by fees paid for by licenses. Many proposed changes will harmonize with current Federal regulations and recommendations as well as with stricter regulations now present in Delaware. Although these changes will not have a substantial fiscal impact because many changes have already been implemented by pilots of this Commonwealth, there may be a minimal fiscal impact, which cannot be calculated at this time.

IV. *Paperwork Requirements*

This proposal would require the Commission to revise its application forms for pilot's licenses and for apprentice appointments. However, the amendments would not create new paperwork for other agencies of the Commonwealth, political subdivisions of the Commonwealth or the general public.

V. *Regulatory Review*

On June 14, 2000, as required by section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Commission submitted copies of this notice of proposed rulemaking to the Independent Regulatory Review Commission (IRRC), the Senate Standing Committee on Consumer Protection and Professional License and the House Standing Committee on Professional Licensure. The Commission also provided IRRC and the Committees with copies of a regulatory analysis form prepared by the Commission in compliance with Executive Order 1996-1 (relating to regulatory review and promulgation). Copies of the regulatory analysis form are available to the public upon request.

If IRRC has objections to the amendments, it will notify the Commission within 10 days after the close of the Committees' review period, specifying the regulatory review criteria that have not been met. The Regulatory Review Act sets forth procedures for review, prior to final adoption of the amendments, by IRRC, the General Assembly and the Governor of objections raised.

VI. Public Comment

The Commission invites interested persons to submit written comments, suggestions or objections regarding this proposal to L. Lawrence Boyle, Deputy Chief Counsel, Department of State, 302 North Office Building, Harrisburg, PA 17120, within 30 days following publication of this notice of proposed rulemaking in the *Pennsylvania Bulletin*.

KIM PIZZINGRILLI,
Chairperson
Secretary of the Commonwealth

Fiscal Note: 16A-662. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. COMMERCE AND TRADE

PART XIII. NAVIGATION COMMISSION FOR THE DELAWARE RIVER AND ITS NAVIGABLE TRIBUTARIES

CHAPTER 401. GENERAL PROVISIONS

§ 401.1. Definitions.

The following words and terms, when used in this part, [shall] have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Department—The Department of [Commerce] State of the Commonwealth.

* * * * *

Secretary—The Secretary of [Commerce of] the Commonwealth.

§ 401.2. Commission offices.

(a) The [address of the] principal office of the Commission is [as follows: Navigation Commission for the Delaware River] located in the Philadelphia State Office Building, 1400 Spring Garden Street, Philadelphia [, Pennsylvania 19130].

(b) The administrative office of the Commission is located at 302 North Office Building, Harrisburg 17105-2649.

CHAPTER 402. ADMINISTRATION

§ 402.5. [Composition of Commission] (Reserved).

[The Commission will consist of nine members as follows:

(1) Four appointed by the Governor, by and with the advice and consent of a majority of the members of the Senate as follows:

(i) Two of whom shall be residents of Delaware County.

(ii) One of whom shall be a resident of Bucks County.

(iii) One of whom shall be a resident of Philadelphia County.

(2) Two appointed by the Mayor of the City of Philadelphia.

(3) One to be the Secretary of the Department of Environmental Protection or designee who will serve ex officio.

(4) One to be the Director of Commerce of the City of Philadelphia who shall serve ex officio.

(5) One to be Secretary or a designee.]

§ 402.9. [Quorum] (Reserved).

[A majority of the Commissioners, appointed by the Governor and the Mayor of the City of Philadelphia, will constitute a quorum for the transaction of business.]

§ 402.10. [Standing committees] (Reserved).

[(a) The standing committees of the Commission will be as follows:

(1) Committee on Navigation and Pilotage, which will conduct hearings and make recommendations to the Commission on matters related to Chapters 405 and 407 (relating to pilots and pilotage and navigation).

(2) Committee on Construction, wharves and docks, which will conduct hearings and make recommendations to the Commission on matters related to Chapters 403 and 409 (relating to construction permits and wharves and docks).

(b) Chairpersons and members of standing committees will be appointed by the Chairperson.]

§ 402.11. Meetings.

(a) The regular meetings of the Commission will be [on the second Tuesday of every month unless cancelled by the Chairperson for lack of business to transact, with] held semiannually after public notice [made] as required by law.

(b) Special meetings may be called by the [Chairman] Chairperson after 3 days notice [given] to the [members of the] Commission and after public notice [made] as required by law.

[(c) Meetings of the committees may be called by committee chairpersons after three days notice given to the members of the committees and public notice made as required by law.]

CHAPTER 403. [CONSTRUCTION PERMITS] (Reserved)

(Editor's Note: As part of this proposed rulemaking, the Commission is proposing to delete the existing text of Chapter 403, 4 Pa. Code pages 403-1—403-5, serial pages (229967)—(229971).)

§§ 403.1—403.5. (Reserved).

§§ 403.11—403.14. (Reserved).

§§ 403.21—403.25. (Reserved).

CHAPTER 405. PILOTS AND PILOTAGE

§ 405.2. [Authority] (Reserved).

[(a) Section 4 of the act of March 29, 1803 (P. L. 542, 4 Sml 67) (55 P. S. § 31) authorizes the Commissioners the full power and authority, under the limitations prescribed in the act, to grant licenses

to persons to act as pilots in the River and to make rules for the government while employed in that service, to decide, on application of the parties in interest, all differences which may arise between masters, owners and consignees of ships or vessels, and pilots, and to make, ordain and publish rules and regulations with penalties for the breach thereof in respect of the matters aforesaid, as they shall deem fitting and proper.

(b) Section 12 of the act of June 8, 1907 (P. L. 469, No. 317) (55 P. S. §§ 111) authorizes the Commission to take the necessary action to enforce the laws of the Commonwealth pertaining to pilots and pilotage in the bay and River.

(c) Section 4 of the act of 1976 authorizes the Commission to do the following:

(1) Develop, implement and administer a pilot licensure testing program.

(2) Maintain a complete set of records relating to the licensure of pilots.

(3) Impose fines and penalties including revocation of pilot's license for violation of Commission rules and regulations.]

§ 405.3. Application for licensure or apprenticeship.

[(a) Every person not now a licensed pilot, and who desires to exercise the profession of pilot in the River shall appear in person before the Commission for an application for a license to entitle him to follow that occupation.] An applicant for initial issuance of a pilot's license, for renewal of a pilot's license or for appointment as an apprentice shall submit an application on a form provided by the Commission.

[(b) Application for appointment as an apprentice pilot shall be made upon a completed Form DC-752 (10-76) (Application for Appointment as Apprentice Pilot).

(c) Application by an apprentice for a license shall be made upon a completed Form DC-753 (10-76) (Application for Fourth Class Pilot's License).

(d) Application by a fourth class pilot for a third class license shall be made upon a completed Form DC-754 (10-76) (Application for Third Class Pilot's License).

(e) Application by a third class pilot for a second class license shall be made upon a completed Form DC-755 (10-76) (Application for Second Class Pilot's License).

(f) Application by a second class pilot for a first class license shall be made upon a completed Form DC-756 (10-76) (Application for First Class Pilot's License).]

§ 405.4. Examination for sixth-class license.

(a) The Commission will [call to their assistance as many pilots of the first class as they may see fit, not less than three in number, to examine every person so applying as to his fitness in all respects to perform the duties of a pilot] designate at least three first-class pilots to conduct or develop an oral or written examination of an applicant for a sixth-class pilot's license for the purpose of ascertaining the applicant's fitness to perform the duties of a

pilot. The Commission will fix the date, time, manner and place of the examination.

(b) [Applicants for a fourth class license must pass a written and oral examination with a score of at least 90%.] The examination for a sixth-class pilot's license may consist of, but not be limited to, the following topics:

* * * * *

(8) [Rules] Regulations of the Commission.

* * * * *

(c) [Further examination as the Commission may consider necessary to establish the proficiency of the applicant may be required.] Each oral examination shall be tape-recorded, and the original copy of the recording shall be filed with the Commission as part of its permanent records. If a written examination is given, the original copy of the written examination shall be filed with the Commission as part of its permanent records.

§ 405.5. [Classifications of pilots] (Reserved).

[(a) *Pilots of the first class.* Persons capable of piloting ships or vessels of any practicable draught of water.

(b) *Pilots of the second class.* Persons capable of piloting ships and vessels drawing 34 feet of water or under.

(c) *Pilots of the third class.* Persons capable of piloting ships or vessels drawing 27 feet of water or under.

(d) *Pilots of the fourth class.* Persons capable of piloting ships or vessels drawing 23 feet of water or under.]

§ 405.6. [Underrate pilot limitations] (Reserved).

[(a) Fourth class pilots shall be subject to the following limitations:

(1) For the first 35 ships; 9,500 gross tons, 575 feet length overall and 23 feet draft.

(2) For the next 35 ships; 15,000 gross tons, 625 feet length overall and 23 feet draft.

(3) Then 18,000 gross tons, 675 feet length overall and 23 feet draft.

(b) Third class pilots shall be subject to the limitations of 30,000 gross tons and 27 feet draft.

(c) Second class pilots—first year—shall be subject to the limitations of 40,000 gross tons and 34 feet draft.

(d) Second class pilots—second year—shall be subject to a limitation of 34 feet draft.]

§ 405.7. Qualifications [of pilots] for license.

(a) [A license may not be granted to any person to act as a pilot of the fourth class unless he has reached the age of 18 and has served a regular apprenticeship of 4 years on board a pilot boat.

(b) A license of the third class may not be granted to any person, unless he shall have served at least 1 year as a fourth class pilot.

(c) A person may not be eligible for a license of the second class who has not served 1 year in the fourth class and at least 1 year in the third class.

(d) A person may not be eligible for a license of the first class who has not served a total of at least 4 years in the second, third and fourth classes, with at least 2 years of the service having been served in the second class.

(e) A license may not be granted to or renewed for any person to act as a pilot of any class unless he is qualified as a radar observer as evidenced by one of the following:

(1) A current Federal pilot's license issued by the United States Coast Guard containing an endorsement that the licensee is so qualified.

(2) A certificate issued by the New York Maritime Administration Office or other certification acceptable to the Commission, dated not more than 5 years prior to the date on which the license is to be granted, evidencing satisfactory completion of the course of instruction for radar observers.]

An applicant for the initial issuance of a pilot's license in any class shall:

(1) Except for first-time applicants for a sixth class license, have served at least 1 year in each of the license classes below the class of license applied for.

(2) Have complied with subsection (d).

(3) Have passed a physical examination within 6 months of the date of application based on the requirements of § 405.8 (relating to physical qualifications), as evidenced by a physician's statement. Physical examinations may also be ordered by the Commission for any pilot at any time for any cause.

(4) Have participated in a program of random drug testing during the preceding license period that meets the standards of Coast Guard Regulations under 46 CFR Part 16 (relating to chemical testing).

(5) Have been qualified as a radar observer, as evidenced by one of the following:

(i) A radar observer endorsement on a current Federal pilot's license.

(ii) A certificate issued by a Coast Guard-approved authority reflecting that the certificateholder satisfactorily completed a course of instruction for radar observers, within 5 years of the date of application.

(6) Have completed a Commission-approved course in bridge resource management within 3 years of the date of application or renewal.

(7) Have completed a Commission-approved course in automatic radar plotting aids (ARPA) once in a pilot's career.

(8) Post a surety bond that satisfies the requirements of § 405.13 (relating to bonding).

(9) Pay the required license fee.

(b) In addition to meeting the requirements of subsection (a), a first-time applicant for a first-class pilot's license shall:

(1) Have completed 40 hours of Commission-approved continuing education in navigation, ship

handling or related topics within the preceding 5 years. Courses in the required areas of radar observer, ARPA and bridge resource management may count towards the 40-hour total. The Commission will approve the education facilities that qualify to provide this education. This continuing education requirement shall become effective _____ (Editor's Note: The blank refers to a date 2 years from the date of publication of the final adoption of this proposal.]

(2) Have appeared before the Commission for a personal interview.

(c) In addition to meeting the requirements of subsection (a), an applicant for a sixth-class pilot's license shall score a passing grade or better on an examination, as provided in § 405.4 (relating to examination for sixth-class license). The Commission may conduct further oral or written examinations it deems necessary to establish an applicant's proficiency. Prior to taking the examination, the applicant shall:

(1) Be at least 21 years of age.

(2) Be within 3 months of completing a Commission-approved apprenticeship.

(3) Have acquired a current Federal pilot's license for the Delaware River issued by the Coast Guard.

(d) In addition to meeting the requirements of subsection (a), applicants for a pilot's license:

(1) Shall have piloted at least 52 vessels during the preceding license period, if the applicant is a current license-holder, unless waived by the Commission under paragraph (2).

(2) May seek a waiver from the Commission of the requirement of paragraph (1), in whole or in part, for illness, disability or other good cause that prevents a pilot from piloting the required number of vessels. If a waiver is granted, the Commission may condition the issuance of the license on the applicant's completion of the refresher trips up or down the river as may be necessary to ensure that the applicant is familiar with current conditions along the route. Refresher trips shall be made in the company of a first-class pilot.

§ 405.8. Physical [examinations] qualifications.

[(a)] The physical qualifications for a pilot [shall be] or apprentice are as follows:

(1) [*Visual. Ability to achieve visual classification*] Visual acuity of 6/9 in one eye and 6/24 in the other—correctable to 6/6 [in one eye] and [at least] 6/9 [in the other], respectively—and normal color perception.

(2) [*Hearing. Ability to maintain hearing*] Hearing acuity to the [minimum] extent of correctly repeating, with eyes closed, words or numbers spoken by the examiner in an ordinary conversational tone of voice from a distance of 20 feet [, the person being examined having his eyes closed during the period of the test. This examination applies equally to each ear with the person being examined closing one ear in turn and directing the open ear towards the examiner]. Each ear shall be tested separately; the ear being

tested shall be turned in the direction of the examiner while the other ear is plugged.

(3) [*Other.* The Commission will take into consideration any and all information supplied by an examining physician when determining the physical fitness of any pilot.] The absence of any medical condition that may directly affect one's ability to pilot a ship safely.

[(b) Physical examinations shall be required as follows:

(1) Every 3 years for pilots 50 years of age and under.

(2) Every year for pilots over 50 years of age.

(3) By all applicants for apprenticeship.]

§ 405.9. Apprentices.

(a) [The term of apprenticeship for the profession of pilot is 4 years.

(b) During the last 2 years of apprenticeship, apprentices shall make at least 350 trips up or down the River in vessels with first or second class pilots, provided that at least 48 trips are made each year.

(c) It shall be the duty of every pilot who brings up or takes down an apprentice to report the trips in writing to the Office of the Commissioners.

(d) The name of every apprentice, together with the name of the vessel and her master, in which every apprentice has come up or gone down shall be recorded by the Commissioners in a book to be kept by them for that purpose. Indentures of apprentices to pilots shall be recorded in the Office of the Commission.]

Apprentice qualifications. An applicant for an apprenticeship as a pilot shall:

(1) Be of good moral character.

(2) Have acquired one of the following:

(i) A baccalaureate degree from a recognized and certified college or university or from a maritime academy operated by the United States or any state.

(ii) A Coast Guard-issued license to serve as a third mate on all oceans aboard vessels of any gross tons, or a higher class of license.

(3) Have passed a physical examination within 6 months of the date of application based on the requirements of § 405.8 (relating to physical examinations), as evidenced by a physician's statement.

(b) *Conduct of apprenticeship.* An apprenticeship shall provide the theoretical education and supervised practical experience required for licensure as a sixth-class pilot and shall be conducted as follows:

(1) Every apprentice shall serve an apprenticeship of 4 years, except that an apprentice who, at the time of appointment, holds at least a third mate's license under subsection (a)(2)(ii) may serve an apprenticeship of 3 years.

(2) The theoretical aspect of an apprenticeship shall cover, but not be limited to, the topics in § 405.4 (relating to examination for license).

(3) An apprentice shall make at least 500 trips up or down the river in vessels with a pilot licensed by Pennsylvania or Delaware.

(4) The pilots who train an apprentice shall file reports with the joint Pennsylvania/Delaware Apprentice Pilot Training Program Administrator, who shall file reports with the Commission on the activities and performance of the Pennsylvania apprentices in the apprentice program.

§ 405.10. Term of license.

[Each license shall be in force for 1 year from the issuance date unless revoked by the Commission.] A license shall be for a term of 1 year, subject to renewal by the Commission.

§ 405.11. Nondiscrimination.

The Commission will comply with applicable State and Federal laws prohibiting discrimination in licensing or apprenticeship opportunities. A person [may] will not be denied a license, refused an apprenticeship indenture, refused sponsorship for a pilot's license or discriminated against in the provision of pilotage services [on the basis] because of race, religion, [National] national origin, sex or age.

§ 405.12. Renewal of license.

(a) [Every pilot shall be entitled to receive a new license each year unless disqualified from exercising the duties of a pilot by the Commission.

(b) Application for a renewal of license shall be made upon a completed, Form DC-757 (10-76) (Application for Renewal of Pilot's License).]

An applicant for renewal of a pilot's license in any class shall:

(1) Have satisfied the requirements of § 405.7(a)(1)–(6) and (8) (relating to qualifications for license).

(2) Pay the required renewal fee.

(b) In addition to meeting the requirements of subsection (a), an applicant for renewal of a first class pilot's license shall have completed 40 hours of Commission-approved continuing education in navigation, ship handling or related topics within the preceding 5 years. Courses in the required areas of radar observer, automatic radar plotting aids (ARPA) and bridge resource management may count towards the 40-hour total. The Commission will approve the education facilities that qualify to provide this education. This continuing education requirement shall become effective _____ (*Editor's Note:* The blank refers to a date 2 years after adoption of this proposal.).

§ 405.14. [Number of pilots and apprentices] (Reserved).

[(a) A person may not receive a license as a first-class pilot until the number of first and second-class pilots be reduced to less than 42 and that the whole number of first and second-class pilots shall not exceed 42.

(b) The number of third-class and fourth-class pilots may not exceed ten.

(c) The number of apprentices indentured will be wholly within the discretion of the Commission.]

§ 405.16. [Acting as pilot without license] (Reserved).

[If any person shall in any manner exercise or attempt to exercise the profession of a pilot in the bay or River, except in vessels under 75 tons burden, without license duly granted or at any time after his license shall have expired, he shall be guilty of a misdemeanor, and, upon conviction thereof, he shall be imprisoned for not less than one month nor more than one year and be fined a sum not exceeding \$200, at the discretion of the court.]

§ 405.17. [Offering services] (Reserved).

[The pilot who shall first offer himself to any inward-bound ship or vessel shall be entitled to take charge thereof; provided, his license shall authorize him to pilot ships or vessels of such draught of water and tonnage burden, and it shall be duty of such pilot, if required so to do, to exhibit his license to the master or commander of such ship or vessel. In case the draught of water or tonnage burden of such ship or vessel shall be greater than such pilot shall be licensed to carry, he may nevertheless, with the consent of the master, take charge of such ship or vessel until a pilot duly qualified shall offer.]

§ 405.18. [Vessels required to take on pilot] (Reserved).

[(a) Every ship or vessel arriving from or bound to any foreign port or place shall be obliged to receive a pilot, except as exempted by law.

(b) Any ship or vessel voluntarily taking a pilot shall pay a fee which is no more than the fee for pilotage as is prescribed in case of a vessel bound to or from a foreign port.]

§ 405.19a. Docking, undocking and anchoring of vessels.

When a vessel which has taken aboard a Pennsylvania or Delaware state-licensed pilot is docking, undocking or anchoring, the Pennsylvania or Delaware state-licensed pilot shall remain on the bridge, attentive to duty, until the vessel has at least one ship's line secured to the dock or until the vessel is anchored properly and firmly within a designated anchorage area or until the state-licensed pilot is discharged at the pilot station area upon the vessel's departure to sea. This section does not prohibit the master of a vessel from employing the services of a docking master.

§ 405.21. Accident reports.

(a) *Written report.* [It shall be the duty of every] A pilot involved in a marine accident [to give] shall submit within 5 days a written report of the accident [promptly] to the Commission [whenever] if the accident results in [any] one of the following:

* * * * *

(5) Injury causing [any persons] a person to remain [incapacitated for a period] hospitalized in excess of 72 hours.

(b) *Telephonic report.* In addition to submitting a written report under subsection (a), a pilot in-

involved in a marine accident shall make a telephonic report of the accident to the Commission within 24 hours of the accident if the accident results in one of the following:

- (1) Loss of life.
- (2) Collision or grounding.
- (3) Oil spill.

(c) *Contents of report.* [The] An accident [reports] report, whether written or telephonic, shall [identify] set forth the following:

- (1) Vessels and objects involved in the accident.

* * * * *

(3) Weather and sea conditions when the accident occurred.

- (4) Events and circumstances leading to the accident.

* * * * *

(6) Nature of loss or damage resulting from the accident.

[(c)] (d) *Coast Guard Report.* A pilot may submit a copy of a completed [United States] Coast Guard Report of Vessel Casualty or Accident Form [and], along with any attachments [thereof is acceptable] to satisfy the requirements of subsection (a).

§ 405.27. [Rates for pilotage between Capes and port] (Reserved).

[For services rendered, the rates of pilotage for conducting a vessel from the Capes of the Delaware to a place on the River no further upriver than the Delair Railroad Bridge between Philadelphia, Pennsylvania and Delair, New Jersey or from a place on the River no further upriver than the Delair Railroad Bridge between Philadelphia, Pennsylvania and Delair, New Jersey to the Capes of the Delaware, in either case, shall be the total of the charges resulting from the two following computations:

- (1) *Unit.* Unit charges shall be as follows:

(i) A charge, to be known as a unit charge, shall be made for each pilotage, determined by length overall, in feet, multiplied by the extreme breadth, in feet, of the vessel, divided by 100.

(ii) For the purposes of this section, the following definitions shall be applied:

(A) *Extreme breadth*—The maximum breadth between the outside of the shell platings of the vessel.

(B) *Length overall*—The distance between the forward and after extremities of the vessel.

(C) *Measurements*—Designated in feet and inches, United States. Inches shall be converted to feet as follows:

- 1 inch = .1 feet
- 2 inches = .2 feet
- 3 inches = .3 feet
- 4 inches = .3 feet
- 5 inches = .4 feet
- 6 inches = .5 feet
- 7 inches = .6 feet
- 8 inches = .7 feet

- 9 inches = .8 feet
- 10 inches = .8 feet
- 11 inches = .9 feet

(iii) The charges per unit shall be as follows:

(A) Vessels not in excess of 300 units 60¢ per unit.

(B) Vessels in excess of 300 units but not in excess of 600 units \$180 plus 50¢ per unit in excess of 300 units.

(C) Vessels in excess of 600 units \$330 plus 40¢ per unit in excess of 600 units.

(D) There shall be a minimum unit charge of 200 units \$120.

(2) *Draft.* Draft charges shall be as follows:

(i) A charge, related to length and draft, shall be determined as follows:

(A) Vessels with a length overall not in excess of 550 feet: \$5.00 per 1/2 foot of draft.

(B) Vessels with a length overall in excess of 550 feet, but not in excess of 800 feet: \$5.50 per 1/2 foot of draft.

(C) Vessels with a length overall in excess of 800 feet: \$6.00 per 1/2 foot of draft.

(ii) All charges related to draft shall be based upon the charge of the nearest 1/2 foot of draft; thus there shall be no charge for the first three inches above any foot draft; above three inches, up to and including nine inches, the charge shall be for 1/2 foot of draft; above nine inches, the charge shall be for the next higher foot; provided, however, that any vessel with a draft of less than 12 feet shall pay pilotage under this computation as though the draft of the vessel were 12 feet.

(3) *Winter pilotage.* No additional charge shall be made for winter pilotage.]

§ 405.28. [Rates of pilotage between Capes and breakwater] (Reserved).

[(a) Every ship or vessel bound to the breakwater for orders shall pay pilotage fees consisting of a sum equal to 1/2 the pilotage to the port, and she shall be obliged to take a pilot and pay the same pilotage fees when outward bound from the breakwater.

(b) If such ship or vessel, without discharging her pilot, proceeds to the port of Philadelphia or any other port or place on the River, only one full pilotage fee shall be paid, as fixed by § 405.27 (relating to rates for pilotage between capes and port) for the entire service in addition to the fee for detention.

(c) If the pilot bringing such ship or vessel to the breakwater is discharged there and if the ship or vessel afterward proceeds to Philadelphia or any other port or place on the River, she shall make the usual signal for a pilot and continue to make such signal till reaching Brandywine Light, and, if spoken by or offered the services of a licensed Commonwealth pilot before reaching Brandywine Light, she shall be obliged to employ such pilot and pay him for services rendered.]

§ 405.29. [Disabled vessels] (Reserved).

[The compensation to be paid to pilots for conducting to or from the port all dismasted or otherwise crippled vessels which shall have been in any way injured so as to occasion to such pilots any extraordinary care or trouble shall not exceed double the amount which they otherwise would have been entitled of which amount the Commission will be the judge.]

§ 405.31. [Extraordinary services] (Reserved).

[For extraordinary services rendered, the rates of pilotage shall be as follows:

(1) *Transportation of vessels on the river.*

Philadelphia (or other place) to Marcus Hook \$150

Philadelphia (or other place) below Marcus Hook..... \$175

Philadelphia Harbor to Torresdale \$150

Philadelphia Harbor to any place above Torresdale \$250

(2) *Extra services.*

Swinging ship to adjust Magnetic Compass \$ 65

Swinging ship to calibrate Direction Finder \$ 65

Vessels anchoring below Brown Shoal in excess of three hours awaiting tide \$125

Carried to/from New York, Norfolk or Baltimore \$150

(3) *Chesapeake and Delaware Canal.*

Vessels with a length not in excess of 550 feet..... \$125

Vessels with a length overall in excess of 550 feet \$150

(4) *Cancellation of Sailing Orders.*

Cancellation Charge \$ 65]

§ 405.33. [Neglect of duties] (Reserved).

[(a) If any person having a license as a pilot shall, for the space of 2 weeks, refuse or willfully neglect to execute the duties of a pilot, the person, upon due proof, shall forfeit his license.

(b) If any pilot shall enter into any combination with a view of preventing any other person from executing his duties, the pilot, upon proof, shall forfeit his license.

(c) This section may not be construed as to prevent any pilot from taking a leave from piloting for vacations, illness or contact with a contagious disease, jury duty, court attendance, Military Reserve or National Guard duties, or other appropriate reasons.]

[Pa.B. Doc. No. 00-1082. Filed for public inspection June 23, 2000, 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 June 13, 2000.

BANKING INSTITUTIONS

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-22-00	First Heritage Bank Wilkes-Barre Luzerne County	142 Airport Road Hazleton Luzerne County	Opened
5-22-00	Patriot Bank Pottstown Montgomery County	4915 Perkiomen Ave. Exeter Township Berks County	Opened
6-5-00	Pennsylvania Business Bank Philadelphia Philadelphia County	Messenger Service Branch to serve Philadelphia, Bucks, Montgomery, Delaware and Chester Counties	Opened
6-12-00	Main Street Bank Reading Berks County	Simpson Meadows Retirement Comm. 101 Plaza Drive Downingtown Chester County (Limited Service Facility)	Application Withdrawn
6-12-00	Mid Penn Bank Millersburg Dauphin County	2615 N. Front St. Harrisburg Dauphin County	Filed
6-13-00	Pocono Community Bank Stroudsburg Monroe County	Rte. 390 & Price Dr. Mountainhome Barrett Township Monroe County	Approved

Branch Relocations/Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-30-00	Mercer County State Bank Sandy Lake Mercer County	<i>To:</i> 110-112 North Franklin Street Cochranton Crawford County <i>From:</i> 115 West Adams Street Cochranton Crawford County	Effective
5-31-00	Harris Savings Bank Harrisburg Dauphin County	<i>Into:</i> Camp Hill Mall Camp Hill Cumberland County <i>From:</i> 1832 Market Street Camp Hill Cumberland County	Effective

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-31-00	Lafayette Ambassador Bank Easton Northampton County	1605 W. Broad St. Bethlehem Lehigh County	Effective
6-7-00	Wilmington Trust of Pennsylvania West Chester Chester County	Filed request to discontinue four branch offices at the following locations:	Filed

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
	1522 McDaniel Drive West Chester Chester County (Presently Main Office; will be relocated to an existing office in Villanova.)	102 East Market Street West Chester Chester County	
	119 West State Street Media Delaware County	50 East Uwchlan Avenue Lionville Chester County	
4-27-00	Harris Savings Bank Harrisburg Dauphin County	1515 DeKalb Pike Blue Bell Montgomery County (This office had been a Loan Production Office only.)	Effective
6-13-00	Pennwood Savings Bank Pittsburgh Allegheny County	125 Market Street Kittanning Armstrong County	Approved
6-13-00	Pennwood Savings Bank Pittsburgh Allegheny County	4 Hilltop Plaza Kittanning Armstrong County	Approved

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

DAVID E. ZUERN,
Secretary

[Pa.B. Doc. No. 00-1083. Filed for public inspection June 23, 2000, 9:00 a.m.]

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of July 2000

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 July 2000, is 9%.

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 the individual owns and which the individual occupies or has occupied as his 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 United States Treasury. The latest yield rate on long-term government securities is 6.49 to which was added 2.50 percentage points for a total of 8.99 that by law is rounded off to the nearest quarter at 9%.

DAVID E. ZUERN,
Secretary

[Pa.B. Doc. No. 00-1084. Filed for public inspection June 23, 2000, 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 (Department) proposes to issue a permit to discharge, subject to certain effluent limitations and special conditions. These proposed determinations are tentative.

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

Persons wishing to comment on the proposed permit are invited to submit a statement to the Field Office indicated as the office responsible, within 30 days from the date of this public notice. Comments received within this 30-day comment 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 received and other information are on file and may be inspected and arrangements made for copying at the Field Office that has been indicated above the application.

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

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

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

PA 0058025. Sewage, **Upper Salford Township**, P. O. Box 100, Salfordville, PA 18958.

This application is for issuance of an NPDES permit to discharge treated sewage from Upper Salford Township Park SFTF in Upper Salford, **Montgomery County**. This is a new discharge to UNT to Perkiomen Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 1,500 gpd are as follows:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅	10		20
Suspended Solids	10		20
Ammonia (as N)	3.0		9.0
Total Residual Chlorine	0.5		1.2
Fecal Coliform	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	minimum of 4.0 mg/l at all times		
pH	within limits of 6.0—9.0 standard units at all times		

Other Conditions:

The EPA waiver is in effect.

PA 0050288. Industrial waste, SIC: 2047, **Doane Pet Care Company**, 431 Deep Run Road, Dublin, PA 18917.

This application is for renewal of an NPDES permit to discharge cooling water from a pet food processing and canning operation in Bedminster Township, **Bucks County**. This is an existing discharge to Deep Run Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 5,500 gpd 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	20
(11-1 to 4-30)	20	40
Suspended Solids	30	60
Temperature		110°F
pH	within limits of 6.0—9.0 standard units at all times	
Total Residual Chlorine	0.5	1.2

Other Conditions:

The EPA waiver is in effect.

PA 0050504. Sewage, **East Goshen Municipal Authority**, 1580 Paoli Pike, West Chester, PA 19380.

This application is for reissuance of a NPDES permit to discharge treated sewage from a sewage treatment plant in East Goshen Township, **Chester County**. This is an existing discharge to Ridley Creek with plant expansion from 0.4 mgd to 0.75 mgd.

The receiving stream is classified for high quality trout stocking fishery.

The following notice reflects changes to the notice published in the April 22, 2000, *Pennsylvania Bulletin*.

The proposed effluent limits for Outfall 001, based on an average annual flow of 0.75 mgd from completion of plant expansion through permit expiration are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅ (5-1 to 10-31)	10	15	20
(11-1 to 4-30)	20	30	40
Suspended Solids	21	32	42
Ammonia (as N) (5-1 to 10-31)	2.5		5.0
(11-1 to 4-30)	7.0		14.0
Fecal Coliform	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	minimum of 5.0 mg/l at all times		
pH	within limits of 6.0—9.0 standard units at all times		
Phosphorus as P (1st year)	monitor		monitor
(2nd—5th year)	1.0		2.0

The proposed effluent limits for Outfall 002, based on an average annual flow of 135,000 gallons per day from completion of plant expansion through expiration are as follows. The treated sewage will be diverted to 2 miles upstream of the existing Outfall 001 into a pond for golf course irrigation.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅ (5-1 to 10-31)	10	15	20
(11-1 to 4-30)	20	30	40
Suspended Solids	21	32	42
Ammonia (as N) (5-1 to 10-31)	2.5		5.0
(11-1 to 4-30)	7.0		14.0
Fecal Coliform	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	minimum of 5.0 mg/l at all times		
pH	within limits of 6.0—9.0 standard units at all times		
Phosphorus as P (1st year)	monitor		monitor
(2nd—5th year)	1.0		2.0

The EPA waiver is in effect.

PA 0058050. Sewage, **New Garden Township Sewer Authority**, 8934 Gap Newport Pike, Landenberg, PA 19350.

This application is for issuance of an NPDES permit to discharge treated sewage from East End Wastewater Treatment Plant in New Garden Township, **Chester County**. This is a new discharge to an unnamed tributary to the West Branch of the Red Clay Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 50,000 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Suspended Solids	30	45	60
Ammonia (as N)			
(5-1 to 10-31)	10.0		20.0
(11-1 to 4-30)	20.0		40.0
Total Residual Chlorine	0.7		1.6
Fecal Coliform	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	minimum of 5.0 mg/l at all times		
pH	within limits of 6.0—9.0 standard units at all times		

Other Conditions:

The permittee must maximize use of the existing available spray fields prior to using the stream discharge option.

The EPA waiver is in effect.

Effective disinfection.

PA 0058017. Sewage, **Harrow Station Shopping Center**, P. O. Box 57, Ottsville, PA 18942-0067.

This application is for issuance of an NPDES permit to discharge from Sewage Treatment Plant in Nockamixon Township, **Bucks County**. This is a new discharge to an unnamed tributary to Lake Nockamixon.

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

The proposed effluent limits for Outfall 001, based on an average flow of 3,280 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10	20
Suspended Solids	10	20
Ammonia (as N)		
(5-1 to 10-31)	1.5	3.0
(11-1 to 4-30)	3.0	6.0
Nitrate and Nitrate (as N)	10	20
Phosphorus (as P)	1.0	2.0
Total Residual Chlorine	nondetectable	
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 5.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

Southcentral Regional Office: Regional Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4707.

PA 0026123. Sewage, SIC: 4952, **Columbia Municipal Authority**, 308 Locust Street, Columbia, PA 17512.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to the Susquehanna River, in Columbia Borough, **Lancaster 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 Safe Harbor Power Plant located in Manor Township, Lancaster County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 2.0 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
Total Phosphorus	2	XXX	4
Total Residual Chlorine	0.5	XXX	1.6
Dissolved Oxygen	minimum of 5.0 at all times		
pH	from 6.0 to 9.0 inclusive		
Fecal Coliform	200/100 ml as a geometric average		
(5-1 to 9-30)	100,000/100 ml as a geometric average		
(10-1 to 4-30)	monitor		
Total Nitrogen			

Persons may make an appointment to review the Department files on this case by calling Mary DiSanto, File Review Coordinator, at (717) 705-4732.

The EPA waiver is not in effect.

PA 0070149. Sewage, SIC: 4952, **Leesport Borough Authority**, 10 East Wall Street, P. O. Box 201, Leesport, PA 19533.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to the Schuylkill River, in Leesport Borough, **Berks 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 Pottstown Borough located on the Schuylkill River. The discharge is not expected to impact any potable water supply.

The proposed interim effluent limits for Outfall 001 for a design flow of 0.20 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N	20	XXX	XXX
Total Residual Chlorine	monitor and report	XXX	XXX
Dissolved Oxygen		minimum of 5.0 at all times	
pH		from 6.0 to 9.0 inclusive	
Fecal Coliform		200/100 ml as a geometric average	
(5-1 to 9-30)		10,000/100 ml as a geometric average	
(10-1 to 4-30)			

The proposed final effluent limits for Outfall 001 for a design flow of 0.50 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N	20	XXX	40
Total Residual Chlorine	1.5	XXX	2.5
Dissolved Oxygen		minimum of 5.0 at all times	
pH		from 6.0 to 9.0 inclusive	
Fecal Coliform		200/100 ml as a geometric average	
(5-1 to 9-30)		10,000/100 ml as a geometric average	
(10-1 to 4-30)			

Persons may make an appointment to review the Department files on this case by calling Mary DiSanto, File Review Coordinator, at (717) 705-4732.

The EPA waiver is in effect.

PA 0088439. Sewage, SIC: 6515, **Beth M. Hess**, 3011 Georgetown Road, Baltimore, MD 21230.

This application is for issuance of an NPDES permit for a new discharge of treated sewage to Sindeldecker Branch, in Licking Creek Township, **Fulton County**.

The receiving stream is classified for cold 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 Hagerstown Water Authority located in Hagerstown, MD. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.010 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
Total Residual Chlorine	0.5	XXX	1.6
Dissolved Oxygen		minimum of 5.0 at all times	
pH		from 6.0 to 9.0 inclusive	
Fecal Coliform		200/100 ml as a geometric average	
(5-1 to 9-30)		13,000/100 ml as a geometric average	
(10-1 to 4-30)			

Persons may make an appointment to review the Department files on this case by calling Mary DiSanto, File Review Coordinator, at (717) 705-4732.

The EPA waiver is in effect.

Northcentral Region: Environmental Program Manager, Water Management Program, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (570) 327-3666.

PA 0113719. Sewage, SIC: 4952, **Perry Township Municipal Authority Wastewater Treatment Plant**, Perry Township Municipal Authority, R. R. 2, Box 37, Mt. Pleasant Mills, PA 17853.

This proposed action is for the renewal of an NPDES permit for an existing discharge of treated sewage to a North Branch Mahantango Creek, **Snyder County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Dauphin Consolidated Water Company.

The proposed effluent limits for Outfall 001 based on a design flow of 0.05 mgd are:

<i>Discharge Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Suspended Solids	30	60
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric average 2000/100 ml as a geometric average	
pH	6.0—9.0 at all times	
Total Chlorine Residual	monitor and report	

The EPA waiver is in effect.

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

PA 0218383. Industrial waste, SIC: 4911. **Allegheny Energy Unit 1 and Unit 2, LLC**, 800 Cabin Hill Drive, Greensburg, PA 15061.

This application is for issuance of an NPDES permit to discharge treated process water, cooling water, stormwater from Springdale Combustion Turbine Generating Plant in Springdale Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, the Allegheny 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 Oakmont Borough Municipal Authority, located at 721 Allegheny Avenue, 4.21 miles below the discharge point.

Outfall 101: new discharge, design flow of 0.049 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				
The 126 priority pollutants (Appendix A) contained in chemicals added for cooling tower maintenance, except:	nondetect				
Chromium (T)			0.2	0.2	
Zinc (T)			1.0	1.0	
Free Available Chlorine			0.2		0.5
pH (s.u.)	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

Outfall 201: new discharge, design flow of 0.088 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				
Total Suspended Solids			30	100	
Oil and Grease			15	20	
Total Dissolved Solids	monitor and report				
Iron			2		4
Aluminum			4		8
Manganese			1		2
pH (s.u.)	not less than 6.0 nor greater than 9.0				

Outfall 001: new discharge, design flow of 0.137 mgd

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum

This outfall receives wastewater from Internal Monitoring Points 101 and 102. The effluent is monitored and sampled at IMPs 101 and 102.

PA 0090051. Sewage, **Ridgewood Development Corporation**, 2858 Oxford Boulevard, Allison Park, PA 15101.

This application is for renewal of an NPDES permit to discharge treated sewage from Ridgewood Village Sewage Treatment Plant in Washington Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Unnamed Tributary of Beaver Run, 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 Freeport Water Company on the Allegheny River.

Outfall 001: existing discharge, design flow of 0.05 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅ (5-1 to 10-31)	20			40
(11-1 to 4-30)	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	6.0			12.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.3			0.7
Dissolved Oxygen	not less than 6 mg/l			
pH	not less than 6.0 nor greater than 9.0			

Other Conditions:

The EPA waiver is in effect.

PA 0204714. Sewage, **New Horizons Foundation, Inc.**, 145 New Horizons Drive, Clymer, PA 15728-7928.

This application is for renewal of an NPDES permit to discharge treated sewage from the New Horizons Foundation, Inc. Sewage Treatment Plant in Cherryhill Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary to Penn Run, which are classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the PA American Water Company—Indiana on Two Lick Creek.

Outfall 001: existing discharge, design flow of 0.0025 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	21			42
(11-1 to 4-30)	—			—
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	10,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA 0217042. Sewage, **Ligonier Valley School District**, 120 East Main Street, Ligonier, PA 15658.

This application is for renewal of an NPDES permit to discharge treated sewage from the Fairfield Township Elementary School STP in Fairfield Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Unnamed Tributary to Unnamed Tributary of Loves Hollow, 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 Saltsburg Municipal Water Works on the Conemaugh River.

Outfall 001: existing discharge, design flow of 0.004 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	10			20
Suspended Solids	10			20
Ammonia Nitrogen				
(5-1 to 10-31)	8.0			16.0
(11-1 to 4-30)	24.0			48.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 3 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

PA 0041831. Sewage. Northwest Crawford County Sewer Authority, P. O. Box 56, Springboro, PA 16435.

This application is for a renewal of an NPDES Permit to discharge treated sewage to the Conneaut Creek in Springboro, Crawford County. This is an existing discharge.

The receiving water is classified for the following uses: warm water fish, migratory fish, 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 PA-Ohio state line on Conneaut Creek located at West of Albion, PA, approximately 18 miles below point of discharge.

The proposed effluent limits for Outfall No. 001 based on a design flow of 0.380 mgd are:

Parameter	Average	Weekly	Instantaneous
	Monthly (mg/l)	Average (mg/l)	Maximum (mg/l)
CBOD ₅	25.0	40	50
TSS	30	45	60
Ammonia-Nitrogen			
(5-1 to 10-31)	8		16
(11-1 to 4-30)	24		48
Total Phosphorus (as P)	1		2
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	30,300/100 ml as a geometric average		
Total Residual Chlorine	0.4		1.3
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

PA 0002429. Amendment No. 2. Industrial waste, SIC: 3312 and 9999. Caparo Steel Company, 15 Roemer Blvd., Farrell, PA 16121-2299.

This application is for amendment of an NPDES Permit, to discharge stormwater to the Shenango River in the City of Farrell, Mercer County. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is PA American Water on the Shenango River located at New Castle, approximately 16 miles below point of discharge.

The proposed discharge limits for Outfall No. 002 based on a design flow of n/a mgd, are:

Parameter	Average	Maximum	Instantaneous
	Monthly (mg/l)	Daily (mg/l)	Maximum (mg/l)

This outfall consists of uncontaminated stormwater runoff. Refer to Special Condition A in Part C.

The proposed discharge limits for Outfall No. 003 based on a design flow of n/a mgd, are:

Parameter	Average	Maximum	Instantaneous
	Monthly (mg/l)	Daily (mg/l)	Maximum (mg/l)

This outfall consists of uncontaminated stormwater runoff. Refer to Special Condition A in Part C.

The proposed discharge limits, for Outfall No. 007 based on a design flow of n/a mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
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This outfall consists of uncontaminated stormwater runoff. Refer to Special Condition A in Part C.

The EPA waiver is not in effect.

Proposed NPDES Permit Renewal Actions for Minor Sewage Discharges

The following parties have applied to renew their current NPDES permits to allow the continued discharge of controlled wastewaters into the surface waters of this Commonwealth. The Department of Environmental Protection (Department) has made a tentative determination to renew these permits and proposes to issue them, subject to their current permit effluent limitations, and monitoring and reporting requirements, with appropriate and necessary updated requirements to reflect new or changed regulations and other requirements. The updates may include, but will not be limited to, applicable permit conditions and/or requirements addressing combined sewer overflows (CSOs), municipal sewage sludge management and total residual chlorine control (TRC). Major changes to or deviations from the terms of the existing permit will be documented and published with the final Department actions.

The EPA, Region III, Regional Administrator has waived the right to review or object to these proposed permit actions under the waiver provision 40 CFR 123.6E.

Persons wishing to comment on the proposed permits 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 these applications and proposed permit actions. Comments should include the name, address and telephone number of the writer and a brief statement to inform the Field Office of the basis of the 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 action. 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 permit renewal application and related documents, proposed effluent limitations and special conditions, comments received and other information are on the Department's file. The documents may be inspected at, or a copy requested from, the Field Office that has been indicated above the application notice.

Southcentral Regional Office: Water Management Program, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110, (717) 705-4707.

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA0082465	United Meth. Church Camp Penn P. O. Box 511 Waynesboro, PA 17268	Franklin County Waynesboro Boro	Little Antietam Creek (13-C)	TRC
PA0051764	Galen Hall Corp. 815 Lancaster Ave. Reading, PA 19607	Berks County S. Heidelberg Twp.	UNT to Cocalico Creek	TRC
PA0083054	Ashbridge Oil Co. Inc. 335 Nees Avenue Johnstown, PA 15904	Fulton County Brush Creek	Brush 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 (Department).

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 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 protest or protests. Each commentator will be notified in writing of the time and place if a hearing or conference concerning the plan or action or application to which the protest relates is held. To insure consideration by the Department prior to final action on permit applications and proposed plans, initial protests and additions or amendments to protests already filed should be filed within 15 calendar days from the date of this issue of the *Pennsylvania Bulletin*. A copy of each permit application and proposed plan is on file in the office indicated and is open to public inspection.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact the Secretary to the Board at (717) 787-3483.

TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Applications received for industrial waste and sewage applications under The Clean Stream Law (35 P. S. §§ 691.1—691.1001).

Southcentral Regional Office: Water Management Program Manager; 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110-8200, (717) 705-4707. Persons who wish to review any of these applications should contact Mary DiSanto at (717) 705-4732.

A. 2200402. Sewage, submitted by **Carla Peterson**, 124 Amore Street, Hershey, PA 17033, East Hanover Township, **Dauphin County** to construct a small flow sewage treatment plant to serve a single family residence was received in the Southcentral Region on May 31, 2000.

A. 3600404. Sewage, submitted by **Elizabethtown Borough**, 600 South Hanover Street, Elizabethtown, PA 17022 in West Donegal Township (7G), **Lancaster County** to upgrade/expand their sewage treatment plant was received in the Southcentral Region on June 5, 2000.

A. 6700405. Sewage, submitted by **Newberry Township Municipal Authority**, 1915 Old Trail Road, Etters, PA 17319 in Newberry Township, **York County** to construct the Valley Green West sewer extension was received in the Southcentral Region on June 5, 2000.

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

A. 5600402. Sewerage, **Harold Henning**, P. O. Box 67, Somerset, PA 15501. Application for the construction and operation of a small flow sewage treatment plant to serve the Henning Residence, located in Black Township, **Somerset County**.

A. 6300402. Sewerage, **Arensberg Estates Homeowner's Association**, 660 Mercer Road, Greenville, PA 16125. Application for the construction and operation of a sewage treatment plant to serve the Arensberg Estates located in Cecil Township, **Washington County**.

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

WQM Permit No. 6200408. Sewage, **Farmington Township**, R. D. 2, Box 2265, Russell, PA 16345. This project is for the construction and operation of a wastewater treatment facility to serve the Village of Lander in Farmington Township, **Warren County**.

WQM Permit No. 3700403. Sewage, **Neshannock Township**, 3131 Mercer Road, New Castle, PA 16105. This project is for the construction and operation of a pump station and force mains to convey wastewater from a proposed industrial park to the township's collection system along Route 18 in Neshannock Township, **Lawrence County**.

WQM Permit No. 2500406. Sewage, **City of Erie**, 626 State Street, Erie, PA 16501-1128. This project is for the replacement of sewer pipe along French Street in the City of Erie, **Erie County**.

WQM Permit No. 4300404. Sewage, **Jamestown Municipal Authority**, P. O. Box 188, Jamestown, PA 16134. This project is for the installation of fine bubble diffused aeration at the water pollution control plant in the Borough of Jamestown, **Mercer County**.

WQM Permit No. 2500407. Sewage, **Dennis J. Jr. and Tarasia J. Maguire**, 5760 Peck Road, Erie, PA 16510. This project is for the construction of a Single Residence Sewage Treatment Plant in Harborcreek Township, **Erie County**.

WQM Permit No. 4300405. Sewage, **Jeremy McCarty**, 302 Baker Hill Road, Fredonia, PA 16124. This project is for the construction of a Single Residence Sewage Treatment Plant in Delaware Township, **Mercer County**.

**INDIVIDUAL PERMITS
(PAS)**

NPDES Individual

The following parties have applied for an NPDES permit to discharge stormwater from a proposed construction activity into the surface waters of this Commonwealth. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (Department) proposes to issue a permit to discharge, subject to certain limitations set forth in the permit and special conditions. The 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 of 40 CFR 123.24(d).

Persons wishing to comment on the proposed permit are invited to submit a statement to the office noted above the application within 30 days from the date of this public notice. Comments reviewed within this 30-day permit 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 Department the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant.

Following the 30-day comment period, the Water Management 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 appealed 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 office noted above the application.

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

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

NPDES Permit PAS10-G420. Stormwater. **Toll Brothers, Inc.**, 303 Philmont Avenue, Huntingdon Valley, PA 19006, has applied to discharge stormwater from a

construction activity located in Upper Uwchlan Township, **Chester County**, to Unnamed Tributary to March Creek (HQ-TSF, MF).

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

Lehigh County Conservation District, District Manager, Lehigh Ag. Ctr., Ste. 102, 4184 Dorney Park Road, Allentown, PA 18104, (610) 391-9583.

NPDES Permit PAS10Q202. Stormwater. **Alexander G. Tamerler**, 1628 Barkwood Drive, Orefield, PA 18069, has applied to discharge stormwater from a construction activity located in Lower Macungie Township, **Lehigh County**, to Little Lehigh Creek, HQ-CWF.

Southcentral Regional Office: Regional Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 657-4707.

Cumberland County Conservation District, District Manager, Cumberland County CD, 43 Brookwood Avenue, Suite 4, Carlisle, PA 17013, (717) 240-7812.

NPDES Permit PAS-10-H091. Stormwater. **South Middleton Township**, 520 Park Drive, Boiling Springs, PA 17007, has applied to discharge stormwater from a construction activity located in South Middleton Township, **Cumberland County**, to Yellow Breeches Creek (HQ-CWF)

SAFE DRINKING WATER

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

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

A. 0900505. Public water supply. **Buckingham Township**, P. O. Box 413, Buckingham, PA 18912. This proposal involves the construction of a public water supply system to serve the Devonshire Estates and Buckingham Forest residential developments. The project will consist of three wells, storage tank, distribution system, manganese sequestration and disinfection facilities in Buckingham Township, **Bucks County**.

Northwest Regional Office: Regional Manager, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6899.

A. 3300501. Public water supply. **Brockway Borough Municipal Authority**, 501 Main Street, Brockway, PA 15824. This proposal involves the construction and development of groundwater supply well at Rattlesnake Reservoir (Well No. 5) in Snyder Township, **Jefferson County**.

SOLID AND HAZARDOUS WASTE

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Applications submitted under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), 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: Northeast Regional Office, Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

Permit I. D. 301256. Martins Creek SES Ash Basin No. 1, PPL Martins Creek, LLC, Two North Ninth Street,

Allentown, PA 18101-1179. A permit reissuance, transferring Permit 301256, Martins Creek SES Ash Basin No. 1 from PPL to PPL Martins Creek, LLC for this captive, Class II residual waste disposal impoundment, located in Lower Mount Bethel Township, **Northampton County**. The application was received in the Regional Office on December 29, 1999.

Permit I. D. 301257. Martins Creek SES Ash Basin No. 4, PPL Martins Creek, LLC, Two North Ninth Street, Allentown, PA 18101-1179. A permit reissuance transferring Permit No. 301257, Martins Creek SES Ash Basin No. 4 from PPL to PPL Martins Creek, LLC for this captive, Class II residual waste disposal impoundment, located in Lower Mount Bethel Township, **Northampton County**. The application was received in the Regional Office on December 29, 1999.

Permit I. D. 101672. Valley Composting, Shannon Burke, R. R. 2, Box 1309, Sugarloaf, PA 18249. An application for a new municipal yard waste composting facility, located in Black Creek Township, **Luzerne County**. The application was received in the Regional Office on March 1, 2000; and as of May 11, 2000, the application was found to be administratively complete.

Southcentral Regional Office: Regional Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4706.

Permit No. 101606. Klines Services, Inc. (5 Holland Street, Salunga, PA 17538). Application for permit modification for addition of two treatment tanks, septage processing facility for a facility in East Hempfield Township, **Lancaster County**. Application determined to be administratively complete in the Regional Office June 1, 2000.

Permit No. 101539. Dauphin Meadows, Inc. (P. O. Box 68, Millersburg, PA 17061). Application is for permit renewal for a facility in Upper Paxton and Washington Townships, **Dauphin County**. Application determined to be administratively complete in the Regional Office June 7, 2000.

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

A. 101652. Pitt Mining, 423 Weiss Road, Shelocta, PA 15774. Pitt Mining Biosolids Facility, 762 Pounds Road, Shelocta, PA 15774. An application for a major permit modification to increase the daily tonnage, at a processing facility in Young Township, **Indiana County** was received in the Regional Office on May 30, 2000.

A. 101467. Waste Management of Pennsylvania, Inc., 1005 Main Street, Portage, PA 15946. Tri Valley Transfer Station, Route 7, Box 302 Pony Farm Road, Kittanning, PA 16201. An application for a permit renewal of a municipal waste transfer station in North Buffalo Township, **Armstrong County** was received in the Regional Office on June 6, 2000.

AIR QUALITY

Notice of Plan Approval and Operating Permit Applications

Nonmajor Sources and Modifications

The Department of Environmental Protection (Department) has developed an "integrated" plan approval, State operating permit and Title V operating permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit all

the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department has received applications for plan approvals and/or operating permits from the following facilities. Although the sources covered by these applications may be located at a major facility, the sources being installed or modified do not trigger major new source review or prevention of significant deterioration requirements.

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the Regional Offices identified in this notice. Persons interested in reviewing the application files should contact the appropriate regional office to schedule an appointment.

Persons wishing to file protests or comments on the proposed plan approval and/or operating permits must submit the protest or comment within 30 days from the date of this notice. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Any comments or protests filed with Department Regional Offices must include a concise statement of the objections to the issuance of the plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior to the date of the hearing.

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121–143, the Federal Clean Air Act and regulations adopted under the act.

OPERATING PERMITS

Applications received and intent to issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001–4015).

Northeast Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (570) 826-2531.

13-304-003: Weatherly Casting & Machine Co. (P. O. Box 21, Weatherly, PA 18255) for operation of a foundry grinding and cleaning system with the associated air cleaning device in Weatherly Borough, **Carbon County**.

54-305-014A: Gilberton Power Co. (50 Eleanor Avenue, Frackville, PA 17931) for operation of a thermal coal dryer, conveyors and storage, with the associated air cleaning devices on Main Street, Mahanoy Township, **Schuylkill County**.

35-306-004: PEI Power Corp. (170 Power Boulevard, P. O. Box 157, Archbald, PA 18403) for operation of a 300 MMBTU boiler in Archbald Borough, **Lackawanna County**.

54-303-015: Pennsy Supply, Inc. (P. O. Box 3331, Harrisburg, PA 17105) for operation of a batch asphalt plant on Route 895, Wayne Township, **Schuylkill County**.

35-313-010A: Taylor Chemical, Inc. (Stauffer Industrial Park, Taylor, PA 18504) for operation of an air cleaning device in Taylor Borough, **Lackawanna County**.

Notice of Intent to Issue Title V Operating Permits

Under 25 Pa. Code § 127.521, the Department of Environmental Protection (Department) intends to issue a Title V Operating Permit to the following facilities. These facilities are major facilities subject to the operating permit requirements under Title V of the Federal Clean Air Act and 25 Pa. Code Chapter 127, Subchapters F and G (relating to operating permit requirements; and Title V operating permits).

Appointments to review copies of the Title V application, proposed permit and other relevant information must be made by contacting Records Management at the regional office telephone number noted. For additional information, contact the regional office noted.

Interested persons may submit written comments, suggestions or objections concerning the proposed Title V permit to the regional office within 30 days of publication of this notice. Written comments submitted to the Department during the 30-day public comment period shall include the name, address and telephone number of the persons submitting the comments, along with the reference number of the proposed permit. The commentator should also include a concise statement of any objections to the permit issuance and the relevant facts upon which the objections are based.

The Department reserves the right to hold a public hearing on the proposed action based upon the information received during the public comment period and will provide notice of any scheduled public hearing at least 30 days in advance of the hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation where the facility is located.

Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.

46-00014: Knoll, Inc. (1235 Water Street, East Greenville, PA 18041) located in Upper Hanover Township, **Montgomery County**. The facility's major emission points include 18 spray booths, incinerator, woodworking processes and fluidized bed burner which emit major levels of Volatile Organic Compounds (VOCs), some hazardous air pollutants and Nitrogen Oxides.

Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3637.

TVOP-41-00002: Koppers Industries (P. O. Box 189, Montgomery, PA 17752) for their cogeneration and railroad crosstie facility located in Clinton Township, **Lycoming County**. The facility's major source is a creosoted woodwaste-fired boiler that has the potential to emit major quantities of carbon monoxide (CO), nitrogen oxides (NOx) and sulfur oxides (SOx). As a result of the potential emissions, the facility 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. The facility is also subject to Reasonably Available Control Technology (RACT) requirements for NOx emissions. The facility emits particulate matter and hazardous air pollutants (HAPs) below major emission thresholds. The permittee has taken facility wide VOCs emissions restriction below major emission thresholds.

TVOP-49-00033: Watsontown Brick Co., Watsontown Plant (P. O. Box 68, Route 405, Watsontown, PA

17777) for their brick manufacturing facility located in Delaware Township, **Northumberland County**. The facility's major sources are a tunnel kiln, a brick dryer and crushing and grinding operations, which have the potential to emit major quantities of Hazardous Air Pollutants (HAPs) and Particulate Matter (PM). As a result of the potential emissions, the facility 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 and New Source Performance Standards (NSPS) requirements. The facility emits carbon monoxide (CO), nitrogen oxides (NOx), sulfur oxides (SOx), and volatile organic compounds (VOCs) below the major emission thresholds.

TVOP-60-00004: New Columbia Joist Co., New Columbia Plant (P. O. Box 31, Old Route 15, New Columbia, PA 17856) for their steel joist manufacturing facility located in White Deer Township, **Union County**. The facility's major sources include four paint dip tanks and a bridging line vacuum coater, which have the potential to emit major quantities of Volatile Organic Compounds (VOCs). As a result of the potential emissions, the facility 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. The facility emits carbon monoxide (CO), nitrogen oxides (NOx), sulfur oxides (SOx), hazardous air pollutants (HAPs), and particulate matter below the major emission thresholds.

PLAN APPROVALS

Applications received and intent to issue Plan Approvals under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

Northeast Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (570) 826-2531.

54-313-081: Air Products & Chemicals, Inc. (P. O. Box 351, Tamaqua, PA 18252), for construction of a nitrogen tri-fluoride process and associated air cleaning devices in Rush Township, **Schuylkill County**.

54-301-041: Woodland Crematorium, Inc. (461 Woodland Drive, Auburn, PA 17922) for construction of a crematory and associated air cleaning device in South Manheim Township, **Schuylkill County**.

48-302-101: Lafayette College (Easton, PA 18042) for construction of two boilers in Easton, **Northampton County**.

40-313-044: Bemis Co., Inc. (P. O. Box 557, Hazleton, PA 18201) for construction of an ink blending and dispensing system in West Hazleton Borough, **Luzerne County**.

54-310-020A: Lehigh Asphalt Paving & Construction Co. (P. O. Box 549, Tamaqua, PA 18252) for modification of a stone crushing plant in West Penn Township, **Schuylkill County**.

39-313-037B: Fluoro Seal, Inc. (16360 Park Ten Place, Suite 325, Houston, TX 77084) for modification of a batch reaction process and associated air cleaning devices in Hanover Township, **Lehigh County**.

Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.

PA-63-906A: Lane Construction Corp. (P. O. Box 346, Donegal, PA 15628) for construction drum mix plant at the Donora Asphalt Plant in Donora Borough, **Washington County**.

PA-04-235B: Pennsylvania Power Co. (76 South Main Street, Akron, OH 44308) for construction of air cleaning device, SCR at the Bruce Mansfield in Shippingport Borough, **Beaver County**.

PA-65-857A: Norton Pakco Industrial Ceramics (55 Hillview Avenue, Latrobe, PA 15650) for construction of car tunnel kiln for firing ceramics at the Derry Plant in Derry Township, **Westmoreland County**.

PA-63-649E: Spartech Polycom (90 West Chestnut Street, Washington, PA 15301) for installation of compounding and extrusion equipment at Donora Plant No. 1 in Donora Borough, **Washington County**.

REASONABLY AVAILABLE CONTROL TECHNOLOGY

(RACT)

Public Hearing

Notice of Proposed Revision to the State Implementation Plan for Oxides of Nitrogen and Volatile Organic Compounds

Notice of Intent to Issue Revised Air Quality Title V Operating Permit TVOP-18-00005

Under 25 Pa. Code §§ 127.521 and 127.541, the Department of Environmental Protection (Department) intends to issue a revised Title V Operating Permit to Consolidated Natural Gas Transmission Corporation (CNG) located in Leidy Township, **Clinton County**. The CNG representative to contact regarding this application is Sam Mathew, Environmental Engineer, CNG Tower, 625 Liberty Street, Pittsburgh, PA 15222-3199.

In accordance with § 127.541, this Title V Operating Permit revision is to incorporate conditions of an amendment of a Reasonably Available Control Technology (RACT) plan for CNG Transmission Corporation.

In accordance with §§ 129.91—129.95, the Department has made a preliminary determination to approve an amendment of a Reasonably Available Control Technology (RACT) plan and an amendment to the State Implementation Plan (SIP) for a natural gas compressor facility (Finnefrock Compressor Station) in Leidy Township, **Clinton County**.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the amendment of the RACT approval for the facility which are intended to comply with current regulations.

The preliminary RACT determination, if finally approved, will result in the revision of Title V Operating Permit TVOP-18-00005 issued on February 16, 2000, and will be submitted to the United States Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan.

The following is a summary of the preliminary RACT determination which the Department proposes to incorporate into Title V Operating Permit TVOP-18-00005, as a revision to that permit, for a 4,200 horsepower natural gas-fired internal combustion engine (Engine 6), a 4,000 horsepower natural gas-fired internal combustion engine (Engine 4), a 778 horsepower natural gas-fired auxiliary generator and a 2.75 million BTU per hour natural gas-fired boiler:

<i>Source</i>	<i>RACT</i>
Engine 6	Nitrogen oxides emissions not to exceed 18.5 pounds per hour and 81.0 tons in any 12 consecutive month period and volatile organic compounds not to exceed 4.58 pounds per hour and 20.06 tons in any 12 consecutive month period.
Engine 4	Nitrogen oxides not to exceed 35.24 pounds per hour and 154.35 tons in any 12 consecutive month period and volatile organic compounds not to exceed 2.43 pounds per hour and 10.63 tons in any 12 consecutive month period.
Auxiliary generator	Nitrogen oxides not to exceed 3.43 pounds per hour and volatile organic compounds not to exceed .68 pounds per hour. Additionally, the generator shall be operated for emergency purposes only except that it may be operated for nonemergency purposes for up to 250 hours in any 12 consecutive month period.
Boiler	The combined potential to emit volatile organic compounds from this boiler and the other boiler existing at the facility shall not exceed 3 pounds per hour, 15 pounds per day or 2.7 tons in any 12 consecutive month period.

One public hearing will be held for the purpose of receiving comments on the proposed operating permit revision and the proposed SIP revision. The hearing will be held on July 6, 2000, at 1 p.m. at the Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA. The public is invited to comment on the proposal. Persons interested in commenting are invited to appear at the public hearing.

Persons wishing to present testimony at the hearing should contact Daniel Spadoni at (570) 327-3659 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Daniel Spadoni at (570) 327-3659 or the Pennsylvania AT&T relay service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Copies of the application, Department's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the Department of Environmental Protection, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling (570) 327-3693.

Those unable to attend the hearing, but wishing to comment or provide the Department with additional

information, which they believe should be considered prior to the issuance of this permit, may submit the information or comments to the Department at the address shown in the preceding paragraph. 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. TVOP 18-00005).

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

Written comments should be directed to David W. Aldenderfer, Air Quality Environmental Program Manager, Department of Environmental Protection, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448. Comments must be received by July 24, 2000.

MINING

APPLICATIONS TO CONDUCT COAL AND NONCOAL ACTIVITIES

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 these 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 (Department). 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 the certification.

Written comments or objections, or requests for information 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 will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. These 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, 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 Chapters 93 and 95). Persons or agencies which have requested review of the NPDES permit requirements for a particular mining activity within the above-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

Written comments or objections should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

Greensburg District Office, R. R. 2, Box 603-C, Greensburg, PA 15601.

Coal Applications Received

30793024. Beazer East, Inc. (c/o Three Rivers Management, Inc., One Oxford Centre, Suite 3000, Pittsburgh, PA 15219-6401). Renewal application received for continued treatment at a bituminous surface mine with mine drainage treatment facility located in Morgan Township, **Greene County**, affecting 327.7 acres. Receiving streams: unnamed tributaries to South Fork Ten Mile Creek [tributaries referred to as Upper (north of site), Middle (east of site) and Lower (south of site)] tributaries, South Fork Ten Mile Creek, Ten Mile Creek. Renewal application received: June 6, 2000.

Ebensburg District Office, 437 South Center Street, P. O. Box 625, Ebensburg, PA 15931-0625.

32940102. Permit Revision, GLR Mining, Inc. (P. O. Box 105, Clymer, PA 15728), for restoration of unmanaged natural habitat rather than forestland on the lands of Edward Ratay, Paragon Development Corporation and the late Mary Sutula Estate in Pine Township, **Indiana County**, affecting 150.4 acres, receiving stream unnamed tributaries to Leonard Run and to Leonard Run, application received June 6, 2000.

McMurray District Office, 3913 Washington Road, McMurray, PA 15317.

32881301. Mears Enterprises, Inc. (P. O. Box 157, Clymer, PA 15728), to renew the permit for the Penn Run Mine in Cherryhill Township, **Indiana County** to renew the existing deep mine permit, no additional discharges. Application received April 14, 2000.

17941601. Forcey Coal, Inc. (P. O. Box 225, Madera, PA 16661-0225), to renew the permit for the Forcey Tipple in Bigler Township, **Clearfield County** to renew the existing coal preparation plant permit and related NPDES permit and to include property ownership revisions and additional buildings, no additional discharges. Application received May 12, 2000.

63831302. Eighty Four Mining Co. (P. O. Box 284, Eighty Four, PA 15330), to revise the permit for the Mine No. 84 in Somerset Township, **Washington County**, to revise the existing permit to add 13.5 acres of surface permit area in order to install a fresh water pipeline from an existing borehole to the existing surface facilities at the Somerset Portal, no additional discharges. Application received May 31, 2000.

56841310. Genesis, Inc. d/b/a Meadow Run Genesis, Inc. (P. O. Box 552, Somerset, PA 15501), to revise

the permit for the Solar No. 7 Mine in Quemahoning Township, **Somerset County** to revise permit to add 120.3 acres to underground permit and 72.3 acres to subsidence control plan, no additional discharges. Application received May 16, 2000.

30753712. RAG Emerald Resources L. P. (145 Elm Drive, P. O. Box 1020, Waynesburg, PA 15370), to renew the permit for the Emerald Mine No. 1 Coal Refuse Disposal Facility in Franklin Township, **Greene County** to renew the existing coal refuse disposal permit, no additional discharges. Application received June 1, 2000.

Knox District Office, P. O. Box 669, Knox, PA 16232.

37900110. The Ambrosia Coal and Construction Co. (R. D. 1, Edinburg, PA 16116). Renewal of an existing bituminous surface strip and auger operation in North Beaver Township, **Lawrence County**, affecting 133.0 acres. Receiving streams: One unnamed tributary of Edwards Run and Edwards Run to the Beaver River. Application for reclamation only. Application received June 2, 2000.

33803005. Krach & Gearhart (R. D. 4, Box 486, DuBois, PA 18501). Renewal of an existing bituminous surface strip and auger operation in Washington, Winslow and Pine Creek Townships, **Jefferson County** affecting 387.1 acres. Receiving streams: Unnamed tributary to O'Donnell Run; unnamed tributaries to Five Mile Run. Application received July 7, 2000.

33900109. Tamburlin Brothers Coal Co., Inc. (P. O. Box 1419, Clearfield, PA 16830). Renewal of an existing bituminous surface strip and auger operation in Snyder Township, **Jefferson County** affecting 87.0 acres. Receiving streams: Unnamed tributary to Little Toby Creek to Toby Creek. Application for reclamation only. Application received June 9, 2000.

Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

Small Noncoal (Industrial Mineral) Bond Release Application

58900804. Stephen Kilmer (R. R. 1, Box 1375, Nicholson, PA 18446), Stage I and II bond release for a small quarry operation in Jackson Township, **Susquehanna County** affecting 5.0 acres for \$5,000 on property owned by Andy Banko. Application received June 6, 2000.

Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

Noncoal Applications Received

44000301. Glenn O. Hawbaker, Inc. (P. O. Box 135, 325 West Aaron Drive, State College, PA 16804), commencement, operation and restoration of a quarry operation in Armagh Township, **Mifflin County** affecting 5.02 acres, receiving stream—none. Application received June 5, 2000.

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 (Department). Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)), requires the State to certify that the involved projects will not violate the applicable provisions of 33 U.S.C.A. §§ 1311—1313, 1316 and 1317 as well as relevant State requirements. Initial requests for 401 certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Safety or Encroachment Permit, or the approval of Environmental Assessments must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted above the application.

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

Applications received 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.

Southeast Regional Office: Program Manager, Water Management Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

E23-399. Encroachment. **City of Philadelphia Division of Aviation**, Terminal E, Philadelphia International Airport, Philadelphia, PA 19153. To construct and maintain a fire fighting training facility consisting of a paved open burn-pit, gravel vehicle maneuvering area, control building, access roadways, parking facilities, ancillary public utilities, drainage pipe and a domestic wastewater holding tank within the 100-year floodplain of the Delaware River (WWF-MF) at the Philadelphia International Airport (Bridgeport PA-NJ Quadrangle N: 20.5 inches; W: 1.8 inches) in Tincum Township, **Delaware County**.

Northeast Regional Office: Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

E39-386. Encroachment. **Whitehall Township**, 3219 MacArthur Road, Whitehall, PA 18052. To remove the existing structure and to construct and maintain a single span, prefabricated, steel truss pedestrian bridge, having a span of approximately 29 feet with an underclearance of 5 feet across Coplay Creek (CWF). The project is located within Hokendauqua Park approximately 0.2 mile upstream of the Lehigh Street Bridge over Coplay Creek (Catasauqua, PA Quadrangle N: 6.1 inches; W: 16.4 inches), Whitehall Township, **Lehigh County** (Philadelphia District, U. S. Army Corps of Engineers).

E40-539. Encroachment. **Eagle Rock Resort Company, Inc.**, 1031 Valley of Lakes, Hazleton, PA 18201-9717. To authorize fill previously placed in 0.46 acre of (PEM) wetlands and to place additional fill in 0.21 acre of wetlands associated with Phases ERT2 and Eastern Hills; to relocate approximately 600 feet of a tributary to Sugarloaf Creek (cold water fisheries) for the construction

of Chippewa Drive; to place fill in the floodway and along 400 feet of a tributary to Sugarloaf Creek for the construction of Crow Street, to construct and maintain six culvert crossings of tributaries to Sugarloaf Creek for the construction of Kickapoo, Chippewa and Crow Streets associated with the Phase JA East. The project is located at Eagle Rock Resort, north of S. R. 0924 and east of the Schuylkill/Luzerne County boundary line (Conyngham, PA Quadrangle N: 9.0 inches; W: 13.0 inches), Hazle Township, **Luzerne County** (Baltimore District, U. S. Army Corps of Engineers).

Northcentral Region: Water Management, Soils and Waterways Section, F. Alan Sever, Chief, 208 West Third St., Suite 101, Williamsport, PA 17701.

E59-402. Encroachment. **Ronald C. Arner, P.E.**, Department of Transportation, Engineering District 3-2, Montoursville, PA 17754-0218. To remove a 7 m R. C. T-beam bridge with a clear span of 6.1 m and a center-to-center span of 6.6 m with a curb-to-curb width of 7.2 m and a design underclearance of 1.8 m and to construct and maintain a precast box culvert with a waterway opening 1.981 m high and 7.315 m wide in Bear Creek 2.6 km northeast of Roseville on SR 0549 (Millerton, PA Quadrangle N: 0.1 inch; W: 7.4 inches) in Rutland Township, **Tioga County**. The project will not impact on wetlands while impacting 50 feet of waterway. Bear Creek is a trout stocked fisheries stream.

Northwest Regional Office: Soils and Waterways Section, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.

E10-314. Encroachment. **Cranberry Township**, 2525 Rochester Road, Ste. 400, Cranberry Township, PA 16006-6499. To maintain excavated areas within the floodway and floodplain of a tributary to Brush Creek (WWF) to provide additional over-bank flood control storage adjacent to Parkwood Drive approximately 4,000 feet west of the intersection of Haine School Road and Freedom Road (SR 3020) (Baden, PA Quadrangle N: 10.1 inches; W: 1.3 inches) in Cranberry Township, **Butler County**.

E10-315. Encroachment. **Western Butler County Authority**, 607 Market Street, P. O. Box 427, Zelenople, PA 16063. To demolish the existing Herman Ejector Wastewater Pump Station and to construct and maintain a new submersible wastewater pump station with a standby natural gas generator and enclosure within the 100-year floodplain of Connoquenessing Creek. The project is located along the east bank of Connoquenessing Creek approximately 75 feet south of the SR 288/588 bridge across Connoquenessing Creek in the Borough of Zelenople (Zelenople, PA Quadrangle N: 7.9 inches; W: 3.4 inches) in Borough of Zelenople, **Butler County**.

E25-613. Encroachment. **Mercyhurst College**, 501 East 38th Street, Erie, PA 16546-0001. To place fill in a de minimis area of wetland (PEM, 0.0074 acre) to expand an existing soccer field at Mercyhurst College approximately 2,000 feet southeast of the intersection of West 38th Street and Sunset Blvd. in the City of Erie (Erie South, PA Quadrangle N: 18.2 inches; W: 9.4 inches) in the City of Erie, **Erie County**.

E25-615. Encroachment. **Dept. of Transportation, Engineering District 1-0**, 255 Elm Street, P. O. Box 398, Oil City, PA 16301-0398. To remove the existing

corrugated metal plate pipe arch culvert and to construct and maintain a reinforced concrete box culvert having a span of 17 feet and a rise of 9 feet 3 inches on SR 3029 across Temple Creek (CWF, MF). The project is located on SR 3029 across Temple Creek approximately 200 feet south of the intersection of SR 3029 and SR 3017 in the village of Pont (Conneautville, PA Quadrangle N: 19.4 inches; W: 7.9 inches) in Elk Creek Township, **Erie County**.

ENVIRONMENTAL ASSESSMENT

Request for Environmental Assessment approval under 25 Pa. Code § 105.15 and request for certification under section 401 of the Federal Water Pollution Control Act.

Northcentral Regional Office: Soils and Waterways Section, 208 W. Third St., Suite 101, Williamsport, PA 17701, (570) 327-3574.

EA 17-002NC. Encroachment. **Clearfield County Conservation District**, 650 Leonard St., Clearfield, PA 16830. The purpose of this project is to construct a passive treatment system to reduce abandoned mine drainage impacts on Hubler Run, a tributary to Alder Run in the West Branch Susquehanna River Drainage. The project will require building a collection trench and wetland treatment cells in a 3.27+ acre emergent wetland, converting 0.8 acre of jurisdictional wetland into treatment facility. The affected wetland is adjacent to Hubler Run, which is classified as a cold-water fishery. The affected wetland and Hubler Run are degraded by acid mine drainage. The project is located about 3,000 ft. south of the village of Palestine (Frenchville, PA Quadrangle, 3.0 inches north and 14.75 inches west) in Graham Township, **Clearfield County**. No wetland replacement is proposed because the project objective is water quality restoration.

The following Environmental Assessment and request for Water Quality Certification are being processed under §§ 105.12(a)(16) and 105.15(b), restoration activities undertaken and conducted under a restoration plan approved by the Department.

Northwest Regional Office: Soils and Waterways Section, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.

EA42-002NW. Environmental Assessment. **Department of Environmental Protection, Knox District Mining Office**, White Memorial Building, P. O. Box 669, Knox, PA 16232-0669. To construct and maintain a 3-foot-high dam across Gum Boot Run (HQ-CWF) and to construct and maintain a 900-ton limestone vertical flow treatment facility within Gum Boot Run, the floodway of Gum Boot Run and a de minimis area (0.02 acre) of wetlands (PEM) as part of a Water Quality Restoration project to abate acid mine drainage on Gum Boot Run. The project is located on Seneca Resources property on Gum Boot Run approximately 2.05 miles southeast of the intersection of SR 146 and SR 2001 (Wilcox-Clermont Road) in the village of Clermont (Crosby, PA Quadrangle N: 7.2 inches; W: 17.05 inches) in Sergeant Township, **McKean County**.

ACTIONS

FINAL ACTIONS TAKEN UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

[National Pollution Discharge Elimination System Program (NPDES)]

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

(Part I Permits)

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications and requests for plan approval and has issued the following significant orders.

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514), and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on 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).

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

NPDES Permit No. PA0012424. Industrial waste. **Quaker Color**, 201 South Hellertown Avenue, Quakertown, PA 18951, is authorized to discharge from a facility located in Quakertown Borough, **Bucks County** into Beaver Run.

NPDES Permit No. PA0020532. Amendment No. 1. Sewage. **Upper Montgomery Joint Authority**, P. O. Box 6, Pennsburg, PA 18073, is authorized to discharge from a facility located in Upper Hanover Township, **Montgomery County** into Green Lane Reservoir.

NPDES Permit No. PA0055239. Sewage. **Ronald and Marie Floria**, 1492 Sugar Bottom Road, Furlong, PA 18925, is authorized to discharge from a facility located in Buckingham Township, **Bucks County**, to an unnamed tributary to Neshaminy Creek.

NPDES Permit No. PA0036412. Sewage. **Tel Hai Retirement Community, Inc.**, 1200 Tel Hai Circle, Honey Brook, PA 19344, is authorized to discharge from a facility located in Honey Brook Township, **Chester County**, into Two Log Run.

NPDES Permit No. PA0013323. Amendment No. 3. Industrial waste. **Boeing Helicopters**, Boeing Defense and Space Group Helicopter Division, P. O. Box 16858, Philadelphia, PA 19142-0858, is authorized to discharge from a facility located at Route 291 and Stewart Avenue, Ridley Park, PA 19078 in Ridley Township, **Delaware County** into Crum Creek, Darby Creek and Delaware River.

WQM Permit No. 4600413. Sewerage. **Upper Gwynedd/Towamencin Municipal Authority**, 2225 Kribel Road, Lansdale, PA 19446. Applicant is granted approval for the construction and operation of a sanitary sewer line to serve the Towamencin Creek Interceptor located in Towamencin Township, **Montgomery County**.

WQM Permit No. 1500413. Sewerage. **East Brandywine Township Municipal Authority**, 1214 Horseshoe Pike, Downingtown, PA 19335 and **Delaware County Community College**, 901 South Media Line Road, Media, PA 19063. Applicant is granted approval for construction and operation of a sewage treatment plant to serve Delaware County Community College formerly known as the Downingtown Industrial and Agriculture School located in East Brandywine Township, **Chester County**.

WQM Permit No. 1599418. Sewerage. **East Whiteland Township**, 209 Conestoga Road, Fazer, PA 19355, and **The Cutler Group**, 325 Walton Road, Suite 100, 5 Sentry Parkway West, Blue Bell, PA 19422. Applicant is granted approval for the construction and operation of a lagoon wastewater treatment facility and spray irrigation system to serve the proposed 279 units at Malvern Hunt subdivision located in East Whiteland Township, **Chester County**.

WQM Permit No. 1599412. Sewage. **Eugene McKenna**, 131 Germany Hollow Road, Honeybrook, PA 19320. Applicant is granted approval for the construction and operation of a small flow STP to serve the McKenna residence located in West Brandywine Township, **Chester County**.

WQM Permit No. 1500401. Sewerage. **Unionville Chadds-Ford School District**, 740 Unionville Road, Kennett Square, PA 19348. Applicant is granted approval for the construction and operation of sewage treatment plant with drip irrigation system to serve the Pocopson Elementary School located in Pocopson Township, **Chester County**.

WQM Permit No. 2300405. Sewerage. **Concord Township Sewer Authority**, P. O. Box 171, Concordville, PA 19331. Applicant is granted approval for the construction and operation of a sanitary sewer extension to serve the proposed two new land developments and provide service for 40 existing single family dwellings and four commercial/business uses located in Concord Township, **Delaware County**.

Northeast Regional Office: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

Permit No. 4800401. Sewerage. **Northampton Area School District**, 1617 Laubauch Avenue, Box 118, Northampton, PA 18067-0118. Permit to renovate and add to existing wastewater treatment facility, located in Moore Township, **Northampton County**.

Southcentral Regional Office: Regional Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4707.

Permit No. PA0053198. Sewerage. **John Koenig, Jr.**, P. O. Box 296, Boyertown, PA 19512, is authorized to

discharge from a facility located in Douglass Township, **Berks County** to the receiving waters named Ironstone Creek.

Permit No. PA0053104. Sewerage. **Frank T. Perano, Pleasant Hills Mobile Home Park**, P. O. Box 278, King of Prussia, PA 19406, is authorized to discharge from a facility located in Tilden Township, **Berks County** to the receiving waters named Schuylkill River.

Permit No. PA0088285. Concentrated Animal Feeding Operations, **Kreider Farms**, 1461 Lancaster Road, Manheim, PA 17545, is authorized to operate a 6,242 Animal Equivalent Unit Concentrated Animal Feeding Operation (CAFO) located at Kreider Dairy Farm, 525 Indian Village Road in Penn Township, **Lancaster County**.

Permit No. PAG043511. Sewerage, Single Family Residence. **Kenneth Shull**, 155 West High Street, Elizabethtown, PA 17022, is authorized to discharge from a facility located in Watts Township, **Perry County** to the receiving waters named Juniata River.

Permit No. PA0085880. Sewerage. **Mr. and Mrs. David Tranquillo**, 127 Lee Spring Road, Blandon, PA 19510, is authorized to discharge from a facility located in Ruscombmanor Township, **Berks County** to a dry trench located on the Tranquillo property.

Permit No. PA0043028. Sewerage. **Evergreen Enterprises**, 1546 Newport Road, Manheim, PA 17545, is authorized to discharge from a facility located in Rapho Township, **Lancaster County** to the receiving waters named Chickies Creek.

Permit No. PA0032883, Amendment No. 1. Sewerage. **Borough of Duncansville**, P. O. Box 308, Duncansville, PA 16635, is authorized to discharge from a facility located in Allegheny Township, **Blair County** to the receiving waters named Blair Gap Run.

Permit No. 0600403. Sewage. **Fleetwood Borough Authority**, 110 West Arch Street, Suite 104, Fleetwood, PA 19522. This permit approves the construction of Sewers and Appurtenances in Richmond Township, **Berks County**.

Permit No. 664S34 T1. Sewage. **Evergreen Enterprises**, 1546 Newport Road, Manheim, PA 17545. This permit approves the transfer of permit 664S34 T1 from Arthur L. Brubaker to Evergreen Enterprises in Rapho Township, **Lancaster County**.

Permit No. 2800403. Sewage. **Antrim Township Municipal Authority**, 10655 Antrim Church Road, Greencastle, PA 17225. This permit approves the construction of Sewers and Appurtenances in Antrim Township, **Franklin County**.

Permit No. 0600401. Sewage. **New Morgan Borough, Building D**, Grace Boulevard, New Morgan Industrial Park, Morgantown, PA 19543. This permit approves the construction of a Pump Station in New Morgan Borough, **Berks County**.

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

NPDES Permit No. PA0001660. Industrial. **Edgewater Steel Limited**, 300 College Avenue, Oakmont, PA 15139-2199 is authorized to discharge from a facility located at Oakmont, Oakmont Borough, **Allegheny County** to receiving waters named Allegheny River (Outfalls 001—004) and Plum Creek (Outfall 005).

NPDES Permit No. PA0093785. Sewage. **American Pad and Paper Company of Delaware, Inc.**, 1 Wedding Lane, Scottdale, PA 15683, is authorized to discharge from a facility located at Willimhouse Sewage Treatment Plant, Upper Tyrone Township, **Fayette County** to receiving waters named Unnamed Tributary of Jacobs Creek.

NPDES Permit No. PA0095729. Sewage. **Eastern Orthodox Foundation**, P. O. Box 432, Indiana, PA 15701-0432, is authorized to discharge from a facility located at Eastern Orthodox Foundation Sewage Treatment Plant, Cherryhill Township, **Indiana County**, to receiving waters named an unnamed tributary of Lake Margus and Yellow Creek.

NPDES Permit No. PA0218359. Sewage. **Green Township Municipal Authority**, Box 129, Commodore, PA 15729 is authorized to discharge from a facility located at Green Township Municipal Authority Wastewater Treatment Plant, Green Township, **Indiana County** to receiving waters named North Branch of Two Lick Creek.

Permit No. 0377406, Amendment No. 1. Sewerage. **Sugar Creek Rest, Inc.**, R. D. 2, Box 80, Worthington, PA 16262-9004. Construction of sewage treatment plant modifications located in Sugar Creek Township, **Armstrong County** to serve Sugar Creek Rest STP.

Permit No. 1185402-A2. Sewerage. **Municipal Authority of the Borough of Ebensburg**, 300 West High Street, Ebensburg, PA 15931. Installation of sulfur dioxide dechlorination equipment located in Cambria Township, **Cambria County** to serve Ebensburg Borough Wastewater Treatment Plant.

Permit No. 3096401-A2. Sewerage. **Commonwealth of Pennsylvania**, P. O. Box 598, Camp Hill, PA 17011-0598. Construction of a sewage treatment plant expansion located in Morgan Township, **Greene County** to serve the State Correctional Institute—Waynesburg.

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

NPDES Permit No. PA0045039. Sewage. **DCNR, Bureau of State Parks, Oil Creek State Park**, R. R. 1, Box 207, Oil City, PA 16301 is authorized to discharge from a facility located in Cornplanter Township, **Venango County** to Oil Creek.

NPDES Permit PA0006181. Industrial waste. **Engineered Materials Corp.**, 921 Clark Street, Brockway, PA 15824 is authorized to discharge from a facility located in Brockway Borough, **Jefferson County** to Little Toby Creek.

NPDES Permit No. PA0103675. Sewage. **Miracle Mountain Ranch Missions, Inc.**, R. D. 1, Box 95, Spring Creek, PA 16436 is authorized to discharge from a facility located in Spring Creek Township, **Warren County** to an unnamed tributary to Brokenstraw Creek.

NPDES Permit No. PA0223042. Sewage. **Farmington Township**, P. O. Box 148, Leeper, PA 16233 is authorized to discharge from a facility located in Farmington Township, **Clarion County** to Licking Creek.

NPDES Permit No. PA0223069. Sewage. **Cool Spring-Jackson Lake Latonka Joint Authority**, 420 Latonka Drive, Mercer, PA 16137 is authorized to discharge from a facility located in Coolspring Township, **Mercer County** to Cool Spring Creek.

NPDES Permit No. PA0035017. Sewage. **RK Campground**, 6601 Sterrettania Road, Fairview, PA 16415, is authorized to discharge from a facility located in McKean Township, **Erie County** to an unnamed tributary to Elk Creek.

NPDES Permit No. PA0093131. Sewage. **AK Steel Corporation—APCC**, R. D. 1, Slippery Rock, PA 16057, is authorized to discharge from a facility located in Slippery Rock Township, **Butler County** to an unnamed tributary to Slippery Rock Creek.

NPDES Permit No. PA0103608. Sewage. **Country Acres Mobile Home Park**, 25622 Country Acres Trailer Park, Guys Mills, PA 16327, is authorized to discharge from a facility located in East Mead Township, **Crawford County** to an unnamed tributary to Little Sugar Creek.

NPDES Permit No. PA0223000. Sewage. **Kalyumet Campground**, R. R. 1, Box 672, Lucinda, PA 16235, is authorized to discharge from a facility located in Highland Township, **Clarion County** to Callihan Run.

NPDES Permit No. PA0091316. Sewage. **Buttercup Woodlands Campground**, 854 Evans City Road, Renfrew, PA 16053, is authorized to discharge from a facility located in Connoquenessing Township to an unnamed tributary to Little Connoquenessing.

NPDES Permit No. PA0104213. Sewage. **Peaceful Rest Home, Inc.**, 3472 County Line Road, Cochranon, PA 16314, is authorized to discharge from a facility located in Frenchcreek Township, **Mercer County** to an unnamed tributary to Foulk Run.

NPDES Permit No. PA0094200. Sewage. **Bear Creek Watershed Authority**, 259 Argyle Street, Petrolia, PA 16050, is authorized to discharge from a facility located in Bruin Borough, **Parker and Fairview Townships**, to Bear Creek, South Branch Bear Creek and an unnamed tributary to Bear Creek.

WQM Permit No. 2000403. Sewage. **Meadville Area Sewer Authority—Limber Road**, 984 Water Street, Meadville, PA 16335. This project is for the construction of a pump station and force mains along Limber Road in West Mead Township, **Crawford County**.

WQM Permit No. 2500405. Sewerage, **Brian C. and Kelley C. Van Matre**, SRSTP, 105 Walnut Street, P. O. Box 265, Waterford, PA 16441. Construction of Brian C. and Kelley C. Van Matre SRSTP located in Waterford Township, **Erie County**.

INDIVIDUAL PERMITS

(PAS)

The following NPDES Individual Permits for discharges of stormwater from construction activities have been issued.

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream or Body of Water</i>
PAS10-G352	Delaware County Community College 901 South Media Line Road Media, PA 19063	East Brandywine Township Chester County	Unnamed Tributary to East Branch, Brandywine Creek (HQ, TSF, MF)
PAS10-G406	Ruth S. Coldiron P. O. Box 378 Oxford, PA 19363	East Nottingham Township Chester County	Little Elk Creek (HQ, TSF, MF)
PAS10-J046	Edgemont Realty Associates, LP 1595 Paoli Pike West Chester, PA 19380-6167	Edgemont Township Delaware County	Ridley Creek (HQ, TSF)

Northeast Regional Office: Regional Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10Q188	Hoover Avenue Development Company 4500 Bath Pike Bethlehem, PA 18017	Lehigh County Lower Macungie Township	Little Lehigh Cr. HQ-CWF
PAS10Q176	Jaindl Lane Co. 3150 Coffeetown Rd. Orefield, PA 18069	Lehigh County Lower Macungie Township	Little Lehigh Cr. HQ-CWF

INDIVIDUAL PERMITS

(PAR)

Approvals to Use NPDES and Other General Permits

The following parties have submitted (1) Notices of Intent (NOIs) for Coverage under General NPDES Permits to discharge wastewater into the surface waters of the Commonwealth; (2) NOIs for coverage under General Permits for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in Pennsylvania; or (3) Notifications for First Land Application of Sewage Sludge.

The approval of coverage under these General Permits may be subject to one or more of the following: pollutant or effluent discharge limitations, monitoring and reporting, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective general permit. The Department of Environmental Protection (Department) has reviewed the NOIs and determined that they comply with administrative requirements of the respective permit application. Also, the Department has evaluated the First Land Application of Sewage Sludge for the sites applying for coverage under PAG-7, PAG-8 and PAG-9 and determined that the sites are suitable for land application of sewage sludge.

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, permitting requirements and other information are on file and may be inspected and arrangement made for copying at the contact office noted.

The Department has acted on the following requests for coverage under the specific General Permit as follows:

List of

General Permit Type

PAG-1	General Permit For Discharges From Stripper Oil Well Facilities
PAG-2	General Permit For Discharges of Stormwater 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

*List of
General Permit Type*

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
PAG-7	General Permit For Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit For Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-9	General Permit For Beneficial Use of Residential Septage By Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-10	General Permit For Discharges Resulting From Hydrostatic Testing of Tanks and Pipelines

General Permit Type—PAG-2

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Newtown Township Bucks County	PAR10-D493	DeLuca Enterprises 842 Durham Road Suite 200 Newtown, PA 18940	Newtown Creek (TSF, MF)	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Warminster Township Bucks County	PAR10-D491	IL Davisville Associates, Inc. 101 West Main Street Moorestown, NJ 08052	Southampton Creek (TS)	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Skippack Township Montgomery County	PAR10-T608	TH Properties 345 Main Street, Harleysville, PA 19438	Unnamed Tributary to Perkiomen Creek (TSF)	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Plymouth Township Montgomery County	PAR10-T612	James D. Danella 2290 Butler Pike Plymouth Meeting, PA 19462	Plymouth Creek (WWF)	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Whitpain Township Montgomery County	PAR10-T624	Saly Glassman P. O. Box 559 Gwynedd Valley, PA 19437	Wissahickon Creek (TSF)	Department of Environmental Protection Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6130
Luzerne County Ross Township	PAR10R204	Lake Lehman School District P. O. Box 38 Lehman, PA 18627	Unnamed Tributary to Hunlock Creek/ Susquehanna River	Luzerne CD (570) 674-7991
Northampton County Allen Township	PAR10U135	Loretta Hricak 649 Hauser Dr. Walnutport, PA 18088	Dry Run—CWF	Northampton CD (610) 746-1971

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Northampton County Moore Township	PAR10U137	Northampton Area School Dist. 1617 Laubach Ave. Northampton, PA 18067-0118	Hokendaqua Cr. CWF	Northampton CD (610) 746-1971
Littlestown Borough Adams County	PAR-10-0099	HADCO 100 Craftway Drive Littlestown, PA 17340	Piney Creek	Adams County CD 57 North Fifth Street Gettysburg, PA 17325 (717) 334-0636
Lower Swatara Township Dauphin County	PAR-10-I233	Bob-Bob Associates 1020 N. Harley Street P. O. Box 2587 York, PA 17405	Swatara Creek	Dauphin County CD 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Derry Township Dauphin County	PAR-10-I219	DSG Development Corporation 2015-B Southpoint Drive Hummelstown, PA 17036	Swatara Creek	Dauphin County CD 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Montgomery Township Franklin County	PAR-10-M207	Charles Carlson Licking Creek Est. 15811 Crabbs Branch Way Rockville, MD 20855	Licking Creek	Franklin County CD 550 Cleveland Avenue Chambersburg, PA 17201 (717) 264-8074
Hamilton Township Franklin County	PAR-10-M208	M. Phillip Calbonte, Jr. Brookdale 10491 Liberty Road Frederick, MD 21701	Back Creek	Franklin County CD 550 Cleveland Avenue Chambersburg, PA 17201 (717) 264-8074
Centre County College Township	PAR10F112	Thompson Woods Preserve Thomas F. Songer II 3006 Research Dr., Suite B3 State College, PA 16801	Walnut Run	Centre County CD 414 Holmes Ave. Suite 4 Bellefonte, PA 16823
Lawrence County Wayne Township	PAR103739	George Sewall and Rick Eyles 6 Pittsburgh Circle Ellwood City, PA 16117	Crows Run (WWF)	Lawrence Conservation District Lawrence Co. Government Center 430 Court Street New Castle, PA 16101-3593 (724) 652-4512

General Permit Type—PAG-3

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Lehigh County Catasauqua Borough	PAR202231	Phoenix Forging Co., Inc. 800 Front Street Catasauqua, PA 18032-2343	Lehigh Canal	Northeast Office 2 Public Sq. Wilkes-Barre, PA 18711-0790 (570) 826-2511
Luzerne County Hazleton City	PAR122215	The Pillsbury Co. 200 S. 6th Street Minneapolis, MN 55057	Tomhicken Creek	Northeast Office 2 Public Sq. Wilkes-Barre, PA 18711-0790 (570) 826-2511

NOTICES

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<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Blair County Antis Township	PAR603558	Richard Forshey Route 220 Auto Center R. D. 7, Box 543 Altoona, PA 16601	Little Juniata River	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Huntingdon County Jackson Township	PAR603559	Daniel R. Thompson Value Auto Salvage R. D. 2, Box 168 Huntingdon, PA 16652	Standing Stone Creek	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Beaver County Aliquippa Borough	PAR216148	United States Gypsum Co. 1 Woodlawn Road Aliquippa, PA 15001	Ohio River VIA Jones Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Washington County Monongahela	PAR606156	Pitt-Mon Auto Inc. P. O. Box 122 Monongahela, PA 15063	Pigeon Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Westmoreland County Rostraver Township	PAR806144	Westmoreland County Airport Auth. 200 Pleasant Unity Rd. Ste. 103 Latrobe, PA 15650	Gillespie Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Beaver County Aliquippa Borough	PAR806164	Aliquippa and Southern Railroad Co. 3060 Eggers Avenue Cleveland, OH 44105	Logstown Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

General Permit Type—PAG-4

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream, Body of Water or Site Name and Address</i>	<i>Contact Office and Telephone No.</i>
Dauphin County East Hanover Township	PAG043652	Carla Peterson 124 Amore Street Hershey, PA 17033	UNT to Swatara Creek	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Franklin County Fannett Township	PAG043509	Raymond Cropper 24483 Path Valley Road Concord, PA 17217	Narrows Branch Tuscarora Creek	DEP—Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

*General Permit Type—PAG-5**Facility Location
County and
Municipality*Allegheny County
Upper St. Clair
Township*Permit No.*

PAG056147

*Applicant Name
and Address*Sunoco Inc.
5733 Butler Street
Pittsburgh, PA 15201*Receiving Stream,
Body of Water
or Site Name
and Address*

McLaughlin Run

*Contact Office and
Telephone No.*Southwest Regional
Office: Water
Management Program
Manager
400 Waterfront Drive
Pittsburgh, PA
15222-4745
(412) 442-4000*General Permit Type—PAG-8**Facility Location
County and
Municipality*Hopewell Borough
Bedford County*Permit No.*

PAG-08-3508

*Applicant Name
and Address*Hopewell Borough WWTP
P. O. Box 160
Hopewell, PA 16650*Receiving Stream,
Body of Water
or Site Name
and Address*

N/A

*Contact Office and
Telephone No.*SCRO
909 Elmerton Avenue
Harrisburg, PA 17110
(717) 705-4707*General Permit Type—PAG-9**Facility Location
County and
Municipality*South Woodbury
Township
Bedford County*Permit No.*

PAG-09-3512

*Applicant Name
and Address*Clarence Reasy
R. D. 1, Box 924
New Enterprise, PA 16664*Receiving Stream,
Body of Water
or Site Name
and Address*Walnut Grove
Farms
South Woodbury
Twp.
Bedford County*Contact Office and
Telephone No.*SCRO
909 Elmerton Avenue
Harrisburg, PA 17110
(717) 705-4707**SEWAGE FACILITIES ACT
PLAN APPROVAL****Plan approval granted under the Pennsylvania
Sewage Facilities Act (35 P. S. §§ 750.1—750.20).***Southwest Regional Office: Water Management Program
Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-
4745, (412) 442-4000.**Location: Arthur J. Leonard Single Residence STP.
North Side of Triple Creek Road approx. 100 yds. from
intersection of Triple Creek Road (SR 3039) and SR 3033,
Middlecreek Township, Somerset County.**Approval of a revision to the Official Plan of Mid-
dlecreek Township, Somerset County. Project involves
construction of a small flow sewage treatment facility to
serve a proposed dwelling located on Triple Creek Road
(SR 3039). Treated effluent is to be discharged to Laurel
Hill Creek.***SAFE DRINKING WATER****Actions taken under the Pennsylvania Safe Drink-
ing Water Act (35 P. S. §§ 721.1—721.17).***Southeast Regional Office: Sanitarian Regional Man-
ager, Lee Park, Suite 6010, 555 North Lane, Consho-
hocken, PA 19428-2233, (610) 832-6130.***Permit No. 0900503.** Public water supply. **Bucks
County Water and Sewer Authority**, 1275 Almshouse
Road, Warrington, PA 18976. A permit has been issued to
Bucks County Water and Sewer Authority for the con-

struction of Well No. 2C and the construction of 240 feet
of transmission main in New Hope Borough, **Bucks
County**. *Type of Facility: Public Water Supply System;
Consulting Engineer: Carroll Engineering Corporation,
949 Easton Road, Warrington, PA 18976; Permit to Con-
struct Issued: May 5, 2000.*

*Regional Office: Northcentral Field Operations, Envi-
ronmental Program Manager, 208 West Third Street, Suite
101, Williamsport, PA 17701.***Permit No. Minor Amendment.** The Department
issued a Minor Amendment Operation Permit to **Start
Properties II, LLC**, 1015 Cedar Knoll, P. O. Box 116,
Gradyville, PA 19039, Delaware Township, **Northumber-
land County**. The permit is for operation of the filters at
the Spring Lake Village Water Treatment Plant.**Permit No. Minor Amendment.** The Department
issued a permit to **Start Properties II, LLC**, 1015 Cedar
Knoll, P. O. Box 116, Gradyville, PA 19039, Delaware
Township, **Northumberland County**. This permit au-
thorizes replacement of the filter media and rehabilitation
of the filters at the Spring Lake Village Water Treatment
Plant.**HAZARDOUS SITES CLEANUP****Under the Act of October 18, 1988****Notice of Settlement under HSCA and CERCLA**

The Department of Environmental Protection (Depart-
ment), under the authority of the Hazardous Sites
Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305),
and the Comprehensive Environmental Response, Com-

pensation, and Liability Act (CERCLA) (42 U.S.C.A. §§ 9601—9675) has entered into a Prospective Purchaser Agreement (PPA) with Progress Lansdale Development Associates, L. P., Progress Land Holdings, L. P., Progress Development I, L. P., NSALC Acquisitions, L.L.C., the Commonwealth of Pennsylvania State Employees Retirement System, Pennsylvania Real Estate Holdings, Inc., and 1180 Church Road, Inc. (collectively, Settlers) regarding certain property located at 1180 Church Road (site) in Montgomery County, PA.

The site consists of approximately 80.5 acres located partly in Lansdale Borough and partly in Upper Gwynedd Township, **Montgomery County**, PA. The site is also located within the boundaries of the North Penn Area 7 NPL (Superfund) Site under the Federal Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). Respondents intend to purchase and develop the site for commercial purposes including light industrial, hotel and related ancillary commercial uses.

Under the authority of CERCLA and HSCA, the United States Environmental Protection Agency (EPA) and the Department are conducting and will conduct various response actions for the investigation and assessment of the release or threat of release of hazardous substances or contaminants at the site and will conduct further response action to respond to such releases or threatened releases as deemed appropriate by the agencies. The Settlers have conducted independent environmental investigations of the site which have revealed the existence of regional contaminated groundwater from volatile organic compounds. Other than any potential liability associated with the purchase of the site, Settlers have asserted, and the Department has no information to indicate otherwise, that they neither caused, contributed to, nor are otherwise liable for any contamination at the site. Settlers have agreed to resolve their potential liability to the United States associated with their intended purchase of the site in an Agreement with the EPA docketed at CERC-PPA-2000-0003. Under the terms of the PPA with the Department, Settlers will contribute \$2,000 towards response costs incurred and to be incurred by the Department associated with the site and will agree not to exacerbate any existing contamination at the site in exchange for a covenant not to sue and contribution protection from the Commonwealth.

This notice is provided under section 1113 of HSCA (35 P. S. § 6020.1113). The PPA may be examined from 8 a.m. to 4 p.m. at the Department's Offices at Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428 by contacting either George Danyliw at (610) 832-5967 or Anderson Lee Hartzell at (610) 832-6300. A public comment period on the PPA will extend for a period of 60 days from the date of publication of this Notice. Interested persons may submit written comments regarding the PPA to the Department by submitting them to George Danyliw at the noted address.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 2

The following final reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require

the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of 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, contact the Environmental Cleanup Program Manager in the Department Regional Office under which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports:

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

Larry and Donna O'Brien Residence, City of Philadelphia, **Philadelphia County**. David R. Crowther, Hydrocon Services, Inc., 2945 S. Pike Avenue, Allentown, PA 18103, has submitted a Final Report concerning remediation of site soil contaminated with BTEX and polycyclic aromatic hydrocarbons. The report was submitted within 90 days of the release of the contaminant and is intended to document remediation of the site to meet the Statewide health standard.

Former Cedar Hollow Quarry, East Whiteland and Tredyffrin Townships, **Chester County**. Darryl D. Borrelli, Manko, Gold & Katcher, LLP, 401 City Avenue, Bala Cynwyd, PA 19004, has submitted a Final Report concerning remediation of site soil contaminated with lead, heavy metals, solvents, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet Statewide health and background standards.

Jeffersonville Shopping Center, West Norriton Township, **Montgomery County**. Jeffrey K. Wade, Dames & Moore, 2325 Maryland Road, Willow Grove, PA 19090, has submitted a Final Report concerning remediation of site soil contaminated with solvents. The report is intended to document remediation of the site to meet the Statewide health standard.

Hale Products, Inc., Conshohocken Borough and Whitemarsh Township, **Montgomery County**. Frank C. Keirse, Hale Products, Inc., 700 Spring Mill Avenue, Conshohocken, PA 19428, has submitted a Final Report concerning remediation of site soil contaminated with lead and heavy metals and groundwater contaminated with heavy metals. The report is intended to document remediation of the site to meet the Statewide health standard.

Keystone Coke Co., Upper Merion Township, **Montgomery County**. Randy Shuler, Environmental Resources Management, Inc., Princeton Crossroads Corp. Center, 250 Phillips Blvd., Suite 280, Ewing, NJ 08618 has submitted a Final Report concerning remediation of

site soil contaminated with lead, heavy metals, BTEX and polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet the Statewide health standard.

James and Linda Remolde Residence, Lower Providence Township, **Montgomery County**. David R. Crowther, Hydrocon Services, Inc., 2945 S. Pike Avenue, Allentown, PA 18103, has submitted a Final Report concerning remediation of site soil contaminated with BTEX and polycyclic aromatic hydrocarbons. The report was submitted within 90 days of the contaminant release and is intended to document remediation of the site to meet the Statewide health standard.

Santoni Residence, Lower Providence Township, **Montgomery County**. Brian R. Evans, Hydrocon Services, Inc., 2945 S. Pike Avenue, Allentown, PA 18103, has submitted a Final Report concerning remediation of site soil contaminated with polycyclic aromatic hydrocarbons. The report was submitted within 90 days of the release of the contaminant and is intended to document remediation of the site to meet the Statewide health standard.

Mack Oil Company, Inc., Easttown and Tredyffrin Townships, **Chester County**. Michael S. Welsh, P.E., Applied Environmental Management, Inc., 16 Chester County Commons, Malvern, PA 19355, has submitted a Final Report concerning remediation of site groundwater contaminated with BTEX. The report is intended to document remediation of the site to meet the Statewide health standard.

Cognis Corp. Ball Field Property, Lower Gwynedd Township, **Montgomery County**. James F. Mattern, HydroScience, Inc., 607 Washington Street, Reading, PA 19601, has submitted a Final Report concerning remediation of site soil contaminated with heavy metals, solvents, BTEX and polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet the Statewide health standard.

VIZ Manufacturing Co., City of Philadelphia, **Philadelphia County**. Jeffery Fehr, Penn Environmental & Remediation, Inc., 2755 Bergey Rd., Hatfield, PA 19440 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with solvents. The report is intended to document remediation of the site to meet Statewide health and site-specific standards.

A. T. Chadwick Company, c/o Wallingford Apartments, City of Philadelphia, **Philadelphia County**. Daniel F. Yonker, P.G., Phoenix Consulting, L.L.C., P. O. Box 229, Phoenixville, PA 19460, has submitted a Final Report concerning remediation of site soil contaminated with petroleum hydrocarbons. The report is intended to document remediation of the site to meet the Statewide health standard.

Southcentral Regional Office: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4705.

Defense Distribution Region East former Fire Training Area Wood Pile, Fairview Township, **York County**. A Final Report concerning remediation of site soils contaminated with polycyclic aromatic hydrocarbons was submitted to the Department on February 12, 1998. The report was intended to document remediation of the site to meet site-specific standards.

Northcentral Regional Office: Michael C. Welch, Environmental Cleanup Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (570) 321-6525.

Land Parcel of the former Bituminous Emulsion Company, Point Township, **Northumberland County**. The Final Report concerning remediation of site soils contaminated with PCBs was submitted to the Department on March 11, 1998. The report was intended to document remediation of the site to meet the site-specific standards.

Adelphia Communications, Inc.—Future Operations Center, Coudersport Borough, **Potter County**. Adelphia Communications, Inc., Main at Water Street, Coudersport, PA 16915 has submitted a Final Report concerning the remediation of site soil contaminated with BTEX and PHCs. The report is intended to document remediation of the site to meet the Statewide health standard.

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

Aliquippa Industrial Park, City of Aliquippa, **Beaver County**. James Palmer, Beaver County Corporation for Economic Development, 798 Turnpike Street, Beaver, PA 15009, submitted a Final Report on September 23, 1997 concerning remediation of site soil contaminated with PCBs and heavy metals. The Final Report was intended to document remediation of the site to meet the Statewide health standard. The May 13, 2000 publication of the *Pennsylvania Bulletin* indicated that the Final Report was approved by the Department on November 7, 1997.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908) and Chapter 250 Administration of Land Recycling Program.

Provisions of 25 Pa. Code § 250.8 Administration of Land Recycling Program requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the Land Recycling and Environmental Remediation Standards Act (act). Plans and reports required by provisions of the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report, and cleanup plan. A remedial investigation report includes conclusions from the property, and in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. A cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed, and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. The

Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the content of the plans and reports, contact the Environmental Cleanup Program Manager in the Department Regional Office under which the notice of the plan and report appears. If information concerning the plan and report is required in an alternative form, contact the community relations coordinator at the appropriate regional office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports.

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

Station Square Property, Whitemarsh Township, **Montgomery County**. A Final Report concerning remediation of site soil contaminated with polycyclic aromatic hydrocarbons and surface water contaminated with lead and heavy metals was submitted to the Department. The report demonstrated attainment of the Statewide health standards and was approved by the Department on March 23, 1998.

Canada Dry Facility, City of Philadelphia, **Philadelphia County**. A Final Report concerning remediation of site soil contaminated with BTEX, petroleum hydrocarbons, polycyclic aromatic hydrocarbons and groundwater contaminated with BTEX was submitted to the Department. The report demonstrated attainment of the Statewide health standard and was approved by the Department on February 4, 1998.

Northeast Regional Field Office: Joseph Brogna, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

Pennsylvania Power & Light Company (PPL)—former Jasper Substation, City of Allentown, **Lehigh County**. PPL, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101 submitted a Final Report concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The final report demonstrated attainment of the Statewide health standard, and was approved on March 2, 1998.

Pennsylvania Power & Light Company (PPL)—former Jermym Substation, Jermym Borough, **Lackawanna County**. PPL, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101 submitted a Final Report concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The final report demonstrated attainment of the Statewide health standard, and was approved on March 24, 1998.

Pennsylvania Power & Light Company (PPL)—retired South Catasaqua Substation, North Catasaqua Borough, **Northampton County**. PPL, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101 submitted a Final Report concerning the remediation of site soils found to be contaminated with PCBs (polychlorinated biphenyls). The final report demonstrated attainment of the Statewide health standard, and was approved on March 26, 1998.

UGI Utilities Inc.—Former Allentown Manufactured Gas Plant, City of Allentown, **Lehigh County**.

J. C. Rondeau, Division Engineer, Environmental Compliance, UGI Utilities, Inc., 100 Kachel Boulevard, Suite 400, P. O. Box 12677, Reading, PA 19612-2677 has submitted a Notice of Intent to Remediate concerning the remediation of site soils, groundwater and nearby sediments found or suspected to have been contaminated with constituents associated with the manufactured gas plant process, including lead and other metals, BTEX (benzene, toluene, ethylbenzene, and xylenes) compounds, and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet both the Statewide health and site-specific standards. A summary of the notice was published in Allentown's *The Morning Call* on May 22, 2000.

Southcentral Regional Office: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4705.

Bethlehem Steel Corp., Steelton and Highspire Boroughs, **Dauphin County**. A final report has been submitted concerning the remediation of site groundwater contaminated with solvents. The final report demonstrated attainment of the site-specific standard, and was approved by the Department on March 4, 1998.

Eastern Industries, Inc., Reading Concrete Plant, City of Reading, **Berks County**. A final report has been submitted concerning the remediation of site groundwater and soils contaminated with solvents, BTEX and PAHs. The final report demonstrated attainment of the Statewide health standard, and was approved by the Department on March 16, 1998.

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

Jack Strange Residence/Chris Suchko Property, Vandergrift Borough, **Westmoreland County**. Kevin P. Van Kuren, Hydrocon Services, Inc., 2945 South Pike Avenue, Allentown, PA 18103, has submitted a Final Report concerning remediation of site soil contaminated with petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The Final Report did not demonstrate attainment of the Statewide health standard and was disapproved by the Department on January 9, 1998.

Jack Strange Residence/Chris Suchko Property, Vandergrift Borough, **Westmoreland County**. Kevin P. Van Kuren, Hydrocon Services, Inc., 2945 South Pike Avenue, Allentown, PA 18103, has submitted a Final Report concerning remediation of site soil contaminated with petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The Final Report demonstrated attainment of the Statewide health standard and was approved by the Department on March 30, 1998.

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

CPT Foundry, Franklin Township, **Venango County**, submitted a Baseline Investigation work plan on November 23, 1999, and an addendum to the workplan on January 11, 2000. The work is to be conducted on the CPT Foundry site located in Venango County. The Department approved both plans on December 10, 1999, and the addendum on January 18, 2000.

SOLID AND HAZARDOUS WASTE RESIDUAL WASTE PROCESSING FACILITIES

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

Southeast Regional Office: Regional Solid Waste Manager, Suite 6010, Lee Park, 555 North Lane, Conshohocken, PA 19428.

Permit No. 301242. USA Waste of Fairless Hills, Inc., 20 Steel Road, Fairless Hills, PA 19030. The residual waste permit for the processing of petroleum contaminated soil has been revoked at the permittee's request based upon the cessation of operations and the closure of the subject facility located in Falls Township, **Bucks County**. The bond will be released upon this revocation action becoming final. Permit was revoked by the Southeast Regional Office on June 8, 2000.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

Responsible Office: Southcentral Regional Office, Regional Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4706.

Permit No. 602538. Kline (HAW) Farm, East Pennsboro Township, WWTP (21 East Dulles Drive, Camp Hill, PA 17011-1108). This permit has been revoked at the request of the permittee for a site in Upper Frankford Township, **Cumberland County**. Permit revoked in the Regional Office May 31, 2000.

Permit No. 602538. Magaro Farm, East Pennsboro Township WWTP (21 East Dulles Drive, Camp Hill, PA 17011-1108). This permit has been revoked at the request of the permittee for a site in East Pennsboro Township, **Cumberland County**. Permit revoked in the Regional Office May 31, 2000.

Permit No. 602538. Lester Motter Farm, East Pennsboro Township WWTP (21 East Dulles Drive, Camp Hill, PA 17011-1108). This permit has been revoked at the request of the permittee for a site in West Pennsboro Township, **Cumberland County**. Permit revoked in the Regional Office May 31, 2000.

Permit No. 602538. Ralph Wax Farm, East Pennsboro Township WWTP (21 East Dulles Drive, Camp Hill, PA 17011-1108). This permit has been revoked at the request of the permittee for a site in West Pennsboro Township, **Cumberland County**. Permit revoked in the Regional Office May 31, 2000.

Permit No. 602538. Fannie Ricci Farm, East Pennsboro Township WWTP (21 East Dulles Drive, Camp Hill, PA 17011-1108). This permit has been revoked at the request of the permittee for a site in East Pennsboro Township, **Cumberland County**. Permit revoked in the Regional Office May 31, 2000.

Permit No. 603385. John Hess Farm, Bonneauville Borough (86 East Hanover Street, Gettysburg, PA 17325). This permit has been revoked at the request of the permittee for a site in Mount Pleasant Township, **Adams County**. Permit revoked in the Regional Office May 31, 2000.

AIR QUALITY OPERATING PERMITS

General Plan Approval and Operating Permit usage authorized 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: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (570) 826-2531.

48-302-098GP: County of Northampton (669 Washington Street, Easton, PA 18042) for construction and operation of a 42 MMBtu boiler at the Gracedale Nursing Home in Upper Nazareth Township, **Northampton County**.

48-302-099GP: County of Northampton (669 Washington Street, Easton, PA 18042) for construction and operation of a 21 MMBtu boiler at the Gracedale Nursing Home in Upper Nazareth Township, **Northampton County**.

48-302-100GP: County of Northampton (669 Washington Street, Easton, PA 18042) for construction and operation of a 35 MMBtu boiler at the Gracedale Nursing Home in Upper Nazareth Township, **Northampton County**.

35-323-020GP: Anemostat (888 North Keyser Avenue, Scranton, PA 18504) for construction and operation of a pyrolysis furnace in Scranton, **Lackawanna County**.

Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3637.

GP5-17-17: Mid East Oil Co. (255 Airport Road, Indiana, PA 15701) on May 19, 2000, was authorized to construct and operate a 1085 horsepower natural gas-fired reciprocating internal combustion engine under the General Plan Approval and General Operating Permit for Natural Gas Production Facilities (BAQ-GPA/GP 5) at the Chase Facility in Boggs Township, **Clearfield County**.

GP3-14-03: New Enterprise Stone and Lime Co., Inc., (P. O. Box 77, New Enterprise, PA 16664) on May 26, 2000, was authorized to construct and operate a portable non-metallic mineral processing plant and associated air cleaning device (a water spray dust suppression system) under the General Plan Approval and General Operating Permit for Portable Nonmetallic Mineral Processing Plants (BAQ-GPA/GP 3) in Patton Township, **Centre County**.

Administrative Amendment of 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.

Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.

OP-23-0021: Congoleum Corp. (Ridge Road and Yates Avenue, Marcus Hook, PA 19061) on May 24, 2000, for facility VOCs RACT in Trainer Borough, **Delaware County**.

OP-46-0026: Global Packaging, Inc. (Brower and Montgomery Avenues, Oaks, PA 19456) on May 24, 2000, for facility VOC RACT in Upper Providence Township, **Montgomery County**.

OP-46-0010A: Montenay Energy Resources, Inc. (1155 Conshohocken Road, Conshohocken, PA 19428) on May 26, 2000, for facility VOC/NOx RACT in Plymouth Township, **Montgomery County**.

OP-09-003: Supercap, Inc. (P. O. Box 189, Southampton, PA 18966) on May 26, 2000, for facility VOCs RACT in Upper Southampton Township, **Bucks County**.

OP-23-0004: American Ref-Fuel Co. of DV, L. P. (10 Highland Avenue, Chester, PA 19013) on June 9, 2000, for facility VOC RACT in City of Chester, **Delaware County**.

Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3637.

SMOP 41-00043: HRI, Inc. (1750 West College Avenue, P. O. Box 155, State College, PA 16804-0155) on May 30, 2000, for operation of a hot mix batch asphalt plant formerly owned and operated by Hanson Aggregates Pennsylvania, Inc. in Williamsport, **Lycoming County**.

SMOP 19-00015: HRI, Inc. (1750 West College Avenue, P. O. Box 155, State College, PA 16804-0155) on May 31, 2000, for operation of a hot mix batch asphalt plant formerly owned and operated by Hanson Aggregates Pennsylvania, Inc. in Hemlock Township, **Columbia County**.

NMOP 47-00009: Hanson Aggregates Pennsylvania, Inc. (P. O. Box 231, Easton, PA 18044-0231) on April 12, 2000, for operation of limestone crushers, screens, conveyors and associated process equipment formerly owned and operated by Royer's Lime Quarries in Limestone Township, **Montour County**.

12-399-014A: GKN Sinter Metals (R. R. 2, Box 47, Emporium, PA 15834-9740) on June 1, 2000, to include conditions established in Plan Approval 12-399-014B for two new powdered metal parts sintering furnaces (PF No. 59 and PF#60) and a new sintered metal parts induction hardening operation at the Airport Road Plant in Emporium Borough, **Cameron County**.

18-310-002C: Hanson Aggregates Pennsylvania, Inc. (P. O. Box 231, Easton, PA 18044-0231) on June 5, 2000, to incorporate conditions established in Plan Approval 18-310-002D for a new (replacement) fabric collector to control the air contaminant emissions from various pieces of stone crushing, screening, etc. equipment in Lamar Township, **Clinton 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.

Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.

OP-46-0012: Philadelphia Newspaper, Inc. (800 River Road, Conshohocken, PA 19428) on March 15, 2000, for operation of a backup generator and fuel pump in Upper Merion Township, **Montgomery County**.

OP-15-0074: R. A. Ferris & Co., Inc. (899 Fern Hill Road, West Chester, PA 19380) on April 27, 2000, for operation of a crematory incinerator in West Goshen Township, **Chester County**.

OP-09-0063: New Hope Crushed Stone (6970 Phillips Mill Road, New Hope, PA 18938) on April 28, 2000, for operation of two diesel generators in Solebury Township, **Bucks County**.

OP-09-0046: RJM Manufacturing, Inc. (250 Canal Road, Fairless Hills, PA 19030) on April 28, 2000, for operation of a flexographic press in Falls Township, **Bucks County**.

OP-46-0018A: Brown Printing Co. (668 Gravel Pike, East Greenville, PA 18041) on May 17, 2000, for operation of facility VOC/NOx RACT in Upper Hanover Township, **Montgomery County**.

OP-15-0093: Bren Park t/a West Chester Animal Hosp. (1138 Pottstown Pike, West Chester, PA 19380) on May 26, 2000, for operation of an animal crematory in West Goshen Township, **Chester County**.

OP-23-0047: Degussa Huls Corp. (1200 West Front Street, Chester, PA 19013) on June 2, 2000, for operation of a silica manufacturing process in the City of Chester, **Delaware County**.

OP-46-0162: Hammond Lead Products (10 South Grosstown Road, Pottstown, PA 19464) on June 5, 2000, for operation of a lead oxide plant in West Pottsgrove Township, **Montgomery County**.

OP-23-0017B: PECO Energy Co. (1 Industrial Highway, Eddystone, PA 19022) on June 8, 2000, for operation of a facility VOC/NOx RACT in Eddystone Borough, **Delaware County**.

TVOP-46-00019: Lockheed Martin Corp. (935 First Avenue, King of Prussia, PA 19406) on March 31, 2000, for operation of a facility Title V Operating Permit in Upper Merion Township, **Montgomery County**.

TVOP-09-0012: Klearfold, Inc. (364 Valley Road, Warrington, PA 18976) on April 6, 2000, for operation of a facility Title V Operating Permit in Warrington Township, **Bucks County**.

TVOP-15-00013: Graphic Packaging Corp. (240 Continental Boulevard, Malvern, PA 19355) on April 12, 2000, for operation of a facility Title V Operating Permit in Tredyffrin Township, **Chester County**.

TVOP-23-00043: Sunoco, Inc. (R&M) (Hog Island Road, Tincum, PA 19153) on April 12, 2000, for operation of a facility Title V Operating Permit in Tincum Township, **Delaware County**.

TVOP-23-00045: Sunoco, Inc. (R&M) (4041 Market Street, Aston, PA 19014) on May 8, 2000, for operation of a facility Title V Operating Permit in Upper Chichester Township, **Delaware County**.

TVOP-15-00033: Embreeville Center DPW (1822 West Strasburg Road, Coatesville, PA 19320) on May 16, 2000, for operation of a facility Title V Operating Permit in West Bradford Township, **Chester County**.

TVOP-46-00036: Ford Electronics & Refrigeration LLC (2750 Morris Road, Lansdale, PA 19446) on June 1, 2000, for operation of a facility Title V Operating Permit in Worcester Township, **Montgomery County**.

TVOP-46-00089: SPRA-FIN, Inc. (177 Wissahickon Avenue, North Wales, PA 19454) on June 1, 2000, for operation of a facility Title V Operating Permit in Upper Gwynedd Township, **Montgomery County**.

TVOP-23-00007: STATOIL ENERGY Power/Bethlehem, Inc. (15th and Upland Avenue, Chester, PA 19013) on June 1, 2000, for operation of a facility Title V Operating Permit in Upland Borough, **Delaware County**.

Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3637.

17-329-002: Petroleum Development Corp. (P. O. Box 26, Bridgeport, WV 26330) on May 12, 2000, for operation of a 115 horsepower natural gas-fired reciprocating internal combustion engine and a natural gas dehydration system at the Tate Compressor Site in Greenwood Township, **Clearfield County**.

17-329-003: Petroleum Development Corp. (P. O. Box 26, Bridgeport, WV 26330) on May 12, 2000, for operation of a 180 horsepower natural gas-fired reciprocating internal combustion engine and a natural gas dehydration system at the Passmore Compressor Site in Bell Township, **Clearfield County**.

Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.

OP-65-00793: Wilson Scrap Metals Inc. (R. D. 2, Box 374A, Route 286, Saltsburg, PA 15681) on May 23, 2000, for operation of metal smelting and refining at Coreco Metal Separator System in Bell Township, **Westmoreland County**.

PLAN APPROVALS

Plan Approvals extensions 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.

Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.

PA-46-0020: Superior Tube Co. (3900 Germantown Pike, Colledgeville, PA 19426) on March 7, 2000, for operation of three fabric filters and one rotoclone in Lower Providence Township, **Montgomery County**.

46-327-018: Superior Tube Co. (3900 Germantown Pike, Colledgeville, PA 19426) on March 7, 2000, for operation of a new vapor degreaser in Lower Providence Township, **Montgomery County**.

PA-46-0176: A. Talone, Inc. (318 West Lancaster Avenue, Ardmore, PA 19003) on March 10, 2000, for operation of a solvent recovery dryer in Lower Merion Township, **Montgomery County**.

PA-23-0067: Alloy Surfaces Co., Inc. (121 North Commerce Drive, Aston, PA 19014) on March 10, 2000, for operation of a caustic metal treatment process in Chester Township, **Delaware County**.

PA-09-0024A: Waste Management of PA, Inc. (200 Bordentown Road, Tullytown, PA 19007) on March 10, 2000, for operation of a permitted landfill in Tullytown Borough, **Bucks County**.

09-313-074B: Air Products & Chemicals, Inc. (351 Philadelphia Avenue, Morrisville, PA 19067) on March 15, 2000, for operation of a specialty gas plant in Falls Township, **Bucks County**.

PA-15-0015A: Sartomer Co., Inc. (610 South Bolmar Street, West Chester, PA 19382) on March 16, 2000, for operation of an emergency generator in West Chester Borough, **Chester County**.

09-399-032: Liquid Transporters, Inc. (2910 River Road, Croydon, PA 19021) on March 17, 2000, for operation of a cargo tank washing process in Bristol Township, **Bucks County**.

PA-09-0057: Ametek, Inc., U. S. Gauge Division (900 Clymer Avenue, Sellersville, PA 18960) on March 21, 2000, for operation of a degreaser in Sellersville Borough, **Bucks County**.

PA-09-0019: Miller & Son Paving (887 Mill Creek Road, Rushland, PA 18956) on March 21, 2000, for operation of a batch asphalt plant in Wrightstown Township, **Bucks County**.

PA-09-0046A: RJM Manufacturing, Inc. (250 Canal Road, Fairless Hills, PA 19030) on March 23, 2000, for operation of Surface Coater Line 3 in Falls Township, **Bucks County**.

PA-09-0046: RJM Manufacturing, Inc. (250 Canal Road, Fairless Hills, PA 19030) on March 27, 2000, for operation of a rotogravure and flexographic operations in Falls Township, **Bucks County**.

PA-15-0016B: Worthington Steel Co. (45 North Morehall Road, Malvern, PA 19355) on March 31, 2000, for operation of a coil coating line in East Whiteland Township, **Chester County**.

23-312-172C: Epsilon Products Co. (Post Road and Blueball Avenue, Marcus Hook, PA 19061) on April 5, 2000, for operation of storage bin vents in Marcus Hook Borough, **Delaware County**.

PA-15-0021: Glasgow, Inc. (660 Morehall Road, Frazer, PA 19335) on April 5, 2000, for operation of an asphalt plant and quarry in East Whiteland Township, **Chester County**.

PA-46-0043: Glasgow, Inc. (Conshohocken Road, Conshohocken, PA 19428) on April 5, 2000, for operation of an asphalt plant and quarry in Plymouth Township, **Montgomery County**.

09-320-049: Fres-Co Systems USA, Inc. (3005 State Road, Telford, PA 18969) on April 13, 2000, for operation of a flexographic press in West Rockhill Township, **Bucks County**.

09-313-074B: Air Products & Chemicals, Inc. (351 Philadelphia Avenue, Morrisville, PA 19067) on April 27, 2000, for operation of a specialty gas plant in Falls Township, **Bucks County**.

PA-46-0025E: Lonza, Inc. (900 River Road, Conshohocken, PA 19428) on April 27, 2000, for operation of additional process equipment in Upper Merion Township, **Montgomery County**.

PA-09-0013: Wheelabrator Falls, Inc. (1201 Ford Mill Road, Morrisville, PA 19067) on April 27, 2000, for operation of a municipal waste incinerator in Falls Township, **Bucks County**.

PA-46-0018: Brown Printing Co. (668 Gravel Pike, East Greenville, PA 18041) on May 4, 2000, for operation of a web offset/heatset printing press in Upper Hanover Township, **Montgomery County**.

46-313-115: SmithKline Beecham Pharmaceuticals (709 Swedeland Road, King of Prussia, PA 19406) on May 9, 2000, for operation of centrifuge and reactor exhausts in Upper Merion Township, **Montgomery County**.

23-318-001E: Congoleum Corp. (Ridge Road and Yates Avenue, Marcus Hook, PA 19061) on May 10, 2000, for operation of a surface coating operation in Trainer Borough, **Delaware County**.

46-322-007: Waste Management Disposal Services of PA (1425 Sell Road, Pottstown, PA 19464) on May 11, 2000, for operation of a municipal solid waste landfill in West Pottsgrove Township, **Montgomery County**.

PA-46-0078: BKL, Inc. (421 Feheley Drive, King of Prussia, PA 19406) on May 22, 2000, for operation of two screen printing presses and two coaters in Upper Merion Township, **Montgomery County**.

46-399-104: MM SKB Energy LLC (709 Swedeland Road, Upper Merion, PA 19406) on May 22, 2000, for operation of five I. C. Diesel Engines in Upper Merion Township, **Montgomery County**.

PA-46-0124: Montgomery Chemical (901 Conshohocken Road, Conshohocken, PA 19428) on May 22, 2000, for operation of a chemical manufacturing process in Plymouth Township, **Montgomery County**.

46-301-259B: East Norriton-Plymouth Whipain JSA (200 Ross Street, Norristown, PA 19401) on May 23, 2000, for operation of a sludge incinerator in Plymouth Township, **Montgomery County**.

PA-46-0010B: Montenay Montgomery Ltd. Partnership (1155 Conshohocken Road, Conshohocken, PA 19428) on May 23, 2000, for operation of a municipal solid waste combustor in Plymouth Township, **Montgomery County**.

PA-46-0010A: Montenay Montgomery Ltd Partnership (1155 Conshohocken Road, Conshohocken, PA 19428) on May 25, 2000, for operation of a carbon injection system in Plymouth Township, **Montgomery County**.

PA-46-0005E: Merck & Co., Inc. (770 Sumneytown Pike, West Point, PA 19486) on May 26, 2000, for operation of a waste heat incinerator in Upper Gwynedd Township, **Montgomery County**.

PA-15-0086: Bakery Feeds (97 West Brook Drive, Honey Brook, PA 19344) on May 31, 2000, for operation of a bakery waste recycling operation in West Brandywine Township, **Chester County**.

PA-09-0035B: Coltec Industries (23 Friends Lane, Newtown, PA 18940) on June 7, 2000, for operation of a PTFE Manufacturing Line Lubricant in Newtown Township, **Bucks County**.

PA-46-0025B: Lonza, Inc. (900 River Road, Conshohocken, PA 19428) on June 9, 2000, for operation of a hydrogenation reactor train in Upper Merion Township, **Montgomery County**.

PA-46-0025A: Lonza, Inc. (900 River Road, Conshohocken, PA 19428) on June 9, 2000, for operation of a four prescrubbers in Upper Merion Township, **Montgomery County**.

Northeast Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (570) 826-2531.

35-313-010A: Taylor Chemical, Inc. (Stauffer Industrial Park, Taylor, PA 18504) on June 1, 2000, for replacement of an air cleaning device in Taylor Borough, **Lackawanna County**.

39-318-103: Dispensing Containers Corp. (62 Anthony Road, Glen Gardner, NJ 08826) on June 8, 2000, for construction of an aerosol can internal coating operation and associated air cleaning device at 7130 Ambassador Road, Upper Macungie Township, **Lehigh County**.

Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3637.

OP-53-0003B: CNG Transmission Corp. (CNG Tower, 625 Liberty Avenue, Pittsburgh, PA 15222-3199) on May 26, 2000, to extend authorization to operate a 26.5 million BTU per hour natural gas-fired gas pipeline heater on a temporary basis until September 23, 2000, at the Greenlick Compressor Station in Stewardson Township, **Potter County**.

Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.

PA-30-087A: RAG Emerald Resources Corp. (145 Elm Drive, P. O. Box 1020, Waynesburg, PA 15370) on May 24, 2000, for construction of coal preparation plant in Franklin Township, **Greene County**.

PA-65-817A: Pioneer Mid-Atlantic Inc. (400 Industrial Blvd., New Kensington, PA 15068) on May 24, 2000, for installation of recycled asphalt pavement system in Lower Burrell City, **Westmoreland County**.

PA-56-232A: Shade Landfill, Inc. (Westpointe Corporate Center One, Suite 200, 1550 Coraopolis Heights Road, Moon Township, PA 15108) on May 24, 2000, for installation of landfill gas management system in Shade Township, **Somerset County**.

PA-26-451A: CONSOL Docks, Inc. (1800 Washington Road, Pittsburgh, PA 15241) on May 31, 2000, for installation of coal stockpiling at the Alicia Dock in Luzerne Township, **Fayette County**.

65-305-049: Koppers Industries, Inc. (436 Seventh Avenue, Pittsburgh, PA 15219) on June 1, 2000, for construction of coke by-products recovery plant at the Monessen Coke Plant in Monessen, **Westmoreland County**.

65-305-048: Koppers Industries, Inc. (436 Seventh Avenue, Pittsburgh, PA 15219) on June 1, 2000, for installation of coke oven battery operations at the Monessen Coke Plant in Monessen, **Westmoreland County**.

65-302-071: Koppers Industries, Inc. (436 Seventh Avenue, Pittsburgh, PA 15219) on June 1, 2000, for installation of two boilers at the Monessen Coke Plant in Monessen, **Westmoreland County**.

PA-65-093A: Hyde Park Foundry (326 First Avenue, P. O. Box 187, Hyde Park, PA 15641) on June 7, 2000, for construction of magnesium inoculation at the National Roll Co. in Hyde Park Borough, **Westmoreland 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.

Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3637.

OP-14-0004B: Graybec Lime, Inc. (P. O. Box 448, Bellefonte, PA 16823) on May 31, 2000, for construction of limestone processing equipment consisting of two screens and eight conveyors, and associated air cleaning devices [three fabric collectors] in Spring Township, **Centre County**. The equipment is subject to Subpart 000 of the Federal Standards of Performance for New Stationary Sources.

Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.

PA-63-641B: Regal Industrial Corp. (P. O. Box 291, Donora, PA 15033) on May 31, 2000, for painting operations at the Donora Plant in Donora Borough, **Washington County**.

Philadelphia Department of Public Health: Air Management Services, 321 University Ave., Philadelphia, PA 19104, (215) 685-7584.

99176: Royal Pioneer Industries (2345 Castor Avenue, Philadelphia, PA 19134) for operation of a printing facility in the City of Philadelphia, **Philadelphia County**.

Administrative Amendment of 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.

Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.

PA-09-0087A: Air Products & Chemicals, Inc. (351 Philadelphia Avenue, Morrisville, PA 19067) on April 27, 2000, for an ammonia scrubber in Falls Township, **Bucks County**.

PA-23-0006C: Foamex L. P. (1500 East Second Street, Eddystone, PA 19022) on May 25, 2000, for a thermal reticulation unit in Eddystone Borough, **Delaware County**.

Plan Approvals denied 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.

Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3637.

08-322-002: M. M. Northern Tier Energy LLC (1221 Nicollet Mall, Suite 700, Minneapolis, MN 55403-2445) on May 1, 2000 for a landfill gas-fired reciprocating internal combustion engine for failure to provide such information as was requested by the Department and necessary to perform a thorough evaluation of the air contamination aspects of the proposed engine at the Bradford County Landfill in West Burlington Township, **Bradford County**.

Plan Approvals transferred under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3637.

47-303-003: HRI, Inc. (1750 West College Avenue, P. O. Box 155, State College, PA 16804-0155) on May 16, 2000, for construction and temporary operation of a drum mix asphalt concrete plant and associated air cleaning device (a fabric collector) which was previously constructed and operated by Hanson Aggregates Pennsylvania, Inc. in Liberty Township, **Montour County**. This plant is subject to Subpart I of the Federal Standards of Performance for New Stationary Sources.

MINING

APPROVALS TO CONDUCT COAL AND NONCOAL ACTIVITIES

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 these 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).

Hawk Run District Office, P. O. Box 209, Off Empire Road, Hawk Run, PA 16840.

Small Industrial Minerals Permits Issued

18000801. Robert S. Ramm (HCR80-Box 31, Lock Haven, PA 17745), commencement, operation and restoration of a Small Industrial Mineral (Topsoil) permit in Dunnstable Township, **Clinton County** affecting 1 acre. Receiving stream: Susquehanna River. Application received March 1, 2000. Permit issued June 2, 2000.

59992801. Terry Jacobson (P. O. Box 32, Sabinsville, PA 16943), commencement, operation and restoration of a Small Industrial Mineral (Topsoil, Sand, Gravel) permit in Nelson Township, **Tioga County** affecting 1.25 acres. Receiving stream: Cowanesque, tributary to North Branch Susquehanna River. Application received September 20, 1999. Permit issued May 25, 2000.

17000801. Sylvia A. Green (R. R. 1, Box 286, Woodland, PA 16881), commencement, operation and restoration of a Small Industrial Mineral (Shale, Clay) permit in Bradford Township, **Clearfield County** affecting 4.5 acres. Receiving streams: unnamed tributary to Moravian Run, tributary to Susquehanna River. Application received April 14, 2000. Permit issued May 25, 2000.

Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

Small Noncoal (Industrial Mineral) Permits Issued

58000820. P. Scott Baldwin (R. R. 1, Box 340G, Kingsley, PA 18826), commencement, operation and restoration of a bluestone quarry operation in Clifford Township, **Susquehanna County**, affecting 1.0 acre, receiving stream—none. Permit issued June 6, 2000.

66002801. Jason Michael Reed (R. R. 1, Box 1811 A, Factoryville, PA 18419), commencement, operation and restoration of a quarry operation in West Nicholson Township, **Wyoming County** affecting 1.0 acre, receiving stream—none. Permit issued June 6, 2000.

58000822. Kenneth W. Ives (R. R. 1, Box 1297, Little Meadows, PA 18830), commencement, operation and restoration of a bluestone quarry operation in Apolacon Township, **Susquehanna County** affecting 3.0 acres, receiving stream—none. Permit issued June 7, 2000.

Greensburg District Office, R. R. 2, Box 603-C, Greensburg, PA 15601.

3476SM22T. Redland Brick, Inc. (375 Rich Hill Road, R. D. 3, Cheswick, PA 15024). NPDES renewal issued for a large noncoal surface mine located in Harmar Township, **Allegheny County**, affecting 35 acres. Receiving streams: Deer Creek. Application received: January 31, 2000. NPDES Renewal issued: June 8, 2000.

Knox District Office, P. O. Box 669, Knox, PA 16232.

25000802. Jeffery Tallman (10890 Old Rte. 99, McKean, PA 16426) Commencement, operation and restoration of a sand and gravel operation in Washington Township, **Erie County** affecting 5.5 acres. Receiving streams: None. Application received: March 28, 2000. Permit Issued: May 26, 2000.

*Knox District Office, P. O. Box 669, Knox, PA 16232.
Noncoal Permits Issued*

1910-37870301-E-1. I. A. Construction Corporation (P. O. Box 8, Concordville, PA 19331) Application for a stream encroachment to conduct mining activities within 100 feet of unnamed tributaries No. 2 and 3 to Duck Run in Wayne Township, **Lawrence County**. Receiving streams: Duck Run and unnamed tributaries to Duck Run. Application received: February 9, 2000. Permit Issued: May 31, 2000.

*Pottsville District Office, 5 West Laurel Boulevard,
Pottsville, PA 17901-2454.*

58900303C2. Cecil Kilmer (R. R. 1, Box 1130, Nicholson, PA 18446), renewal of NPDES Permit PA0595004 in New Milford Township, **Susquehanna County**, receiving stream—unnamed tributary to Beaver Creek. Renewal issued June 6, 2000.

*McMurray District Office, 3913 Washington Road,
McMurray, PA 15317.*

Coal Mining Permits Issued

63733708. Mon View Mining Company (P. O. Box 1203, 250 West Main St., Uniontown, PA 15401), to renew the permit for the Mathis Coal Refuse Disposal Area in Carroll and Union Townships, **Washington County** to renew application for an existing coal refuse disposal area, no additional discharges. Permit issued May 19, 2000.

32991301. DLR Mining, Inc. (R. D. 3, Box 115-A, Indiana, PA 15701), to develop and operate a new deep mine, the Nolo Mine in Buffington Township, **Indiana County**, permit application for a new deep mine, Little Yellow Creek and unnamed tributary to Little Yellow Creek. Permit issued June 1, 2000.

32753702. Pennsylvania Electric Company (1001 Broad St., Johnstown, PA 15907), to revise the permit for the Homer City Refuse Disposal Facility in Center Township, **Indiana County**, to add 65 refuse disposal acres and 33 support acres to the permit, no additional discharges. Permit issued June 2, 2000.

*Pottsville District Office, 5 West Laurel Boulevard,
Pottsville, PA 17901-2454.*

35763202R3. Northampton Fuel Supply Co., Inc. (7500 Old Georgetown Road, 13th Floor, Bethesda, MD 20814-6161), renewal of an existing coal refuse reprocessing operation in Carbondale Township, **Lackawanna County** affecting 45.0 acres, receiving stream—none. Renewal issued June 6, 2000.

35840205R3. Ransom Quarry Company, Inc. (P. O. Box 114, Ransom, PA 18653), renewal of an existing coal refuse reprocessing operation in Throop and Olyphant Boroughs, **Lackawanna County** affecting 161.0 acres, receiving stream—none. Renewal issued June 7, 2000.

40850203R3. Silverbrook Anthracite, Inc. (1 Market Street, Laflin, PA 18702), renewal of an existing coal refuse reprocessing operation in Newport Township, **Luzerne County** affecting 49.0 acres, receiving stream—none. Renewal issued June 7, 2000.

*Ebensburg District Office, 437 South Center Street, P. O.
Box 625, Ebensburg, PA 15931-0625.*

32900301. Revision. Edward C. Griffith Quarrying, Inc. (R. D. 1, Box 176, Rochester Mills, PA 15771), to revise the mining and reclamation plan to increase the depth of the quarry in North and East Mahoning Townships, **Indiana County**, affecting 45.3 acres, receiving

stream unnamed tributary to Little Mahoning Creek, application received January 13, 1999, issued June 5, 2000.

*Greensburg District Office, R. R. 2, Box 603-C,
Greensburg, PA 15601.*

30950101. Taylortown Mining, Inc. (P. O. Box 298, Point Marion, PA 15474). Permit renewed for continued reclamation only of a bituminous surface mine located in Greene Township, **Greene County**, affecting 53.5 acres. Receiving streams: unnamed tributaries to Whiteley Creek. Application received: March 2, 2000. Reclamation only renewal issued: June 8, 2000.

30850104. Meadow Run Mining Co., Inc. (P. O. Box 298, Point Marion, PA 15474). Permit renewed for continued reclamation only of a bituminous surface/auger mine located in Dunkard Township, **Greene County**, affecting 39.4 acres. Receiving streams: unnamed tributary to Dunkard Creek. Application received: March 2, 2000. Reclamation only renewal issued June 8, 2000.

*Hawk Run District Office, P. O. Box 209, off Empire
Road, Hawk Run, PA 16840.*

14960101. River Hill Coal Co., Inc. (P. O. Box 141, Kylertown, PA 16847), transfer of an existing bituminous surface mine permit from Bern Coal, Inc. The permit is located in Snow Shoe Township, **Centre County** and affects 48.5 acres. Receiving streams: North Fork Beech Creek to Beech Creek, Beech Creek to Bald Eagle Creek; Bald Eagle Creek to West Branch Susquehanna River. Application received December 22, 1999. Permit issued June 2, 2000.

Knox District Office, P. O. Box 669, Knox, PA 16232.

33813012. P. and N. Coal Company, Inc. (P. O. Box 332, Punxsutawney, PA 15767) Revision to an existing bituminous strip and auger operation to change the post-mining land use from forestland to unmanaged natural habitat on the Sarah E. Bonnett property in Gaskill Township, **Jefferson County**. Receiving streams: Unnamed tributary to Clover Run and unnamed tributaries to East Branch Mahoning Creek and Lost Run. Application received: February 22, 2000. Permit Issued: May 25, 2000.

10990103. Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127) Commencement, operation and restoration of a bituminous strip operation in Slippery Rock Borough, **Butler County** affecting 4.9 acres. Receiving streams: Unnamed tributaries to Wolf Creek. Application received: November 18, 1999. Permit Issued: May 25, 2000.

10980105. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001) Revision to an existing bituminous strip operation to change the post-mining land use from forestland to pastureland/land occasionally cut for hay on the Arthur Wagner and J. Maxwell Cumberland properties in Cherry Valley and Eau Claire Boroughs, **Butler County**. Receiving streams: Two unnamed tributaries of South Fork Little Scrubgrass Creek. Application received: April 6, 2000. Permit Issued: June 2, 2000.

10950105. Dutch Run Coal, Inc. (R. R. 2, Box 366, Shelocta, PA 15774), Renewal of an existing bituminous strip and auger operation in Parker and Perry Townships, **Butler and Armstrong Counties** affecting 270.0 acres. This renewal is issued for reclamation only. Receiving streams: Unnamed tributary to the Allegheny River. Application received: April 24, 2000. Permit Issued: June 6, 2000.

ACTIONS TAKEN UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT

ENCROACHMENTS

The Department of Environmental Protection (Department) has taken the following actions on previously received Dam Safety and Encroachment 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)).

Persons 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, 400 Market Street, Floor 2, 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 Health Board within 30 days of receipt of the 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 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.

Northeast Regional Office: Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

E35-322. Encroachment. **Lackawanna County Performing Arts Authority**, 200 Adams Avenue, Scranton, PA 18503. To construct and maintain a 2,000 foot long, trapezoidal shaped channel change of Covey Swamp Creek having an approximate 8 foot bottom width and 2:1 side slopes; to construct and maintain a structural steel pedestrian bridge having a span of 60 feet and an underclearance of 4 feet across Covey Swamp Creek; to construct and maintain a structural steel pedestrian bridge having a span of 60 feet and an underclearance of 4.9 feet across wetlands; to maintain a 210 foot long stream enclosure in a tributary to Covey Swamp Creek consisting of dual, 30 inch plastic corrugated pipes; to construct and maintain an 8 inch diameter sanitary sewer line stream crossing and to construct and maintain an 8 inch diameter waterline stream crossing of a tributary to Covey Swamp Creek; and to place fill in 0.08 acre of wetlands for the purpose of constructing an amphitheater along with its access road, parking facilities and other associated structures. The project is located approximately 1,000 feet south of the Montage Ski Area (Avoca, PA Quadrangle N: 17.5 inches; W: 5.4 inches) in the City of Scranton, **Lackawanna County**. The permittee is required to provide 0.2 acre of replacement wetlands.

E48-289. Encroachment. **Pennsylvania Department of Transportation, Engineering District 5-0**, 1713 Lehigh Street, Allentown, PA 18103. To remove the existing structure and to construct and maintain twin cell concrete box culverts each having dimensions of 12 feet (3.658 m) by 11 feet (3.353 m) with a 1-foot (0.3048 m) culvert depression in Mud Run. The project is located along S. R. 0611, Section MRB, north of Township Road T660 (Lower Mud Run Road) (Bangor, PA-NJ Quadrangle N: 1.4 inches; W: 9.0 inches) in Lower Mount Bethel Township, **Northampton County**.

E48-294. Encroachment. **Metropolitan Edison Company**, 2800 Pottsville Pike, P. O. Box 16001, Reading, PA 19640-0002. To maintain an existing wire crossing across the Delaware River, at a point approximately 3,100 feet southeasterly from the Borough of Portland in Knowlton Township, **Warren County**, New Jersey, and Upper Mt. Bethel Township, **Northampton County**. The construction of this crossing was previously authorized by Permit Nos. 14543 and 14543-A.

Northcentral Region: Water Management—Soils and Waterways, F. Alan Sever, Chief, 208 West Third St., Williamsport, PA 17701.

E08-358. Encroachment. **Bradford County Commissioners**, Courthouse, Main Street, Towanda, PA 18848. To abandon the existing extended aeration wastewater treatment facilities and to construct and maintain similar size extended aeration wastewater treatment facilities in the floodplain of Sugar Creek approximately 800 feet west of the intersection of T-552 with Carmens Road (Ulster, PA Quadrangle N: 4.4 inches; W: 16.7 inches) in West Burlington Township, **Bradford County**. This permit was issued under section 105.13(e) "Small Projects."

E14-373. Encroachment. **John and Kathy Eckley**, 561 Rattlesnake Pike, Julian, PA 16844. To maintain a bank-to-bank wooden footbridge with a 25-foot clear span and a 4-foot maximum underclearance across Dewitt Run located 0.8 mile north on Rattlesnake Pike from its intersection with S. R. 322 (Bear Knob, PA Quadrangle N: 7.03 inches; W: 1.96 inches) in Union Township, **Centre County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

Southwest Regional Office: Soils and Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E65-752. Encroachment. **Garland G. and Tina M. Zimmerman**, 4417 Logans Ferry Road, Murrysville, PA 15668. To operate and maintain a 6-inch depressed 48-inch corrugated metal pipe culvert in an unnamed tributary to Haymakers Run (HQ-CWF) for the purpose of providing access to a proposed single family residence. The project is located off of Bulltown Road, approximately 1.7 miles from its intersection with Sardis Road (Murrysville, PA Quadrangle N: 16.8 inches; W: 8.75 inches) in the Municipality of Murrysville, **Westmoreland County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E63-487. Encroachment. **Louis Dugan**, Box 308, Slovan, PA 15078. To construct and maintain a 5' diameter culvert (depressed 1') in a tributary to Burgetts Fork Raccoon Creek (WWF) to provide access to a proposed private residence. The project is located on the west side of Atlasburg Road approximately 800 feet south of its intersection with Cross Creek Road (SR 4029) (Avella, PA Quadrangle N: 15.7 inches; W: 1.9 inches) in Smith Township. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E65-754. Encroachment. **Arnold D. Palmer**, P. O. Box 52, Youngstown, PA 15696-0052. To construct and maintain a bridge having a clear span of 30.00 feet and an underclearance of 9.68 feet across Ninemile Run (WWF)

for the purpose of golf cart and service vehicle crossing; and to construct and maintain 10 LF scour protection at the structure's approaches. The project is located in the Latrobe Country Club at a point approximately 1.1 miles south of the intersection of S. R. 30 and S. R. 982 (Derry, PA Quadrangle N: 4.35 inches; W: 16.8 inches) in Unity Township, **Westmoreland County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

STORAGE TANKS

SITE SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site Specific Installation Permit under the authority of the Storage Tank and Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and 25 Pa. Code Chapter 245, Subchapter C has been issued by the Bureau of Watershed Conservation, Director, P. O. Box 8555, Harrisburg, PA 17105-8555, (717) 787-5267.

<i>SSIP Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Tank Type and Capacity</i>
00-23-002	James E. Fedena Tosco Refining Company 4101 Post Road Trainer, PA 19061	Delaware County Trainer Borough	1 AST Storing Naphtha/Jet Fuel 4,661,900 gallon

[Pa.B. Doc. No. 00-1085. Filed for public inspection June 23, 2000, 9:00 a.m.]

Small Business Assistance Program Compliance Advisory Committee Meeting

The next meeting of the Small Business Assistance Program Compliance Advisory Committee has been rescheduled from July 26 to July 19. The time and location remain the same—10:30 a.m. in the 14th Floor Conference Room of the Rachel Carson State Office Building. Persons who need accommodations due to a disability and want to attend this meeting, should contact Jon Miller, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468, or by phone at (717) 787-9257. To make proper arrangements, requests should be received at least 24 hours in advance.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 00-1086. Filed for public inspection June 23, 2000, 9:00 a.m.]

the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 00-1087. Filed for public inspection June 23, 2000, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Current Prevailing Wage Act Debarments

The following contractors have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P. S. §§ 165-1—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P. S. § 165-11(e)), this firm or person, or any firms, corporations or partnerships in which the firm or person has an interest, shall be awarded no contract for 3 years after the date listed.

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
Thomas S. Cappa Associates, Inc. (Fed. ER ID No. 23-2808815) and Thomas S. Cappa, individually	P. O. Box 45 Springhouse, PA 19477	May 26, 2000

JOHNNY J. BUTLER,
Secretary

[Pa.B. Doc. No. 00-1088. Filed for public inspection June 23, 2000, 9:00 a.m.]

Technical Advisory Committee on Diesel-Powered Equipment Meeting Cancellation

The July 19 meeting of the Technical Advisory Committee on Diesel-Powered Equipment (TAC) has been cancelled. The next meeting is scheduled for October 25 at 10 a.m. in the Fayette County Health Center in Uniontown.

Questions concerning this meeting can be directed to Allison Gaida at (724) 439-7289 or e-mail to Gaida.Allison@dep.state.pa.us. The agenda and meeting materials will be available through the Public Participation Center on DEP's World Wide Web site at <http://www.dep.state.pa.us>.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Allison Gaida directly at (724) 439-7289 or through

DEPARTMENT OF PUBLIC WELFARE

Federal Poverty Income Guidelines for 2000

The Department of Public Welfare (Department) announces the implementation in this Commonwealth of the 2000 Federal Poverty Income Guidelines (FPIGs) which were issued by the Department of Health and Human Services and published at 65 FR 7555 on February 15, 2000.

The FPIGs are the basis for the income eligibility limits for several categories of Medicaid whose regulations are published in 55 Pa. Code and administered by the Department. These categories include Healthy Beginnings for Pregnant Women and Qualified Children, Chapter 140, Subchapter A; Healthy Horizons for the Elderly and Disabled, Chapter 140, Subchapter B; and Extended Medical Coverage under Categorically Needy TANF-Related Categories, Chapter 140, Subchapter C.

The percentages for the Medicaid categories of Healthy Beginnings and Healthy Horizons are set forth as follows:

Persons	100% of FPIG		120% of FPIG		133% of FPIG		135% of FPIG		175% of FPIG		185% of FPIG		200% of FPIG	
	Mo.	Annual	Mo.	Annual	Mo.	Annual	Mo.	Annual	Mo.	Annual	Mo.	Annual	Mo.	Annual
1	\$ 696	\$ 8,350	\$ 835	\$10,020	\$ 925	\$11,106	\$ 939	\$11,273	\$1,218	\$14,613	\$1,287	\$15,448	\$1,392	\$16,700
2	\$ 938	\$11,250	\$1,125	\$13,500	\$1,247	\$14,963	\$1,266	\$15,188	\$1,641	\$19,688	\$1,734	\$20,813	\$1,875	\$22,500
3	\$1,179	\$14,150	\$1,415	\$16,980	\$1,568	\$18,820	\$1,592	\$19,103	\$2,064	\$24,763	\$2,181	\$26,178	\$2,358	\$28,300
4	\$1,421	\$17,050	\$1,705	\$20,460	\$1,890	\$22,677	\$1,918	\$23,018	\$2,486	\$29,838	\$2,629	\$31,543	\$2,842	\$34,100
5	\$1,663	\$19,950	\$1,995	\$23,940	\$2,211	\$26,534	\$2,244	\$26,933	\$2,909	\$34,913	\$3,076	\$36,908	\$3,325	\$39,900
6	\$1,904	\$22,850	\$2,285	\$27,420	\$2,533	\$30,391	\$2,571	\$30,848	\$3,332	\$39,988	\$3,523	\$42,273	\$3,808	\$45,700
7	\$2,146	\$25,750	\$2,575	\$30,900	\$2,854	\$34,248	\$2,897	\$34,763	\$3,755	\$45,063	\$3,970	\$47,638	\$4,292	\$51,500
8	\$2,388	\$28,650	\$2,865	\$34,380	\$3,175	\$38,105	\$3,223	\$38,678	\$4,178	\$50,138	\$4,417	\$53,003	\$4,775	\$57,300
Each Additional Person	\$ 242	\$ 2,900	\$ 290	\$ 3,480	\$ 321	\$ 3,857	\$ 326	\$ 3,915	\$ 423	\$ 5,075	\$ 447	\$ 5,365	\$ 483	\$ 5,800

These percentages apply as follows:

Healthy Beginnings—

- a. 185% for pregnant women and infants up to 1 year of age.
- b. 133% for children age 1 through 5 years of age; and
- c. 100% for children age 6 and older who were born after September 30, 1983.

Healthy Horizons—

- a. 100% for those persons eligible for the categorically needy and Medicare cost-sharing benefits.
- b. 120% for those persons eligible for the Specified Low-Income Medicare Beneficiaries and Medically Needy Only benefits.
- c. 135% and 175% for those persons eligible for the Qualifying Individuals Beneficiaries benefits.

(There are different resource limits for each of these programs.)

Additional information on the specific program is available at the county assistance offices.

Effective Date

This notice shall take effect upon publication in the *Pennsylvania Bulletin* and apply retroactively to February 15, 2000.

FEATHER O. HOUSTOUN,
Secretary

Fiscal Note: 14-NOT-247. No fiscal impact; (8) recommends adoption. Budgetary projections provide for additional costs resulting from the estimated increase in caseload.

Annex A

TITLE 55. PUBLIC WELFARE

PART II. PUBLIC ASSISTANCE MANUAL

Subpart C. ELIGIBILITY REQUIREMENTS

CHAPTER 140. SPECIAL MA ELIGIBILITY PROVISIONS

Subchapter C. ELIGIBILITY PROVISIONS FOR EMC UNDER THE CATEGORICALLY NEEDY PROGRAM FOR TANF-RELATED CATEGORIES

APPENDIX A

EXTENDED MEDICAL COVERAGE (EMC) MONTHLY INCOME LIMITS

185% OF THE 2000 FEDERAL POVERTY INCOME GUIDELINES

<i>Family Size</i>	<i>185% of the Federal Poverty Income Guidelines</i>
1	\$1,287
2	\$1,734
3	\$2,181
4	\$2,629
5	\$3,076
6	\$3,523
7	\$3,970
8	\$4,417
Each Additional Person	\$ 447

[Pa.B. Doc. No. 00-1089. Filed for public inspection June 23, 2000, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Doubling 8's Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314), and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Doubling 8's.

2. *Price:* The price of a Pennsylvania Doubling 8's instant lottery game ticket is \$1.00.

3. *Play Symbols:* Each Pennsylvania Doubling 8's instant lottery game ticket will contain four play areas known as "Game 1," "Game 2," "Game 3" and "Game 4." Each "Game" is played separately. The play symbols and their captions, printed in either red or black ink, located in the four play areas are: 1 (ONE), 2 (TWO), 3 (THR), 4 (FOR), 5 (FIV), 6 (SIX), 7 (SVN), 8 (EGT) and 9 (NIN).

4. *Prize Play Symbols:* The prize play symbols and their captions, printed in black ink, located in the "Prize" area are: \$1^{.00} (ONE DOL), \$2^{.00} (TWO DOL), \$4^{.00} (FOR DOL), \$8^{.00} (EGT DOL), \$16\$ (SIXTN), \$32\$ (THY TWO), \$88\$ (ETY EGT), \$180\$ (HUNETY) and \$8,000\$ (EGT THO).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$4, \$8, \$16, \$32, \$64, \$88, \$180 and \$8,000. The player can win up to four times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 12,000,000 tickets will be printed for the Pennsylvania Doubling 8's instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets with a play symbol of 8 (EGT) printed in black ink in any "Game," and a prize play symbol of \$8,000 (EGT THO) appearing in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$8,000.

(b) Holders of tickets with a play symbol of 8 (EGT) printed in black ink in any "Game," and a prize play symbol of \$180\$ (HUNETY) appearing in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$180.

(c) Holders of tickets with a play symbol of 8 (EGT) printed in black ink in any "Game," and a prize play symbol of \$88\$ (ETY EGT) appearing in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$88.

(d) Holders of tickets with a play symbol of 8 (EGT) printed in red ink in any "Game," and a prize play symbol of \$32\$ (THY TWO) appearing in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$64.

(e) Holders of tickets with a play symbol of 8 (EGT) printed in red ink in any "Game," and a prize play symbol of \$16\$ (SIXTN) appearing in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$32.

(f) Holders of tickets with a play symbol of 8 (EGT) printed in black ink in any "Game," and a prize play

symbol of \$32\$ (THY TWO) appearing in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$32.

(g) Holders of tickets with a play symbol of 8 (EGT) printed in red ink in any "Game," and a prize play symbol of \$8^{.00} (EGT DOL) appearing in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$16.

(h) Holders of tickets with a play symbol of 8 (EGT) printed in black ink in any "Game," and a prize play symbol of \$16\$ (SIXTN) appearing in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$16.

(i) Holders of tickets with a play symbol of 8 (EGT) printed in red ink in any "Game," and a prize play symbol of \$4^{.00} (FOR DOL) appearing in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$8.

(j) Holders of tickets with a play symbol of 8 (EGT) printed in black ink in any "Game," and a prize play symbol of \$8^{.00} (EGT DOL) appearing in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$8.

(k) Holders of tickets with a play symbol of 8 (EGT) printed in red ink in any "Game," and a prize play symbol of \$2^{.00} (TWO DOL) appearing in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$4.

(l) Holders of tickets with a play symbol of 8 (EGT) printed in black ink in any "Game," and a prize play symbol of \$4^{.00} (FOR DOL) appearing in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$4.

(m) Holders of tickets with a play symbol of 8 (EGT) printed in red ink in any "Game," and a prize play symbol of \$1^{.00} (ONE DOL) appearing in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$2.

(n) Holders of tickets with a play symbol of 8 (EGT) printed in black ink in any "Game," and a prize play symbol of \$2^{.00} (TWO DOL) appearing in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$2.

(o) Holders of tickets with a play symbol of 8 (EGT) printed in black ink in any "Game," and a prize play symbol of \$1^{.00} (ONE DOL) appearing in the "Prize" area for that "Game," on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>Get</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 12,000,000 Tickets</i>
\$1	\$1	1:10	1,200,000
\$1 x 2	\$2	1:21.43	560,000
\$2	\$2	1:111.11	108,000
\$1 (DOUBLE)	\$2	1:69.77	172,000
\$4	\$4	1:1,500	8,000
\$1 x 4	\$4	1:375	32,000
\$2 (DOUBLE)	\$4	1:200	60,000
\$4 x 2	\$8	1:150	80,000
\$8	\$8	1:300	40,000
\$4 (DOUBLE)	\$8	1:75	160,000

<i>Get</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 12,000,000 Tickets</i>
\$8 x 2	\$16	1:600	20,000
\$16	\$16	1:600	20,000
\$8 (DOUBLE)	\$16	1:300	40,000
\$32	\$32	1:24,000	500
\$16 x 2	\$32	1:8,000	1,500
\$16 (DOUBLE)	\$32	1:4,800	2,500
\$16 x 4	\$64	1:24,000	500
\$32 (DOUBLE)	\$64	1:10,000	1,200
\$88	\$88	1:13,333	900
\$180	\$180	1:30,000	400
\$8,000	\$8,000	1:1,000,000	12

DOUBLE = Red 8

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Doubling 8's instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Doubling 8's, prize money from winning Pennsylvania Doubling 8's instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Doubling 8's instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Doubling 8's or through normal communications methods.

ROBERT A. JUDGE, Sr.,
Secretary

[Pa.B. Doc. No. 00-1090. Filed for public inspection June 23, 2000, 9:00 a.m.]

Pennsylvania Nifty 50's Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314), and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Nifty 50's.

2. *Price:* The price of a Pennsylvania Nifty 50's instant lottery game ticket is \$2.00.

3. *Play Symbols:* Each Pennsylvania Nifty 50's instant lottery game ticket will contain one play area featuring one "Winning Numbers" area and one "Your Numbers" area. The play symbols and their captions located in the "Winning Numbers" area and "Your Numbers" area are: 1

(ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN) and 19 (NINTN).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Your Numbers" area are: \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$3⁰⁰ (THR DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$15\$ (FIFTN), \$20\$ (TWENTY), \$50\$ (FIFTY), \$75\$ (SVY FIV), \$250 (TWOHNFTY), \$1,500 (FTN HUN) and \$25,000 (TWYFIVTHO).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$3, \$4, \$5, \$10, \$15, \$20, \$50, \$75, \$250, \$1,500 and \$25,000. The player can win up to eight times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 10,080,000 tickets will be printed for the Pennsylvania Nifty 50's instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$25,000 (TWYFIVTHO) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$25,000.

(b) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$1,500 (FTN HUN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$1,500.

(c) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$250 (TWOHNFTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$250.

(d) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$75\$ (SVY FIV) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$75.

(e) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$50\$ (FIFTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(f) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$20\$ (TWENTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(g) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$15\$ (FIFTN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(h) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$10⁰⁰

(TEN DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(i) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$5.⁰⁰ (FIV DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(j) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$4.⁰⁰ (FOR DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(k) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$3.⁰⁰ (THR DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$3.

(l) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$2.⁰⁰ (TWO DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(m) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$1.⁰⁰ (ONE DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>When Any Of Your Numbers Matches Either Winning Number With Prize(s) Of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 10,080,000 Tickets</i>
\$2	\$2	1:16.67	604,800
\$1 x 2	\$2	1:8.82	1,142,400
\$3	\$3	1:300	33,600
\$2 + \$1	\$3	1:75	134,400
\$1 x 3	\$3	1:75	134,400
\$4	\$4	1:1,500	6,720
\$2 x 2	\$4	1:1,500	6,720
\$3 + \$1	\$4	1:300	33,600
\$2 + \$1 x 2	\$4	1:65.22	154,560
\$5	\$5	1:1,500	6,720
\$3 + \$2	\$5	1:750	13,440
\$2 x 2 + \$1	\$5	1:750	13,440
\$3 + \$1 x 2	\$5	1:100	100,800
\$10	\$10	1:1,500	6,720
\$5 x 2	\$10	1:500	20,160
\$3 x 3 + \$1	\$10	1:300	33,600
\$2 + \$3 + \$4 + \$1	\$10	1:187.50	53,760
\$1 x 6 + \$2 x 2	\$10	1:187.50	53,760
\$15	\$15	1:1,500	6,720
\$5 x 3	\$15	1:1,500	6,720
\$3 x 4 + \$2 + \$1	\$15	1:1,500	6,720
\$2 x 7 + \$1	\$15	1:1,500	6,720

<i>When Any Of Your Numbers Matches Either Winning Number With Prize(s) Of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 10,080,000 Tickets</i>
\$4 x 2 + \$3 x 2 + \$1	\$15	1:1,500	6,720
\$20	\$20	1:1,500	6,720
\$10 x 2	\$20	1:1,500	6,720
\$10 + \$5 + \$4 + \$1	\$20	1:1,500	6,720
\$4 x 3 + \$5 + \$3	\$20	1:750	13,440
\$50	\$50	1:1,500	6,720
\$20 x 2 + \$10	\$50	1:1,500	6,720
\$15 x 2 + \$10 + \$5 x 2	\$50	1:500	20,160
\$5 x 6 + \$10 x 2	\$50	1:300	33,600
\$75	\$75	1:17,143	588
\$50 + \$10 x 2 + \$5	\$75	1:6,667	1,512
\$20 x 2 + \$15 + \$10 + \$5 x 2	\$75	1:3,429	2,940
\$250	\$250	1:630,000	16
\$75 x 2 + \$50 + \$10 x 5	\$250	1:504,000	20
\$1,500	\$1,500	1:2,520,000	4
\$250 x 6	\$1,500	1:1,260,000	8
\$25,000	\$25,000	1:1,260,000	8

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Nifty 50's instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Nifty 50's, prize money from winning Pennsylvania Nifty 50's instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Nifty 50's instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Nifty 50's or through normal communications methods.

ROBERT A. JUDGE, Sr.,
Secretary

[Pa.B. Doc. No. 00-1091. Filed for public inspection June 23, 2000, 9:00 a.m.]

Pennsylvania Triple Cash Bingo Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 1-101—3761-314), and 61 Pa. Code § 819.203 (relating to notice of

instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Triple Cash Bingo.

2. *Price:* The price of a Pennsylvania Triple Cash Bingo instant lottery game ticket is \$3.00.

3. *Play Symbols:* Each Pennsylvania Triple Cash Bingo instant lottery game ticket will contain six play areas designated as "Card 1," "Card 2," "Card 3," "Card 4," "Card 5" and "Card 6." The 77 play symbols and their captions located in the six play areas are: The numbers 1 through 75, TRP and FREE. Each ticket will also contain a "Caller's Card" area. The "Caller's Card" area will consist of 30 squares in a 6 x 5 grid. The play symbols that may be located in each square are: The letter B with a number 1 through 15; the letter I with a number 16 through 30; the letter N with a number 31 through 45; the letter G with a number 46 through 60; and the letter O with a number 61 through 75.

4. *Prizes:* The prizes that can be won in this game are \$3, \$5, \$9, \$15, \$30, \$60, \$120, \$150, \$300, \$1,000, \$3,000 and \$30,000. The player can win up to six times on a ticket.

5. *Approximate Number of Tickets Printed for the Game:* Approximately 8,160,000 tickets will be printed for the Pennsylvania Triple Cash Bingo instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets matching the "Caller's Card" play symbols in a "T" pattern, matching all five squares in the first horizontal row and all five squares in the middle vertical column through the "FREE" space, on any "Card," shall be entitled to a prize of \$30,000.

(b) Holders of tickets matching the "Caller's Card" play symbols in an "X" extending through the "FREE" space and through to each of the four corners on "Card 6," shall be entitled to a prize of \$3,000.

(c) Holders of tickets matching the "Caller's Card" play symbols in an "X" extending through the "FREE" space and through to each of the four corners on "Card 4" or "Card 5," shall be entitled to a prize of \$1,000.

(d) Holders of tickets matching the "Caller's Card" play symbols in an "X" extending through the "FREE" space and through to each of the four corners on "Card 2" or "Card 3," shall be entitled to a prize of \$300.

(e) Holders of tickets matching the "Caller's Card" play symbols in a diamond pattern, matching one square in the midpoint in each of the four outside rows and columns, on "Card 6," shall be entitled to a prize of \$300.

(f) Holders of tickets matching the "Caller's Card" play symbols in an "X" extending through the "FREE" space and through to each of the four corners on "Card 1," shall be entitled to a prize of \$150.

(g) Holders of tickets matching the "Caller's Card" play symbols in a diamond pattern, matching one square in the midpoint in each of the four outside rows and columns, on "Card 4" or "Card 5," shall be entitled to a prize of \$120.

(h) Holders of tickets matching the "Caller's Card" play symbols in a diamond pattern, matching one square in the midpoint in each of the four outside rows and columns, on "Card 2" or "Card 3," shall be entitled to a prize of \$60.

(i) Holders of tickets matching the "Caller's Card" play symbols in the four corners on "Card 5" or "Card 6," shall be entitled to a prize of \$60.

(j) Holders of tickets matching the "Caller's Card" play symbols in the four corners on "Card 2," "Card 3" or "Card 4," shall be entitled to a prize of \$30.

(k) Holders of tickets matching the "Caller's Card" play symbols in a diamond pattern, matching one square in the midpoint in each of the four outside rows and columns, on "Card 1," shall be entitled to a prize of \$30.

(l) Holders of tickets matching the "Caller's Card" play symbols in the four corners on "Card 1," shall be entitled to a prize of \$15.

(m) Holders of tickets matching the "Caller's Card" play symbols in a five space horizontal, vertical or diagonal line with one of the five spaces in the line containing a TRP play symbol, on "Card 4," "Card 5" or "Card 6," shall be entitled to prize of \$15.

(n) Holders of tickets matching the "Caller's Card" play symbols in a five space horizontal, vertical or diagonal line with one of the five spaces in the line containing a TRP play symbol, on "Card 1" or "Card 3," shall be entitled to prize of \$9.

(o) Holders of tickets matching the "Caller's Card" play symbols in a five space horizontal, vertical or diagonal line on "Card 4," "Card 5" or "Card 6," shall be entitled to a prize of \$5.

(p) Holders of tickets matching the "Caller's Card" play symbols in a five space horizontal, vertical or diagonal line on "Card 1," "Card 2" or "Card 3," shall be entitled to a prize of \$3.

(q) A player may win more than one prize on a ticket; however, the player cannot win more than one prize on each "Card."

7. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>Get</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 8,160,000 Tickets</i>
Line-Card 1	\$3	1:16.67	489,600
Line-Card 2	\$3	1:16.67	489,600
Line-Card 3	\$3	1:16.67	489,600
Line-Card 4	\$5	1:33.33	244,800
Line-Card 5	\$5	1:50	163,200
Line-Card 6	\$5	1:50	163,200
Line-Card 1 + Line-Card 4	\$8	1:333.33	24,480
Line-Card 3 + Line-Card 5	\$8	1:250	32,640
Line-Card 1 (TRIPLE)	\$9	1:500	16,320
Line-Card 3 (TRIPLE)	\$9	1:250	32,640
Line-Card 5 + Line-Card 6	\$10	1:100	81,600
Corner-Card 1	\$15	1:1,000	8,160
Line-Card 4 + Line-Card 5 + Line-Card 6	\$15	1:1,000	8,160
Line-Card 4 (TRIPLE)	\$15	1:500	16,320
Line-Card 6 (TRIPLE)	\$15	1:1,000	8,160

<i>Get</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 8,160,000 Tickets</i>	<i>Get</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 8,160,000 Tickets</i>
Corner-Card 1 + Line-Card 3	\$18	1:333.33	24,480	X-Card 1 + Corner-Card 3 + Diamond-Card 5	\$300	1:40,000	204
Line-Card 1 + Line-Card 2 + Line-Card 3 + Line-Card 4 + Line-Card 5 + Line-Card 6	\$24	1:250	32,640	X-Card 2 + Diamond-Card 6	\$600	1:60,000	136
Corner-Card 1 + Line-Card 4 + Line-Card 6	\$25	1:333.33	24,480	X-Card 2 + X-Card 3	\$600	1:60,000	136
Diamond-Card 1	\$30	1:1,000	8,160	X-Card 4	\$1,000	1:60,000	136
Corner-Card 2	\$30	1:1,000	8,160	X-Card 5	\$1,000	1:120,000	68
Corner-Card 3	\$30	1:1,000	8,160	X-Card 6	\$3,000	1:120,000	68
Corner-Card 1 + Line-Card 4 + Line-Card 5 + Line-Card 6	\$30	1:500	16,320	T-Any Card	\$30,000	1:1,020,000	8
Line-Card 5 (TRIPLE) + Line-Card 6 (TRIPLE)	\$30	1:454.55	17,952				
Corner-Card 1 + Corner-Card 4	\$45	1:2,400	3,400				
Diamond-Card 2	\$60	1:8,000	1,020				
Diamond-Card 3	\$60	1:8,000	1,020				
Corner-Card 5	\$60	1:8,000	1,020				
Corner-Card 6	\$60	1:8,000	1,020				
Diamond-Card 1 + Corner-Card 4	\$60	1:4,800	1,700				
Corner-Card 1 + Corner-Card 2 + Line-Card 4 + Line-Card 5 + Line-Card 6	\$60	1:4,000	2,040				
Corner-Card 4 + Corner-Card 6	\$90	1:6,000	1,360				
Diamond-Card 2 + Corner-Card 4	\$90	1:2,000	4,080				
Diamond-Card 4	\$120	1:30,000	272				
Diamond-Card 5	\$120	1:30,000	272				
Diamond-Card 2 + Corner-Card 6	\$120	1:15,000	544				
Diamond-Card 1 + Corner-Card 2 + Corner-Card 3 + Corner-Card 4	\$120	1:8,000	1,020				
X-Card 1	\$150	1:60,000	136				
Corner-Card 3 + Diamond-Card 5	\$150	1:20,000	408				
X-Card 2	\$300	1:60,000	136				

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Triple Cash Bingo instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Triple Cash Bingo, prize money from winning Pennsylvania Triple Cash Bingo instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Triple Cash Bingo instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Triple Cash Bingo or through normal communications methods.

ROBERT A. JUDGE, Sr.,
Secretary

[Pa.B. Doc. No. 00-1092. Filed for public inspection June 23, 2000, 9:00 a.m.]

DEPARTMENT OF STATE

State Athletic Commission; Time Change of Public Meeting on June 26, 2000

The State Athletic Commission of the Department of State announces its public meeting on June 26, 2000, regularly scheduled to begin at 11 a.m., will begin at 9:30 a.m. The meeting will be held in Room 301, North Office Building, Harrisburg, PA 17120.

Individuals having questions regarding this meeting should contact the State Athletic Commission at (717) 787-5720.

GREGORY P. SIRB,
Executive Director

[Pa.B. Doc. No. 00-1093. Filed for public inspection June 23, 2000, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

New Prequalification Codes for Approval to Perform Intelligent Transportation Systems (ITS) Work

The Department of Transportation (Department), acting through its Bureau of Construction and Materials, Contract Management Division (Division), has added seven new categories of work to its list of classifications for prequalification of potential bidders under Pennsylvania Code Section 457.5, Classification. The Department added these new work codes for contractors who desire to bid and construct Intelligent Transportation System (ITS) projects in Pennsylvania.

The Department gives this notice pursuant to the authority in Title 67 Pa. Code § 457.5(c), which permits the Division to add new classifications for "additional types of specialties generated with expanded programs." The Department established the new codes as a result of a business process re-engineering effort for the Department's construction activities, with consideration given to concerns with the development and execution of bid proposals for the developing field of ITS work in Pennsylvania.

The Department currently has a general classification—Code P—for contractors who wish to perform highway/sign lighting and traffic signal control work, including the installation of electrical distribution systems. The Division has further defined Code P work with the addition of seven specific categories of advanced ITS construction codes, identified as P1 through P7. These seven new categories are listed at the end of this notice.

The Department will now accept contractor applications for prequalification in these seven new work codes. All requests will be evaluated in accordance with the Department's established prequalification review and approval process. If interested, please contact Fred Starasinic, Pennsylvania Department of Transportation, Bureau of Construction and Materials, Prequalification Office, P. O. Box 2773, Harrisburg, PA 17105-2773, telephone (717) 787-3733.

WORK CLASSIFICATION P1: Camera Monitoring Systems (CCTV)

DESCRIPTION: Furnishing and installing a complete and fully operational closed circuit television (CCTV) system, including roadside camera assemblies able to accommodate the varying light conditions to be encountered, all weather camera enclosures, lightning protection, and outdoor control cabinet assemblies, as well as necessary central equipment.

WORK CLASSIFICATION P2: Highway Advisory Radio Systems (HAR)

DESCRIPTION: Furnishing and installing a complete and fully operational highway advisory radio (HAR) sys-

tem, which includes a vertical whip antenna, FCC licensed transmitter, radial or triad grounding system on either a dial up or fiber-optic connection, and all necessary documentation and permits.

WORK CLASSIFICATION P3: Dynamic Message Signs (DMS)

DESCRIPTION: Furnishing and installing a complete and fully operational dynamic message sign (DMS) system.

WORK CLASSIFICATION P4: Integrated Communication Systems

DESCRIPTION: Furnishing and installing a complete and fully operational communication system which allows for the transfer of surveillance data and control commands between field devices and the control center through use of land line (i.e. fiber-optic, coaxial, twisted pair) and wireless (i.e. area-wide network, terrestrial microwave links, spread spectrum radio, satellite) transmission, as well as developing and installing network management software for monitoring network performance and the reliability of communication equipment.

WORK CLASSIFICATION P5: Level 1 System Integrators (Hardware)

DESCRIPTION: Furnishing, installing, and testing complete field subsystems for the hardware integration of Closed Circuit Television (CCTV), Incident Management, Variable Message Sign (VMS), and Highway Advisory Radio (HAR) systems that combine products and equipment from diverse vendors, including but not limited to sensors, detectors, video cameras, controllers, communications equipment, software, and firmware. Also, designing, developing, and installing voice, data, and video communication drivers to enable hardware integration consistent with Transmission Control Protocol/Internet Protocol (TCP/IP) standards, the requirements of system software, and the National ITS Architecture and its associated dictionaries and standards, including the National Transportation Communications for ITS Protocols (NTCIP).

WORK CLASSIFICATION P6: Level 2 System Integrators (Software)

DESCRIPTION: Developing, installing, documenting, and testing complete, integrated application software packages for transportation management and traveler information systems operating in a client/server environment using centralized or decentralized processing. This process will incorporate, as appropriate, National ITS Architecture and its associated data dictionaries and standards, and ensure that documentation and software development procedures are consistent with System Engineering Institute best practices.

WORK CLASSIFICATION P7: Level 3 System Integrator (Hardware & Software)

DESCRIPTION: Developing, installing, documenting, and testing complete, integrated systems encompassing field equipment and subsystems with central integrated application software.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 00-1094. Filed for public inspection June 23, 2000, 9:00 a.m.]

Retention of Engineering Firms

Cambria County

Project Reference No. 08430AG2567

The Department will retain an engineering firm to provide supplementary construction inspection staff of approximately nine (9) inspectors, under the Department's Inspector-in-Charge for construction inspection and documentation services on the following project:

1. S. R. 0056, Section 012, Cambria County, Local Name: Kernville Viaduct. This project is the rehabilitation of the existing Kernville Viaduct, which involves the removal and replacement of a 27-span, fabricated structural steel concrete deck bridge carrying S. R. 0056 over the City of Johnstown. The existing fabricated steel is painted with a coating system that contains lead and will require lead abatement measures. Also, second shift work will be required during specific phases. The overall length is .71 mile.

2. S. R. 0056, Section 019, Cambria County, Local Name: Intown Express/War Memorial Bridge. This project involves the rehabilitation of the existing War Memorial Bridge carrying S. R. 0056 over the Stonycreek River. This also includes the reconstruction of the roadway within an overall length of .40 mile. The War Memorial Bridge involves rehabilitation and latex overlay. The roadway work involves concrete replacement and milling and bituminous overlay.

The Department will establish an order of ranking of a minimum of three (3) 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 final ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the final ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Number of available inspectors in each payroll classification.
- b. Number of NICET certified inspectors in each payroll classification.
- c. Review of inspectors' resumes with emphasis on construction inspection capabilities and specialized experience in the Maintenance and Protection of Traffic, soils, structure rehabilitation and replacement, concrete, asphalt paving, and drainage.
- d. Understanding of Department's requirements, policies, and specifications.
- e. Ability to provide CPM scheduling.
- f. Experience of inspectors in the erection of large, fabricated structural steel bridges.
- g. Experience of the TCM-1 in the construction of large structures.
- h. Experience of the personnel in partnered projects.
- i. Past performance.

The Department will establish the qualifications and experience required of the firm's inspectors, and the qualifications of the firm's proposed employees will be reviewed and approved by the Department.

A minimum of one (1) individual submitted as part of your inspection staff must have a NECEPT Bituminous Field Technician Certification.

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 1 (TCM-1) NICET Highway Construction Level 4 or equivalent	1 (1)
Transportation Construction Insp. Supv. (TCIS) NICET Highway Construction Level 3 or equivalent	2 (2)
Transportation Construction Inspector—Materials (TCI-M) NICET Highway Construction Level 2 or equivalent	1 (1)
Transportation Construction Inspector (TCI) NICET Highway Construction Level 2 or equivalent	4 (2)
Technical Assistant (TA) NICET Highway Construction Level 1 or equivalent	1 (0)

The number(s) 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 2000:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour of Inspection</i>
(TCM-1)	\$47.65
(TCIS)	\$41.75
(TCI-M)	\$37.65
(TCI)	\$36.53
(TA)	\$25.12

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. Attendance at a

project partnering session will also be required. 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; have an inspector knowledgeable in lead abatement procedures; a TCI certified as a CDS operator; a TCIS or a TCM-1 experienced in fabricated structural steel erection and painting of new structural steel; one inspector should hold a NECEPT bituminous field certification while bituminous paving is being placed.; and inspector experienced in concrete latex overlays for bridge decks, 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:

- 1 Nuclear Densometer Gauge/License at point of need, when needed
- 1 Paint Test Kit
- 3 Cellular Phones (for Engineer's employees only)
- Safety Vests—High Visibility for all Inspectors

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen percent (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 project(s).

Letters of interest for this project must include a letter, signed by the individuals you propose for all TCM-1 and TCIS positions, giving their approval to use their name in your letter of interest for this specific project.

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-1	1
TCIS	4
TCI-M	2
TCI	6
TA	No Resumes Required

This project reference assignment is considered non-complex. The letter of interest shall be a maximum of three (3) pages, 8-1/2" x 11", one-sided, plus an organizational chart (up to 11" x 17" size), required information, and additional resumes, if applicable (see the General Requirements and Information Section).

The letter of interest submission shall be sent to:

Mr. Earl L. Neiderhiser, P.E., District Engineer
Engineering District 9-0
1620 North Juniata Street
Hollidaysburg, PA 16648

The letter of interest submission for this project reference number must be received at the address listed above by 4:30 p.m., prevailing time, on the twentieth (20th) day following the date of this notice.

Any technical questions concerning the requirements for this project should be directed to Mr. Samuel H. Callisto, District 9-0, at (814) 696-7131.

**Bedford, Blair, Cambria,
Fulton, Huntingdon, and Somerset Counties**

Project Reference No. 08430AG2568

The Department will retain an engineering firm for an Open-End Contract to provide supplementary construc-

tion inspection staff under the Department's Inspector(s)-in-Charge to perform construction inspection services on various projects in Engineering District 9-0, that is, Bedford, Blair, Cambria, Fulton, Huntingdon, and Somerset Counties. The Contract will include roadway and bridge construction projects and material plant inspection. The Contract will be for a period of sixty (60) months, with a maximum cost of \$500 thousand.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Open-End Contract based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The final ranking will be established directly from the letters of interest, utilizing the modified consultant selection process. Technical proposals will not be requested prior to the establishment of the final 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 Department and District 9-0 experience.

b. Specialized experience in the Maintenance and Protection of Traffic, soils, structures, concrete and asphalt paving, Construction Documentation System (CDS) usage, drainage, wetlands, Critical Path Method (CPM) schedule monitoring, and plant inspection.

c. Number of NICET and NECEPT certified inspectors in each payroll classification.

d. Understanding of Department's requirements, policies, and specifications.

e. Past performance, with particular emphasis being placed on the firm's demonstrated commitment to: 1) customer service, 2) customer satisfaction, 3) partnering, and 4) dedicated support staff.

f. Number of available inspectors in each payroll classification.

g. Ability to provide CPM scheduling.

A minimum of four (4) inspectors must be certified by the Northeast Center of Excellence for Pavement Technology (NECEPT) as Field Technicians.

A minimum of four (4) inspectors must be certified in the Department's Construction Documentation System (CDS).

A minimum of two (2) inspectors must be licensed nuclear operators.

The letter of interest must clearly indicate which inspectors meet these requirements.

The Department will establish the qualifications and experience required of the firm's inspectors, 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>
Trans. Construction Insp. Supv. (TCIS) (NICET Highway Construction Level 3 or equivalent)	2 (1)
Trans. Construction Inspector-Materials (TCI-M) (NICET Highway Materials Level 2 or equivalent)	2 (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 (1)

The number in parenthesis above indicate the number of inspectors in each Classification that must meet at least one of the following requirements:

1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of Transportation Engineering Technology, subfield of Highway Construction, or subfield of Highway Materials, at the Level required for the Inspection Classification.
2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
4. Hold a Bachelor of Science Degree in Civil Engineering or a Bachelor of Science Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.
5. Hold an Associate Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

The maximum reimbursement per hour of inspection for each Department Payroll Classification for calendar year of 2000:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour Of Inspection</i>
(TCIS)	\$41.75
(TCI-Materials)	\$37.65
(TCI)	\$36.53
(TA)	\$25.12

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 pre-construction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract item; and perform other duties as may be required.

Firms applying must have qualified personnel capable of climbing structures during painting, rehabilitation, or construction.

The firm selected may be required to supply the following equipment at no direct cost to the Department:

2	Nuclear Densometer Gauges/Licenses at point of need, when needed
1	Paint Test Kit
5	Pagers
2	Cellular Phones (for Engineer's employees only)
2	Cameras (digital)

Letters of interest for this project must include a letter, with an original signature (no copies), signed by the individuals you propose for all TCIS positions, giving their approval to use their name in your letter of interest for this open-end contract.

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>
TCIS	3
TCI-M	3
TCI	6
TA	2

Resumes shall clearly show the individual's construction inspection experience within the past five (5) years, identifying the dates, project location, and description of work.

This project reference assignment is considered non-complex. The letter of interest shall be limited to a maximum of three (3) pages, 8-1/2" x 11", one sided, plus an organizational chart (up to 11" x 17" size), and additional resumes. (See the General Requirements and Information Section).

The Letter of Interest submission shall be sent to:

Mr. Earl L. Neiderhiser, P.E., District Engineer
Engineering District 9-0
1620 North Juniata Street
Hollidaysburg, PA 16648

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 P.M. prevailing time on the twentieth (20th) day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to Mr. Vincent L. Dodson, P.E., District 9-0, at (814) 696-7137, fax number (814) 696-7146.

Montgomery and Chester Counties

Project Reference No. 08430AG2569

The Department will retain an engineering firm to provide supplementary construction inspection staff of approximately thirty-one (31) inspectors, under the Department's Inspector(s)-in-Charge for construction inspection and documentation services on the following projects:

1. S. R.0202 Section 404, Montgomery and Chester Counties, Local Name: U. S. Route 202. This project involves the construction of a section of Limited Access Facility (S. R. 0202/S. R. 0422 and S. R.0202/S. R. 0076 Interchanges) on an existing location consisting of single lane and multi-lane interchange ramps of Plain Cement Concrete Pavement of various depths, on Treated Permeable Base Course, 4" Depth, including variable width shoulder areas; S. R. 0202, reconstruction and widening of a section of Limited Access Facility (S. R. 0202) on as

existing location consisting of a four to six lane divided highway of Plain Cement Concrete Pavement, 13" Depth on Treated Permeable Base Course, 4" Depth, including variable width shoulder areas; S. R. 0422, reconstruction of a section of Limited Access Facility (S. R. 0422) on an existing location consisting of a four lane divided highway of Plain Cement Concrete Pavement, 13" Depth, on Treated Permeable Base Course, 4" Depth, including variable width shoulder areas; S. R. 1009/T432, reconstruction and widening of a section of State and Township Highway on an existing location consisting of a four lane curbed highway of flexible pavement; S. R. 3036, reconstruction and widening of a section of State Highway with flexible pavement; S. R. 3039, widening of a section of State Highway with flexible pavement; T-500, construction of a section of Township Highway on an existing location of a 2 lane curbed highway of flexible pavement; T-502, reconstruction and widening of a section of Township Highway on an existing location consisting of a two lane curbed highway of flexible pavement; construction of three one-span composite curved steel plate girder bridges, two two-span continuous composite steel plate girder bridges, two three-span continuous composite steel rolled beam bridges, one three-span composite prestressed concrete I-beam bridge rehabilitation, one three-span continuous composite steel I-beam rehabilitation, two cast-in-place concrete box culvert extensions, one single cell precast reinforced concrete box culvert, one precast concrete post and panel sound barrier wall and thirteen proprietary retaining walls with cast-in-place and soldier pile retaining wall segments.

Other work includes sinkhole repair, construction of drainage and storm-water management facilities, highway lighting, sanitary sewer facilities, concrete barrier and glare screen, guide rail, signing and sign lighting, Intelligent Transportation Systems, signalization, landscaping, pavement marking, and other miscellaneous items of construction; all within a project length of approximately 2.15 miles.

The Department will establish an order of ranking of a minimum of three (3) 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 final ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the final 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 structures, concrete, concrete paving, maintenance and protection of traffic, drainage, asphalt paving, highway lighting, sanitary sewer facilities, guide rail, sign installation and lighting, signalization, and landscape work.

b. Amount of Department and District 6-0 inspection experience.

c. Understanding of Department's requirements, policies, and specifications.

d. Number of NICET certified inspectors in each payroll classification

e. Ability to provide one (1) "CDS" operators or persons capable of inputting data into a personal computer (TCIS Classification).

f. Ability to provide two (2) individuals as part of your inspection staff whom have NECEPT Bituminous Field Technician Certification.

g. Ability to provide one (1) TCI-M who is licensed to operate the nuclear densometer.

h. Past performance.

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. Several additional inspectors may be needed over the life of the project, but as of this time the approximate number of inspectors is as follows:

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Manager 1 (TCM-1) (NICET Highway Construction Level 4 or equivalent)	1 (1)
Transportation Construction Ins. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	4 (3)
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)	21 (13)
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	4 (0)

The number(s) 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 2000:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour Of Inspection</i>
(TCM-1)	\$47.65
(TCIS)	\$41.75
(TCI-Materials)	\$37.65
(TCI)	\$36.53
(TA)	\$25.12

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 pre-construction conference with the Department and the construction contractor for this project. Under the supervision and direction of the Department, the selected firm will be required to keep records and document the construction work; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining compliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract item; and perform other duties as may be required. Firms applying must have qualified personnel capable of climbing structures during painting, rehabilitation, or construction.

The firm selected will be required to supply the following equipment at no direct cost to the Department:

- 1 Nuclear Densometer Gauge/License at point of need when needed
- 1 Proper vehicle for transporting the nuclear densometer and its operator to, from, and on the job site.
- 6 Cellular Phones (for Engineer's employees only)
- 1 Digital camera having the following specifications: 1024x768 minimum resolution, storage on a 3 1/2 floppy disk, pictures date stamped, and storage in JPEG format.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen percent (15%) of the total Agreement price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information Section after the advertised project(s).

Letters of interest for this project must include a letter, signed by the individuals you propose for all TCM-1 and TCIS positions, giving their approval to use their name in your letter of interest for this specific project.

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-1	{2}
TCIS	{5}
TCI-M	(2)
TCI	{22}
TA	(0)

This project reference assignment is considered non-complex. The letter of interest shall be limited to a maximum of three (3) pages, 8 1/2" x 11", one sided, plus an organizational chart (up to 11" x 17" size), and additional resumes, if applicable. (See the General Requirements and Information Section).

The Letter of Interest submission shall be sent to:

Andrew L. Warren, District Administrator
Engineering District 6-0
7000 Geerdes Blvd.
King of Prussia, PA 19406

The Letter of Interest submission for this project reference number must be received at the address listed above by 4:30 P.M. prevailing time on the twentieth (20th) day following the date of this Notice.

Any technical questions concerning the requirements for this project should be directed to Mr. Rex Mackey phone number (610) 688-1700 or (610) 205-6675 fax number (610) 205-6672.

General Requirements and Information

Firms interested in providing the above work and services are invited to submit a Letter of Interest with the required information for each Project Reference Number for which the applicant wishes to be considered.

The Letter of Interest and required information must be submitted to the person designated in the individual advertisement.

The Letter of Interest and required information must be received by the Deadline indicated in the individual advertisement.

All consultants, both prime consultants and subconsultants, who desire to be included in a Letter of Interest must have an Annual Qualification Package on file with the appropriate District Office, by the deadline stipulated in the individual advertisements.

For Statewide projects, all consultants, both prime consultants and subconsultants, who desire to be included in a Letter of Interest must have an Annual Qualification Package on file with the Central Office, Bureau of Design by the deadline stipulated in the individual advertisements.

By submitting a letter of interest for the projects that request engineering services, the consulting firm is certifying that the firm is qualified to perform engineering services in accordance with the laws of the Commonwealth of Pennsylvania. A firm not conforming to this requirement may submit a letter of interest as a part of a joint venture with an individual, firm or corporation which is permitted under State law to engage in the practice of engineering.

Information concerning the Annual Qualification Package can be found in Strike-off Letter No. 433-99-04 or under the Notice to all Consultants published in the February 27, 1999 issue of the *Pennsylvania Bulletin*.

The requirements for Letters of Interest, in addition to the requirements stipulated in the individual advertisement, are as follows:

- 1. The Letter of Interest must include the project reference number, the firm's legal name, and the firm's federal identification number.
- 2. Identify the project manager.
- 3. Identify subconsultants, if any, including DBE/WBE, if required.
- 4. Identify key project staff.

5. Include full disclosure of any potential conflict of interest by the prime or any subconsultant based on Engineering Involvement Restrictions Guidelines as established in Strike-off Letter No. 433-00-02 published March 27, 2000. If there are no potential conflicts you shall include the following statement: I have reviewed Strike-off Letter No. 433-00-02 and determine that there are no potential conflicts of interest for anyone on this project team.

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 a Letter of Interest on more than one (1) 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 (1) 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 Transportation Equity Act for the 21st century (TEA-21) and currently certified by the Department of Transportation shall have the opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The TEA-21 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 are 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.

The assignment of the agreement/contract for the above advertisement(s) 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. 00-1095. Filed for public inspection June 23, 2000, 9:00 a.m.]

FISH AND BOAT COMMISSION

Consideration of Changes to Special Regulation Designations

The Fish and Boat Commission (Commission) has approved guidelines with regard to encouraging public participation on possible changes to the designation of stream sections or lakes for special regulation programs. Under 58 Pa. Code Chapter 65 (relating to special fishing regulations), the Commission designates certain streams, stream sections and lakes as being subject to special fishing regulations. These designations are effective after Commission approval when they are posted at the site and a notice is published in the *Pennsylvania Bulletin*. Under the Commission's guidelines, a notice concerning the proposed designation or redesignation of a stream section or lake under special regulations ordinarily will be published in the *Pennsylvania Bulletin* before the matter is reviewed by the Commissioners.

At the next Commission meeting on July 23 and 24, 2000, the Commission will consider designating or redesignating the following stream sections and lake as waters subject to special fishing regulations under 58 Pa. Code Chapter 65, effective January 1, 2001:

§ 65.5. Catch-and-Release Areas

The Commission will consider removing the following stream section from the list of Catch-and-Release Areas designated under 58 Pa. Code § 65.5:

County	Water on which located	Description
Clinton	Fishing Creek	From the upstream bridge on SR 2002 downstream 300 yards to the State Game Land #295 Boundary, a distance of 0.2 mile.

This change, if approved, will result in a total of 2.0 miles of Fishing Creek being regulated and managed under the Catch-and-Release program. The revised section will be as follows:

From the State Game Lands #295 Boundary located 300 yards downstream of the upstream SR 2002 bridge downstream to a point 1.3 miles upstream of the lower SR 2002 bridge, a distance of 2.0 miles.

§ 65.6. Delayed Harvest Artificial Lures Only Areas

The Commission is considering designating the following water as regulated and managed under the Delayed Harvest Artificial Lures Only program and adding it to the list of waters subject to these regulations (58 Pa. Code § 65.6):

County	Water on which located	Description
Clarion	Piney Creek	1.2 mile section from the SR 2016 bridge downstream to 0.2 mile upstream of the SR 0066 bridge.

§ 65.7. Trophy Trout Program

The Commission will consider adding the following stream section to the list of waters regulated and managed under the Trophy Trout Program:

<i>County</i>	<i>Water on which located</i>	<i>Description</i>
Clinton	Fishing Creek	From the upstream bridge on SR 2002 downstream 300 yards to the State Game Land #295 Boundary, a distance of 0.2 mile.

This change, if approved, will result in a total of 3.0 miles of Fishing Creek being regulated and managed under the Trophy Trout Program. The revised section will be as follows:

From the private lane bridge at the Tylersville Fish Culture Station downstream to the State Game Lands #295 Boundary located 300 yards downstream of the upstream SR 2002 bridge, a distance of 0.9 mile.

The limits of the 2.1 mile-section (from a point 1.3 miles upstream of the lower SR 2002 bridge downstream to Flemings Bridge (SR 2004)) remain unchanged.

§ 65.9. Big Bass Special Regulations

The Commission will consider designating the following lake as regulated and managed under the Big Bass Special Regulations and adding it to the list of waters subject to these regulations (58 Pa. Code § 65.9):

<i>County</i>	<i>Water</i>
Northampton	Minsi Lake

At this time, the Commission is soliciting public input concerning the designations or redesignations. Persons with comments, objections or suggestions concerning the designations/redesignations are invited to submit comments in writing to Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000 within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically at "regulations@fish.state.pa.us." A subject heading of the proposal and a return name and address must be included in each transmission. In addition, all electronic comments must be contained in the text of the transmission, not in an attachment. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

PETER A. COLANGELO,
Executive Director

[Pa.B. Doc. No. 00-1096. Filed for public inspection June 23, 2000, 9:00 a.m.]

HUMAN RELATIONS COMMISSION

Notice of 1996-1999 Court Cases

The Human Relations Commission (Commission) hereby announces the compilation of Commonwealth Court and Supreme Court of Pennsylvania cases from 1996-1999 involving the Commission.

Copies of this Volume VIII book may be obtained by mailing a request for the publication and accompanied by a check or money order in the amount of \$15 for each

book to Laura J. Treaster, Information Director, Human Relations Commission, 101 South Second Street, Suite 300, Harrisburg, PA 17101. The check or money order should be made payable to the "Commonwealth of Pennsylvania."

The following editions are also available for \$15 each:

- Volume I (1955-76)
- Volume II (1977-80)
- Volume III (1980-85)
- Volume IV (1986-90)
- Volume V (1991-92)
- Volume VI (1993-94)
- Volume VII (1994-95)

An additional two-book volume entitled, "Commission-related Federal and State Court Cases" covering 1986-1991 is also available for \$30.

HOMER C. FLOYD,
Executive Director

[Pa.B. Doc. No. 00-1097. Filed for public inspection June 23, 2000, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, June 8, 2000, and took the following action:

Regulations Deemed Approved Under Section 5(g) of the Regulatory Review Act—Effective June 1, 2000

Insurance Department # 11-188: Premium and Retirement Deposit Funds (updates Chapter 86)

Regulations Approved:

Pennsylvania Public Utility Commission # 57-195: Competitive Safeguards for the Electric Industry (adds 52 Pa. Code §§ 54.121 and 54.122)

Pennsylvania Public Utility Commission # 57-211: Procedures to Ensure Customer Consent to a Change of Natural Gas Suppliers (adds 52 Pa. Code §§ 59.91—59.99)

Pennsylvania Public Utility Commission # 57-207: Natural Gas Choice and Competition (amends 52 Pa. Code § 53.69)

Pennsylvania Public Utility Commission # 57-189: Passenger Carrier Insurance (amends 52 Pa. Code § 32.11)

Commissioners Voting: John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held
June 8, 2000

Pennsylvania Public Utility Commission—Competitive Safeguard for the Electric Industry; Regulation No. 57-195

On April 28, 1998, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Public Utility Commission (PUC). This rulemaking adds 52 Pa. Code §§ 54.121 and 54.122. The authority for this regulation is 66 Pa.C.S. §§ 501 and 2801—2812. The proposed regulation was published in the May 9, 1998, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on May 8, 2000.

This regulation establishes competitive safeguards to govern the interaction between electric distribution companies, electric generation suppliers and their customers.

This regulation meets the criteria of the Regulatory Review Act.

Order:

This regulation is approved.

Commissioners Voting: John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held
June 8, 2000

Pennsylvania Public Utility Commission—Procedures to Ensure Customer Consent to a Change of Natural Gas Suppliers; Regulation No. 57-211

On December 21, 1999, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Public Utility Commission. This rulemaking adds 52 Pa. Code §§ 59.91—59.99. The authority for this regulation is the Natural Gas Customer Choice and Competition Act (act) (66 Pa.C.S. §§ 501 and 2206(b)). The proposed regulation was published in the January 1, 2000 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on May 17, 2000.

The act restructured the natural gas industry to allow customers to choose their natural gas supplier (NGS). This regulation establishes procedures to protect customers from a switch of NGS without the customer's consent.

This regulation meets the criteria of the Regulatory Review Act.

Order:

This regulation is approved.

Commissioners Voting: John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held
June 8, 2000

Pennsylvania Public Utility Commission—Natural Gas Choice and Competition; Regulation No. 57-207

On September 20, 1999, the Independent Regulatory Review Commission (Commission) received this proposed

regulation from the Pennsylvania Public Utility Commission. This rulemaking amends 52 Pa. Code § 53.69. The authority for this regulation is the Natural Gas Customer Choice and Competition Act (66 Pa.C.S. § 1307(f)(1)(II)). The proposed regulation was published in the October 2, 1999 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on May 17, 2000.

This regulation requires a natural gas distribution company with annual revenues in excess of \$40 million—that reconciles its gas costs more often than quarterly—to offer a fixed rate option to customers. The fixed rate option would be annually reconciled with actual gas costs.

This regulation meets the criteria of the Regulatory Review Act.

Order:

This regulation is approved.

Commissioners Voting: John R. McGinley, Jr., Chairperson; Alvin C. Bush, Vice Chairperson; Arthur Cocodrilli; Robert J. Harbison, III; John F. Mizner

Public Meeting held
June 8, 2000

Pennsylvania Public Utility Commission—Passenger Carrier Insurance; Regulation No. 57-189

On April 28, 1998, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Public Utility Commission (PUC). This rulemaking amends 52 Pa. Code § 32.11. The authority for this regulation is 66 Pa.C.S. §§ 501, 504, 2412 and 2416. The proposed regulation was published in the May 9, 1998 *Pennsylvania Bulletin* with a 60-day public comment period. The final-form regulation was submitted to the Commission on May 18, 2000.

This final rulemaking clarifies the minimum amount of third-party liability insurance required for passenger carriers transporting fewer than 16 passengers. The proposal formalizes a PUC Policy Statement by clarifying that the amount of minimum third-party coverage refers to split coverage. The clarification of coverage amounts should reduce the number of disputes filed with the PUC and the number of lawsuits filed with the courts.

This regulation meets the criteria of the Regulatory Review Act.

Order:

This regulation is approved.

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 00-1098. Filed for public inspection June 23, 2000, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission received, on the dates indicated, the following regulations for review. To obtain the date and time of the meeting, interested parties may contact the office of the Commission at (717) 783-5417. To obtain a copy of the regulation, interested parties should contact the agency promulgating the regulation.

Final-Form

<i>Reg. No. Agency/Title</i>	<i>Received</i>
#6-263 State Board of Education Program Standards and Eligibility Criteria for the Higher Education Equal Opportunity Act	6/8/00
JOHN R. MCGINLEY, Jr., <i>Chairperson</i>	

[Pa.B. Doc. No. 00-1099. Filed for public inspection June 23, 2000, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Domestic Certificate of Authority by United Concordia Companies, Inc.

United Concordia Companies, Inc. has applied for a Certificate of Authority to operate as a domestic stock life insurance company in this Commonwealth. The filing was made under the requirements in The Insurance Company Law of 1921. Persons wishing to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed, and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, by fax to (717) 787-8557, or by E-mail to rbrackbi@ins.state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 00-1100. Filed for public inspection June 23, 2000, 9:00 a.m.]

Application for Increase in Underwriting Authority of a Domestic Stock Casualty Insurance Corporation: American Network Insurance Company

American Network Insurance Company (American Network), a domestic stock casualty insurance company, has filed an application to increase its classes of underwriting authorities. The class of insurance that American Network has applied to add is as mentioned in 40 P.S. § 382(a)(1), Life and Ordinary Annuities. The filing was made under the requirement set forth under § 382(a)(2), which requires that a life insurance company organized for the purposes of insuring health insurance must also be authorized to transact life insurance. American Network wishes to convert from a casualty insurer to a life insurer. Persons wishing to comment on the application are invited to submit a written statement to the Insurance Department (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 and relevant facts to inform the Department of the exact basis of the

statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120; fax (717) 787-8557; or by e-mail to rbrackbi@ins.state.pa.us.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 00-1101. Filed for public inspection June 23, 2000, 9:00 a.m.]

Cancellation of Public Informational Hearing Concerning the Acquisition of a Domestic Insurer: United National Insurance Company

The Public Informational Hearing regarding the proposed acquisition of United National Insurance Company, a Pennsylvania domiciled stock casualty insurance company, by American Re Corporation, scheduled for June 29, 2000 and June 30, 2000, is cancelled by order of the Commonwealth Court in *American Re Corporation v. Commonwealth of Pennsylvania, Insurance Department, et al.*, Commonwealth Court of Pennsylvania, Docket No. 90 M.D. 2000.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 00-1102. Filed for public inspection June 23, 2000, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insured has requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) in connection with the termination of the insured's automobile policy. The hearing will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). This administrative hearing will be held in the Insurance Department's Offices in Philadelphia, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The hearing will be held in Room 1701, State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Paolo Spiritoso; file no. 00-267-01695; Nationwide Mutual Insurance Co.; doc. no. PH00-06-003; September 29, 2000, at 9:30 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses and the like necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Commissioner may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when

the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, 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 may be 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) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 00-1103. Filed for public inspection June 23, 2000, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insured has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with the termination of the insured's residential or personal coverage. All administrative hearings are held in the Insurance Department Offices of Harrisburg, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The hearing will be held at the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Thomas Dewey Rose; file no. 00-181-02927; Donegal Mutual Insurance Company; doc. no. P00-06-002; July 13, 2000, at 10:30 a.m.

Each party may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses and the like necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, 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 may be 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 partici-

pate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 00-1104. Filed for public inspection June 23, 2000, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board leases will expire:

Philadelphia County, Wine and Spirits Shoppe # 5165, 7322 Castor Avenue, Philadelphia, PA 19152-4205.

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 6,000 net useable square feet of new or existing retail commercial space within a half-mile radius of the intersection of Bustleton and Cottman Avenues, Philadelphia.

Proposals due: July 14, 2000 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113
Contact: Robert Jolly, (215) 482-9670

Allegheny County, Wine and Spirits Shoppe # 0228, 1753 S. Braddock Avenue, Pittsburgh, PA 15218.

Lease Expiration Date: October 31, 2000

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 4,000 net useable square feet of new or existing retail commercial space within a shopping center environment serving the Edgewood/Swissvale area.

Proposals due: July 14, 2000 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, State Office Building, Room 408, 300 Liberty Avenue, Pittsburgh, PA 15222
Contact: George Danis, (412) 565-5130

York County, Wine and Spirits Shoppe # 6707, 2440 Eastern Boulevard, York, PA 17402-2901.

Lease Expiration Date: October 31, 2001

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 9,000 net useable square feet of new or existing retail commercial space within a one 1 mile radius of the intersection of Eastern Boulevard and Haines Road, Springettsbury Township.

Proposals due: July 14, 2000 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Willard J. Rhodes, (717) 657-4228

JOHN E. JONES, III,
Chairperson

[Pa.B. Doc. No. 00-1105. Filed for public inspection June 23, 2000, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Railroad With Hearing

I-00980079. Consolidated Rail Corporation and National Railroad Passenger Corporation. Investigation upon the Commission's Own Motion into matters pertaining to the proper service, accommodation, convenience and safety of the traveling public using the bridge carrying State Route 3012 (Mulberry Street, AAR 518 043 D) over and above the tracks of Consolidated Rail Corporation and National Railroad Passenger Corporation in the City of Harrisburg, Dauphin County.

An Initial Hearing on this matter will be held Tuesday, July 25, 2000, at 10 a.m. in an available 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.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-1106. Filed for public inspection June 23, 2000, 9:00 a.m.]

Railroad With Hearing

C-00993035. Kenneth F. Strittmatter v. R. J. Corman Railroad Company. Complainant states Corman Railroad Company removed fill from their road at the crossing. The crossing has been established from the early 1970s without incident until or about August 23, 1999. The digging was done at a location, which makes it dangerous for travel. We feel emergency vehicles would at best have difficulty responding to an emergency at our home or place of business. States business depends on trucking products and supplies for existence. Complainant believes that a small amount of fill would correct the problem.

An Initial Hearing on this matter will be held Thursday, August 3, 2000, at 10 a.m. in 11th floor hearing room, Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA when and where all persons in interest may appear and be heard, if they so desire.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-1107. Filed for public inspection June 23, 2000, 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 July 17, 2000, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protests shall also indicate whether it applies to the temporary authority application or the permanent application or both.

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating as common carriers for transportation of persons as described under each application.

A-00116941. Monroe Willis, t/d/b/a Platinum Transport Service (29 Pritchard Lane, Sicklerville, NJ 08081)—persons in paratransit service from points in the city and county of Philadelphia, to the Graterford Correction Facility located in Montgomery County, and return.

A-00116942. Denise Ann Dzubur (222 Douglass Street, Reading, Berks County, PA 19601)—persons in limousine service, between points in the county of Berks, and from points in said county, to points in Pennsylvania, and return.

A-00116951. Vincent Cruz (P. O. Box 42, Analomink, Monroe County, PA 18320)—persons in limousine service, between points in the counties of Monroe and Pike, and from points in said counties, to points in Pennsylvania, and vice versa.

A-00116963. Kenneth Brennan, t/d/b/a Tara Cabs (7406 B West Chester Pike, Upper Darby, Delaware County, PA 19082)—persons upon call or demand, in the county of Delaware.

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.

A-00107834. Folder 2. Pittsburgh Limousine, Inc., t/d/b/a Royal Limousine (330 Linden Street, McKees Rocks, Allegheny County, PA 15136), a corporation of the Commonwealth of Pennsylvania—persons in limousine service: (1) between points in the counties of Beaver and Butler; (2) from points in Allegheny County, to points in the counties of Beaver and Butler, and vice versa; with the above two rights subject to the following condition: That no right, power or privilege is granted to provide service to or from the Greater Pittsburgh International Airport located in Moon Township, Allegheny County; (3) between points in the counties of Beaver, Butler, Westmoreland, Washington, Armstrong and Lawrence, and from points in said counties, to points in the county of Allegheny, and return; with the above right subject to the following condition: That no right, power or privilege is granted to transport persons, in limousine service, from those points located in Westmoreland County east of the western boundaries of the townships of Derry, Unity and Mt. Pleasant; and (4) from points in the county of Allegheny, to points in the counties of Beaver, Butler, Somerset, Westmoreland, Washington, Greene, Fayette, Armstrong and Lawrence, and return; which is to be a transfer of all of the rights authorized under the certificates issued at A-00108286, F. 1 and F. 2 to Royal Limousine of Pittsburgh, Inc., a corporation of the Commonwealth of Pennsylvania, subject to the same limitations and conditions. *Attorney:* John A. Pillar, 1106 Frick Building, Pittsburgh, PA 15219.

A-00116943. J R Ryan Enterprise, Inc. (330 Linden Street, McKees Rocks, Allegheny County, PA 15136), a corporation of the Commonwealth of Pennsylvania—persons in limousine service, in vehicles having a seating capacity of not more than nine persons, including the driver, from points in the county of Allegheny, to other points in Pennsylvania, and return; subject to the following condition: That no right, power or privilege is granted to maintain a stand or stands at any location for its motor vehicles; which is to be a transfer of all of the right authorized under the certificate issued at A-00107834 to Pittsburgh Limousine, Inc., a corporation of the Commonwealth of Pennsylvania, subject to the same limitations and conditions. *Attorney:* John A. Pillar, 1106 Frick Building, Pittsburgh, PA 15219.

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-00113501, Folder 2. Tana's Tours, Inc. (506 Dudley Street, Dunmore, Lackawanna County, PA 18512), a corporation of the Commonwealth of Pennsylvania—persons employed by Tobyhanna Army Depot, in paratransit service, in vehicles with a seating capacity of not less than 16 passengers or more than 47 passengers, excluding the driver, from points in the city of Wilkes-Barre, Luzerne County, and within an airline distance of 10 statute miles of the limits of said city, to the Tobyhanna Army Depot in the township of Coolbaugh, Monroe County, and vice versa; which is to be a transfer of all of the right authorized under the certificate issued at A-00106808, F. 2 to Jacobs Limousine, Inc., a corporation of the Commonwealth of Pennsylvania, subject to the same limitations and conditions.

Applications of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under each application.

A-00109042, Folder 1, Am-A. John E. Mognet, t/d/ b/a Mognet's Taxi Service (R. D. 3, P. O. Box 257, Meyersdale, Somerset County, PA 15552), inter alia—persons, upon call or demand in the borough of Meyersdale, Somerset County: *so as to permit* the transportation of persons, upon call or demand, in the borough of Meyersdale, Somerset County, and within an airline distance of 20 statute miles of the limits thereof. Application for temporary authority has been filed to transport persons, for CSX Railroad, between points in the Borough of Meyersdale, Somerset County, and within an airline distance of 20 statute miles of the limits thereof, and from points in said area, to points in Pennsylvania, and vice versa. *Attorney:* Wilbert H. Beachy, III, 110 East Union Street, Somerset, PA 15501.

Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under each application.

A-00099051, Folder 2. William H. Kies, Jr., t/d/b/a Harry M. Kies Moving (1928 Jefferson Street, Easton, Northampton County, PA 18042-5442)—household goods in use, between points in the counties of Northampton and Lehigh, and from points in said counties, to points in Pennsylvania, and vice versa.

Applications of the following for approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle for the transportation of persons and cancellation of the certificate of public convenience as described under each application.

A-00108587, Folder 1, Am-B. Joseph A. Myers Limousine Service, Inc. (160 Ram Drive, Hanover, Adams County, PA 17331), a corporation of the Commonwealth of Pennsylvania—discontinuance of service—(1) persons in limousine service, between points in the borough of Hanover and the townships of Heidelberg and Penn, all in York County, and from points in said borough and townships, to points in Pennsylvania, and return; subject to the following condition: That no right, power or privilege is granted to provide service to or from the Harrisburg International Airport located in Swatara Township, Dauphin County; and (2) persons in limousine service, between points in the borough of Hanover, York County and within an airline distance of 20 statute miles of the limits of said borough, and from points in said territory, to points in Pennsylvania, and return.

A-00112977, Folder 1, Am-A. Bobby Bullet Productions, Inc. (P. O. Box 217, 11737 Old Route No. 16, Rouzerville, Franklin County, PA 17250), a corporation of the Commonwealth of Pennsylvania—discontinuance of service—persons, on schedule, between the boroughs of Waynesboro, Greencastle and Chambersburg, Franklin County, and the borough of Gettysburg, Adams County, over the following routes: beginning in the borough of Waynesboro, Franklin County, thence over borough streets to Pa. Route 316, thence north on Pa. Route 316 to its intersection with Interstate Route 81, thence north on Interstate 81 to the borough of Chambersburg, Franklin County, thence east on U.S. Route 30 to the borough of Gettysburg, Adams County, thence over borough streets to Pa. Route 116, thence south on Pa. Route 116 to its intersection with Pa. Route 16, thence west on Pa. Route 16 through the borough of Waynesboro, Franklin County, the place of beginning; spur route: beginning in the borough of Waynesboro, Franklin County, thence west on Pa. Route 116 to the borough of Greencastle, Franklin County, thence over borough streets to Pa. Route 116 and its intersection with Interstate Route 81, thence north on Interstate 81, to the borough of Chambersburg, Franklin County, and return via the same routes; subject to the following condition: That all service shall be rendered in vans with a seating capacity of 15 persons, including the driver.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-1108. Filed for public inspection June 23, 2000, 9:00 a.m.]

Telecommunications

A-310607F0003. Bell Atlantic-Pennsylvania, Inc. and ACSI Local Switched Services, Inc. d/b/a e.spire. Joint Petition of Bell Atlantic-Pennsylvania, Inc. and ACSI Local Switched Services, Inc. d/b/a e.spire for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Bell Atlantic-Pennsylvania, Inc. and ACSI Local Switched Services, Inc. d/b/a e.spire, by its counsel, filed on June 9, 2000, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of

an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Bell Atlantic-Pennsylvania, Inc. and ACSI Local Switched Services, Inc. d/b/a e.spire Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-1109. Filed for public inspection June 23, 2000, 9:00 a.m.]

Telecommunications

A-310448F0003. Bell Atlantic-Pennsylvania, Inc. and A.R.C. Networks, Inc. Joint Petition of Bell Atlantic-Pennsylvania, Inc. and A.R.C. Networks, Inc. for approval of a resale agreement under section 252(e) of the Telecommunications Act of 1996.

Bell Atlantic-Pennsylvania, Inc. and A.R.C. Networks, Inc., by its counsel, filed on June 9, 2000, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Bell Atlantic-Pennsylvania, Inc. and A.R.C. Networks, Inc. Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-1110. Filed for public inspection June 23, 2000, 9:00 a.m.]

Telecommunications

A-310965. Bell Atlantic-Pennsylvania, Inc. and Ciera Network Systems, Inc. Joint Petition of Bell Atlantic-Pennsylvania, Inc. and Ciera Network Systems, Inc. for approval of a resale agreement under section 252(e) of the Telecommunications Act of 1996.

Bell Atlantic-Pennsylvania, Inc. and Ciera Network Systems, Inc., by its counsel, filed on June 9, 2000, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg,

PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Bell Atlantic-Pennsylvania, Inc. and Ciera Network Systems, Inc. Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-1111. Filed for public inspection June 23, 2000, 9:00 a.m.]

Telecommunications

A-310472F0003. Bell Atlantic-Pennsylvania, Inc. and Claricom Networks, Inc. Joint Petition of Bell Atlantic-Pennsylvania, Inc. and Claricom Networks, Inc. for approval of a resale agreement under section 252(e) of the Telecommunications Act of 1996.

Bell Atlantic-Pennsylvania, Inc. and Claricom Networks, Inc., by its counsel, filed on June 2, 2000, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of a resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Bell Atlantic-Pennsylvania, Inc. and Claricom Networks, Inc. Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-1112. Filed for public inspection June 23, 2000, 9:00 a.m.]

Telecommunications

A-310863. Bell Atlantic-Pennsylvania, Inc. and Comm South Companies, Inc. Joint Petition of Bell Atlantic-Pennsylvania, Inc. and Comm South Companies, Inc. for approval of a resale agreement under section 252(e) of the Telecommunications Act of 1996.

Bell Atlantic-Pennsylvania, Inc. and Comm South Companies, Inc., by its counsel, filed on June 9, 2000, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Bell Atlantic-Pennsylvania, Inc. and Comm South Companies, Inc. Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-1113. Filed for public inspection June 23, 2000, 9:00 a.m.]

Telecommunications

A-310333F0002. Bell Atlantic-Pennsylvania, Inc. and Energy Research Group, Inc. d/b/a Northeast Telephone Services. Joint Petition of Bell Atlantic-Pennsylvania, Inc. and Energy Research Group, Inc. d/b/a Northeast Telephone Services for approval of a resale agreement under section 252(e) of the Telecommunications Act of 1996.

Bell Atlantic-Pennsylvania, Inc. and Energy Research Group, Inc. d/b/a Northeast Telephone Services, by its counsel, filed on June 9, 2000, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Bell Atlantic-Pennsylvania, Inc. and Energy Research Group, Inc. d/b/a Northeast Telephone Services Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-1114. Filed for public inspection June 23, 2000, 9:00 a.m.]

Telecommunications

A-310891. Bell Atlantic-Pennsylvania, Inc. and Hooks Communications Group, Inc. Joint Petition of Bell Atlantic-Pennsylvania, Inc. and Hooks Communications Group, Inc. for approval of a resale agreement under section 252(e) of the Telecommunications Act of 1996.

Bell Atlantic-Pennsylvania, Inc. and Hooks Communications Group, Inc., by its counsel, filed on June 9, 2000, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Bell Atlantic-Pennsylvania, Inc. and Hooks Communications Group, Inc. Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-1115. Filed for public inspection June 23, 2000, 9:00 a.m.]

Telecommunications

A-310851. Bell Atlantic-Pennsylvania, Inc. and Jato Operating Two Corp. Joint Petition of Bell Atlantic-Pennsylvania, Inc. and Jato Operating Two Corp. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Bell Atlantic-Pennsylvania, Inc. and Jato Operating Two Corp., by its counsel, filed on June 2, 2000, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Bell Atlantic-Pennsylvania, Inc. and Jato Operating Two Corp. Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-1116. Filed for public inspection June 23, 2000, 9:00 a.m.]

Telecommunications

A-310147F0002. Bell Atlantic-Pennsylvania, Inc. and Palmerton Long Distance Company d/b/a Blue Ridge Telephone Company. Joint Petition of Bell Atlantic-Pennsylvania, Inc. and Palmerton Long Distance Company d/b/a Blue Ridge Telephone Company for approval of a resale agreement under section 252(e) of the Telecommunications Act of 1996.

Bell Atlantic-Pennsylvania, Inc. and Palmerton Long Distance Company d/b/a Blue Ridge Telephone Company, by its counsel, filed on June 9, 2000, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Bell Atlantic-Pennsylvania, Inc. and Palmerton Long Distance Company d/b/a Blue Ridge Telephone Company Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-1117. Filed for public inspection June 23, 2000, 9:00 a.m.]

Telecommunications

A-310865. Bell Atlantic-Pennsylvania, Inc. and We Connect Communications, Inc. Joint Petition of Bell Atlantic-Pennsylvania, Inc. and We Connect Communications, Inc. for approval of a resale agreement under section 252(e) of the Telecommunications Act of 1996.

Bell Atlantic-Pennsylvania, Inc. and We Connect Communications, Inc., by its counsel, filed on June 2, 2000, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Bell Atlantic-Pennsylvania, Inc. and We Connect Communications, Inc. Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-1118. Filed for public inspection June 23, 2000, 9:00 a.m.]

Telecommunications

A-310966. GTE North Incorporated and Omniplex Communications Corporation. Joint Petition of GTE North Incorporated and Omniplex Communications Corporation for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

GTE North Incorporated and Omniplex Communications Corporation, by its counsel, filed on June 5, 2000, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the GTE North Incorporated and Omniplex Communications Corporation Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-1119. Filed for public inspection June 23, 2000, 9:00 a.m.]

Telecommunications

A-310183F0002. Sprint Communications Company LP and GTE North Incorporated. Adoption by Sprint Communications Company L.P. of an interconnection agreement between GTE North Incorporated and AT&T Communications under section 252(i) of the Telecommunications Act of 1996.

Sprint Communications Company L.P. and GTE North Incorporated, by its counsel, filed on June 9, 2000, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Sprint Communications Company L.P. and GTE North Incorporated Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-1120. Filed for public inspection June 23, 2000, 9:00 a.m.]

Telecommunications

A-310883F0002. United Telephone Company of Pennsylvania d/b/a Sprint and Choctaw Communications, Inc. d/b/a Smoke Signal Communications. Joint Application of United Telephone Company of Pennsylvania d/b/a Sprint and Choctaw Communications, Inc. d/b/a Smoke Signal Communications for approval of a master resale agreement under section 252(a)(1) and (e) of the Telecommunications Act of 1996.

United Telephone Company of Pennsylvania d/b/a Sprint and Choctaw Communications, Inc. d/b/a Smoke Signal Communications, by its counsel, filed on June 8, 2000, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a master resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the United Telephone Company of Pennsylvania d/b/a Sprint and Choctaw Communications, Inc. d/b/a Smoke Signal Communications Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-1121. Filed for public inspection June 23, 2000, 9:00 a.m.]

**Transfer by Sale
Without Hearing**

A-110500 F0299. PPL Electric Utilities Corporation d/b/a PPL Utilities. Application of PPL Electric Utilities Corporation d/b/a PPL Utilities, for approval of the transfer by sale to Poly Hi Solidur of Facilities located at 700 North South Road, Scranton, Lackawanna County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before July 10, 2000, under 52 Pa. Code (relating to public utilities).

Applicant: PPL Electric Utilities Corporation

Through and By Counsel: Paul E. Russell, Associate General Counsel, Two North Ninth Street, Allentown, PA 18101-1179.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-1122. Filed for public inspection June 23, 2000, 9:00 a.m.]

**Wastewater
Without Hearing**

A-230083. Pennsylvania Wastewater Company, Inc. Application of Pennsylvania Wastewater Company, Inc. for approval to begin to offer, render, furnish or supply wastewater service to the public in Bradford Township, Clearfield County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the

Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before July 10, 2000, under 52 Pa. Code (relating to public utilities).

Applicant: Pennsylvania Wastewater Company, Inc.

Through and By Counsel: James P. Melia, Esquire, Kirkpatrick and Lockhart, LLP, 240 North Third Street, Harrisburg, PA 17101-1507.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 00-1123. Filed for public inspection June 23, 2000, 9:00 a.m.]

**STATE EMPLOYEES'
RETIREMENT BOARD**

Hearings Scheduled

Hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of Claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

July 19, 2000 John N. Burkhart 1 p.m.
(Calculation of Final Average Salary)

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.01, (relating to applicability of general rules), procedural matters will be in conformance with the General Rules of Administrative Practice and Procedure, 1 Pa. Code Part II unless specific exemption is granted.

JOHN BROSIUS,
Secretary

[Pa.B. Doc. No. 00-1124. Filed for public inspection June 23, 2000, 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". The 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.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:
 The payment date specified in the contract.
 30 days after the later of the receipt of a proper invoice or receipt of goods or services.
 The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center
 PA Department of Community and Economic Development
 374 Forum Building
 Harrisburg, PA 17120
 800-280-3801 or (717) 783-5700

Reader's Guide	REQUIRED DATA DESCRIPTIONS
<h3 style="text-align: center;">Legal Services & Consultation—26</h3> <p style="text-align: center;">① Service Code Identification Number</p> <p style="text-align: center;">② Commodity/Supply or Contract Identification No.</p> <p>B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.</p> <p>Department: General Services Location: Harrisburg, Pa. Duration: 12/1/93-12/30/93 Contact: Procurement Division 787-0000</p> <p style="text-align: center;">③ Contract Information</p> <p style="text-align: center;">④ Department</p> <p style="text-align: center;">⑤ Location</p> <p style="text-align: center;">⑥ Duration</p> <p>⑦ (For Commodities: Contact:) Vendor Services Section 717-787-2199 or 717-787-4705</p>	<p>① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.</p> <p>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.</p> <p>③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.</p> <p>④ Department: State Department or Agency initiating request for advertisement.</p> <p>⑤ Location: Area where contract performance will be executed.</p> <p>⑥ Duration: Time estimate for performance and/or execution of contract.</p> <p>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</p>

GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, "Frequently Asked Questions About State Contracts," explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania State Treasury
 Room G13 Finance Building
 Harrisburg, PA 17120
 717-787-2990
 1-800-252-4700

BARBARA HAFER,
State Treasurer

Commodities

1500-05181 3 Compartment Trays, Styrofoam, 9 1/4" x 9 1/4" x 3", 200/case
 Manufacturer: Genpack Model #20310 (No Substitute) Deliveries: July 7, 2000 through
 June 7, 2001.

Department: Corrections
Location: State Correctional Institution at Camp Hill, P. O. Box 8837, 2500
 Lisburn Road, Camp Hill, PA 17001-8837
Duration: July 2000—June 2001
Contact: Michelle L. Ryan, (717) 975-5267

comm 105-99 Batteries, Chargers and Magnetic Mounts for Nokia Cellular Phones.

Department: State Police
Location: Communications Div., 7820 Allentown Blvd., Harrisburg, PA 17112
Duration: July 31, 2000
Contact: Robert D. Stare, (717) 705-5921

8252140 Rebid—Plow Wing, Full Power w/One Way. For a copy of bid package fax
 request to (717) 787-0725.

Department: Transportation
Location: Harrisburg, PA
Duration: FY 2000—01
Contact: Vendor Services, (717) 787-2199

8252410 Crane, Paint Supply (Truck Attachment). For a copy of bid package fax
 request to (717) 787-0725.

Department: Transportation
Location: Harrisburg, PA
Duration: FY 2000—01
Contact: Vendor Services, (717) 787-2199

NCO CLUB Building supplies i.e., lumber, floor tile, doors, roof material. For copy of
 bid please call Regine Faith, (717) 861-8455.

Department: Military Affairs
Location: NCO Club, Ft. Indiantown Gap, Annville, PA 17003
Duration: FY 2000
Contact: Regine Faith, (717) 861-8455

8252310 Truck, Lube (Ground Level). For a copy of bid package fax request to (717)
 787-0725.

Department: Transportation
Location: Harrisburg, PA
Duration: FY 2000—01
Contact: Vendor Services, (717) 787-2199

1043110 Blanket Lining Fabric. For a copy of bid package fax request to (717)
 787-0725.

Department: Transportation
Location: Harrisburg, PA
Duration: FY 2000—01
Contact: Vendor Services, (717) 787-2199

1033110 Twill. For a copy of bid package fax request to (717) 787-0725.

Department: Corrections
Location: Houtzdale, PA
Duration: FY 2000—01
Contact: Vendor Services, (717) 787-2199

8252340 Flusher, Pipe Cleaner, Towed. For a copy of bid package fax request to (717)
 787-0725.

Department: Transportation
Location: Harrisburg, PA
Duration: FY 2000—01
Contact: Vendor Services, (717) 787-2199

9140-04 Diesel Fuel—Draft. For a copy of the bid package fax request to (717)
 787-0725.

Department: General Services
Location: Various
Duration: FY 2000—01
Contact: Vendor Services, (717) 787-2199

8252460 Trucks, Crew Cab. For a copy of bid package fax request to (717) 787-0725.

Department: Transportation
Location: Harrisburg, PA
Duration: FY 2000—01
Contact: Vendor Services, (717) 787-2199

1040350 Vacuum Pumps. For a copy of bid package fax request to (717) 787-0725.

Department: Environmental Protection
Location: Harrisburg, PA
Duration: FY 2000—01
Contact: Vendor Services, (717) 787-2199

8252360 Light, Flood, Portable. For a copy of bid package fax request to (717)
 787-0725.

Department: Transportation
Location: Harrisburg, PA
Duration: FY 2000—01
Contact: Vendor Services, (717) 787-2199

SERVICES

Computer Related Services —08

SP-01734004 Request Invitation to Bid to provide for 7 x 24 x 365 remedial maintenance services. (SunSpectrum Platinum Support) on Sun equipment and software. Site visit by vendors is required. Additional information may be obtained by faxing (717) 787-3560.

Department: Public Welfare
Location: Office of Information Systems, Harrisburg State Hospital Grounds, Room 61, Willow Oak Building, Harrisburg, PA 17105
Duration: Anticipated: July 1, 2000—June 30, 2001 (with two 1 year renewal options.)
Contact: Barry Malone, Purchasing Agent, (717) 705-3917

1059 Cad/Drafting Tables and stations. Green Mfg. PC-3000 series.
Department: Corrections
Location: State Correctional Institution at Muncy, P. O. Box 180, Muncy, PA 17756
Duration: 30 to 60 days
Contact: Cindy Lyons, (570) 546-3171

Construction and Construction Maintenance—09

Visitor's Center Endless Mountains Visitors Center project is for the construction of a new Wooden Visitor Center consisting of general contract, HVAC contract, water well contract, plumbing contract and electrical contract. PennDOT is acting as an agent for bidding and awarding this project for French Azilum, Inc., a non-profit organization. To obtain a copy of this bid package, please fax a request to Tarasa Hill at (717) 787-7971. Please reference Project Name: Visitor's Center; Company Name; Company Address; Company Contact Person; Company Telephone and Fax Number.

Department: Transportation
Location: Route 6, Wyalusing Township, Bradford County, PA
Duration: 150 Calendar Days
Contact: Tarasa Hill, (717) 772-8444

DGSA948-347 Project Title: Sound Isolation Booth. Brief Description: Provide and install a modular relocatable sound isolation booth on the second floor of the 333 Market Street Office Building. Estimated Range: Under \$100,000. General construction. Plans Deposit: \$25 per set payable to: Commonwealth of Pa. 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 a separate check for \$5 per set or provide your mail express account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid Date: Wednesday, June 28, 2000 at 2 p.m.

Department: General Services
Location: 333 Market Street Office Building, Harrisburg, Dauphin County, PA
Duration: 90 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

DGSA1578-32 Project Title: Replace Steam Line—Powerhouse to 'K' Block. Brief Description: Replace existing underground 8" high pressure steam and 4" pumped condensate return lines with new prefabricated insulated conduit from the Powerhouse to 'K' Block. Estimated Range: Under \$100,000. Plans Deposit: \$25 per set payable to: Commonwealth of Pa. 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 a separate check for \$5 per set or provide your express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid Date: Wednesday, July 12, 2000 at 11 a.m.

Department: General Services
Location: State Correctional Institution, Waymart, Wayne County, PA
Duration: 150 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

0500/R/W 222-001-002 Sealing and Boarding of Vacant Buildings, SR 222-001-002 Lehigh County.

Department: Transportation
Location: Lehigh County
Duration: Open
Contact: David Eckhardt, (610) 336-4840

FBP-13-0037-40 Construct 4 new bridges and approximately 500 M of roadway in Forest District No. 13, southwest of Driewood along Red Run Road. Work includes traffic signs, clearing, excavating, bituminous paving, guide rail, landscaping, concrete work, prestressed concrete beams, architectural surface treatment, concrete box culvert and site drainage. Elk and Cameron Counties. Note: Bid documents will be available on or after June 26, 2000.

Department: Conservation and Natural Resources
Location: Gibson Township, Cameron County and Beneaette Township, Elk County
Duration: Complete work by October 31, 2001
Contact: Construction Management Section, (717) 787-5055

DGSA373-3 Project Title: Security Tower. Brief Description: Work consists of erection of a precast concrete security observation tower adjacent to the Institution Chapel. Estimated Range: \$100,000 to \$500,000. General Construction. Plans Deposit: \$25 per set payable to: Commonwealth of Pa. 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 a separate check for \$5 per set or provide your express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid Date: Wednesday, July 12, 2000 at 1 p.m.

Department: General Services
Location: State Correctional Institution, Mahanoy, Schuylkill County, PA
Duration: 60 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

FBP-05-0010 Construct a new bridge and approximately 450 Ft. of roadway in Forest District No. 5 on Martin Road over Standing Stone Creek, northwest of Huntingdon. Work includes utility relocation, clearing, excavating, landscaping, bituminous paving, traffic signs, guide rail, concrete work, architectural surface treatment and prestressed concrete beams. Note: Bid documents will be available on or after June 26, 2000.

Department: Conservation and Natural Resources
Location: Miller Township
Duration: Complete work by October 31, 2001
Contact: Construction Management Section, (717) 787-5055

K00062 Van Houten Dining Hall HVAC Renovations, Edinboro University. The project includes installation of new make-up air unit for kitchen hood systems, including ductwork, dampers, balancing, controls, electrical work and ceiling restoration. Bids due July 19, 2000. Prebid meeting scheduled for June 28, 2000, 10 a.m., in the University Club, Van Houten Dining Hall. For information on obtaining a bid package, contact Tom Anderson, phone (814) 732-2704, fax (814) 732-2281. MBE/WBE firms are encouraged to participate.

Department: State System of Higher Education
Location: Edinboro University of Pennsylvania, Edinboro, PA
Duration: 240 calendar days from Notice to Proceed
Contact: Tom Anderson, Contract Specialist, (814) 732-2704

DGSA589-45(REBID) Project Title: Replace Hot Water Heaters in Buildings 2, 5, 6, 7 and 8 and HVAC in Building 1. Brief Description: Replace electric water heaters in Buildings No. 2, 5, 6, 7 and 8, HVAC in Building No. 1 and electrical connections for above work. Estimated Range: \$100,000 to \$500,000. HVAC, Plumbing and Electrical Construction. Plans Deposit: \$25 per set payable to: Commonwealth of Pa. 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 a separate check for \$5 per set or provide your express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Tel: (717) 787-3923. Bid Date: Wednesday, July 12, 2000 at 11 a.m.

Department: General Services
Location: Youth Development Center, New Castle, Lawrence County, PA
Duration: 140 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

DGSA208-14 Project Title: Renovations to Wyoming Crime Laboratory. Brief Description: Renovate two existing interior areas into additional laboratory spaces. Estimated Range: \$100,000 to \$500,000. General, HVAC and Electrical Construction. Plans Deposit: \$25 per set payable to: Commonwealth of Pa. 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 a separate check for \$5 per set or provide your express mail account number to the office listed below. Mail requests to: Department of General Services, Room 107 Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid Date: Wednesday, July 12, 2000 at 1 p.m.

Department: General Services
Location: PA State Police, Wyoming, Luzerne County, PA
Duration: 120 Calendar days from date of initial job conference
Contact: Contract and Bidding Unit, (717) 787-6556

4034-A51G & A51 The Pennsylvania Department of Transportation will be accepting sealed bids for the sale and removal of both industrial, commercial and residential dwellings located along State Route 4034-A51G and A51 (also known as the East Side Access Highway) in the City of Erie, Erie County. Contractor will be required to demolish or remove all structures, outbuildings and site improvements. He/she will also be required to comply with FHWA and State regulations. For bid information, specifications and other information please contact Jeffrey E. Hahne, District 1-0 Property Manager at (814) 678-7069.

Department: Transportation
Location: City of Erie
Duration: 30 days from Notice to Proceed
Contact: Jeffrey E. Hahne, (814) 678-7069

Engineering Services—14

08430AG2568 Open-End Contract to provide supplementary construction inspection staff on various projects in Engineering District 9-0, that is, Bedford, Blair, Cambria, Fulton, Huntingdon and Somerset Counties. Details concerning this project may be found under Department of Transportation—Retention of Engineering Firms in the *Pennsylvania Bulletin* or www.statecontracts.com under Retention of Engineering Firm Data.

Department: Transportation
Location: Engineering District 9-0
Duration: Sixty Months
Contact: N/A

08430AG2569 To provide construction inspection and documentation services for S. R. 0202, Section 404 in Delaware County. Details concerning this project may be found under Department of Transportation—Retention of Engineering Firms in the *Pennsylvania Bulletin*, or www.statecontracts.com under Retention of Engineering Firm Data.

Department: Transportation
Location: Engineering District 6-0
Duration: Thirty days after construction completion
Contact: N/A

08430AG2567 To provide construction inspection and documentation services for S. R. 0056, Sections 012 and 019 in Cambria County. Details concerning this project may be found under Department of Transportation—Retention of Engineering Firms in the *Pennsylvania Bulletin*, or www.statecontracts.com under Retention of Engineering Firm Data.

Department: Transportation
Location: Engineering District 9-0
Duration: Thirty days after construction completion
Contact: N/A

KURFP-0025 Kutztown University is seeking professionals for environmental engineering and industrial hygiene services at Kutztown University. Proposals are available for a non-refundable fee of \$10 from: Barbara Barish, Contract Specialist, Office of Planning and Construction, Kutztown University, P. O. Box 730, Kutztown, PA 19530, Phone (610) 683-4602 from June 26, 2000 through preproposal. A pre-proposal meeting has been scheduled for July 6, 2000 at 10 in Room OM-26, Old Main Building. Proposals are to be received no later than 2 p.m. on July 26, 2000 in Room 236, Office of Planning and Construction. Non-discrimination and equal opportunity are the policies of the Commonwealth and the State System of Higher Education.

Department: State System of Higher Education
Location: Kutztown University, Kutztown, PA 19530
Duration: 1 yr. after NTP (with 4 renewals options)
Contact: Barbara Barish, (610) 683-4602

Hazardous Material Services—21

00972025 Asbestos waste material pick-up, hauling and proper disposal at Mayview State Hospital.

Department: Public Welfare
Location: Mayview State Hospital, Purchasing Department, 1601 Mayview Road, Bridgeville, PA 15017-1599
Duration: November 1, 2000—June 30, 2005
Contact: Fred Molisee, (412) 257-6215

HVAC—22

012005 Provide inspection, maintenance and emergency repairs to two low pressure steam boilers and air conditioning forced air gas/roof top unit at the PennDOT facility at 9031 Peach St., Waterford, PA 16441. Please fax or mail request for bid to the above address on company letterhead. Fax (814) 871-4396.

Department: Transportation
Location: 9031 Peach St., Waterford, PA 16441
Duration: September 1, 2000—August 31, 2004
Contact: Scott Young, (814) 871-4411

FM8157 Perform emergency and routine repair work to heating, plumbing, electrical, and air-conditioning systems as needed. Contractor must respond to the call within 4 hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The Contractor must agree to redeem manufacturer's warranty of replacement parts, where applicable and further agrees to guarantee workmanship and replacement parts, provided by their firm for 90 days. Materials and parts are to be charged at cost. Remarks: Bidding to be done on labor rate per hour for Mechanic and Helper plus travel.

Department: State Police
Location: Transportation Division, 20th and Herr Streets, Harrisburg, PA 17103
Duration: August 1, 2000—June 30, 2003
Contact: Stacey Logan-Kent, (717) 705-5952

Janitorial Services—23

Bid #8159 Furnish all labor, materials and equipment to perform janitorial services 3 times a week at the Gibson Station. Detailed Work Schedule and Bid must be obtained from Facility Management Division, (717) 783-5484.

Department: State Police
Location: Gibson Station, R. R. #1, Box 227B, New Milford, PA 18834
Duration: October 1, 2000—June 30, 2003
Contact: Donna Enders, (717) 783-5484

Bid #8158 Provide all labor, materials and equipment to perform janitorial services 3 visits per week at the PA State Police, Corry Station. Detailed Work Schedule & Bid must be obtained from Facility Management Division, (717) 783-5484.

Department: State Police
Location: Corry Station, 11088 Rt. 6 East, Union City, PA 16438
Duration: November 1, 2000—June 30, 2003
Contact: Donna Enders, (717) 783-5484

Laboratory Services—24

00972026 Laboratory testing services—Contractor shall furnish all necessary supplies, transport media/equipment as required and requested by Mayview State Hospital. Tests and quantities can be obtained from the hospital. Price to include pickup and delivery by contractor. Contractor to be approved by the JCAHO, Medicare, Public Welfare and Bureau of Laboratories.

Department: Public Welfare
Location: Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599
Duration: January 1, 2001—December 31, 2005
Contact: Fred Molisee, (412) 257-6215

Medical Services—29

SP-01200005 This bid solicitation is directed toward full service companies who can provide products and services in the area of medical technology assessment. Bidders must offer a comprehensive and objective technology assessment program that gives decision-makers access to a large pool of assessment information, knowledge and experience. Bidders must also identify and analyze medical technology assessment issues in light of financial, risk management and clinical criteria. Vendors can obtain a detailed bid package by using the following fax number: (717) 787-3560.

Department: Public Welfare
Location: Office of the Medical Director, Room 515, Health and Welfare Building, 7th and Forster Streets, Harrisburg, PA 17120
Duration: Anticipated term for this contract is July 1, 2000—June 30, 2005
Contact: Ed Blandy, Purchasing Agent, (717) 772-4883

Property Maintenance—33

Bid #8160 Lawn maintenance to cut, trim and maintain grass area, four cuttings per month, or as required by the Station Commander. Services to include vegetation/fertilization twice a year, trim shrubs twice a year, weeding of beds twice a month. Detailed Work Schedule & Bid must be obtained from Facility Management Division, (717) 783-5484.

Department: State Police
Location: Gibson Station, R. R. #1, Box 227B, New Milford, PA 18834
Duration: October 1, 2000—June 30, 2003
Contact: Donna L. Enders, (717) 783-5484

MS99-721 Provide all supervision, labor and materials to grind, seal and restore the terrazzo floors to original finish and luster. Work includes approximately 6,000 square feet of floor located at Bengs Bldg., Dining Room #2203. Prior to bidding, vendor must visit Mayview State Hospital to become acquainted with all phases of the proposal and to become familiar with the services required. All work will be scheduled with the maintenance department approval first.

Department: Public Welfare
Location: Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017
Duration: July 1, 2000—June 30, 2001
Contact: F. Molisee, P. A. II, (412) 257-6215

Sanitation—36

Bid #8161 Trash and rubbish removal services for the PA State Police, Gibson Station, for the period October 1, 2000 to June 30, 2003. Service to be rendered once a week. Recycling, if applicable. Detailed Work Schedule and Bid must be obtained from Facility Management Division, (717) 783-5484.

Department: State Police
Location: Gibson Station, R. R. #1, Box 227B, New Milford, PA 18834
Duration: October 1, 2000—June 30, 2003
Contact: Donna L. Enders, (717) 783-5484

0201 Removal and disposal of residual sandblast abrasive. Estimated quantities of 200 ton per year.

Department: Transportation
Location: 7 miles East of Emporium, PA on SR 120, Cameron County
Duration: 1 year with option of renewals
Contact: Sharon L. Baughman, (814) 486-3727

Security Services—37

SP00460001 Provide security guard services for the Montgomery County Assistance Office for the following locations: 19 N. Charlotte St., Pottstown, PA 19464 and 1931 New Hope St., Norristown, PA 19401. Complete information will be specified in Bid Proposal Pack. Request a copy by faxing your name/address/Bid #SP00460001 to the attention of: Doylene Shull, (717) 787-3560.

Department: Public Welfare
Location: Montgomery County Assistance Office, two different locations—as indicated above
Duration: Anticipated term of contract is July 1, 2000—June 30, 2002 with three 1-year renewals
Contact: Doylene Shull, (717) 787-7585

SP00230001 Provide four security guards at the Delaware County Assistance Office. Complete information will be specified in Bid Proposal Pack. Request a copy by faxing your name/address/Bid #SP00230001 to the attention of: Doylene Shull, (717) 787-3560.

Department: Public Welfare
Location: Delaware County Assistance Office, 701 Crosby Street, Suite A, Chester, PA 19013-6099
Duration: Anticipated term of contract is July 1, 2000—June 30, 2003 with two 1-year renewals
Contact: Doylene Shull, (717) 787-7585

SU-99-21 Shippensburg University is seeking proposals for a vendor to provide maintenance on security cameras located at Shippensburg University. Contractors interested in obtaining a bid package must request in writing to Deborah K. Martin, Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257 or Fax at (717) 477-4004.

Department: State System of Higher Education
Location: Shippensburg University, Shippensburg, Cumberland County, PA
Duration: One year
Contact: Deborah K. Martin, Contract Administrator, (717) 477-1121

Miscellaneous—39

2520-1 The Department of Environmental Protection is issuing a Request for Proposal for a Business Consultant to provide assistance in the establishment of a Recycling Market Center. Proposals are due by 4 p.m., August 11, 2000. For further information and copies of the Request for Proposal, contact Diana Welker, Bureau of Land Recycling and Waste Management, 14th Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101-2301.

Department: Environmental Protection
Location: Harrisburg, PA
Duration: Two years from the date of the executed Agreement
Contact: Diana Welker, (717) 787-7382

B0000314 Millersville University is soliciting bidders who can provide a Millikan Oil Drop Apparatus (AP-8210) with Advanced Microwave Optics System. Interested vendors must fax their requests to Anna Stauffer (Fax (717) 871-2000) no later than 2 p.m. on Friday, June 30, 2000 in order to be placed on a bidders list.

Department: State System of Higher Education
Location: Millersville University, Millersville, PA 17551
Duration: August 2000
Contact: Anna Stauffer, (717) 872-3041

99-16 State Transportation Advisory Committee Studies. The objective of this project is to satisfy a need for the Commonwealth of Pennsylvania to provide support to the State Transportation Advisory Committee in its efforts to determine the goals of and the allocation of available resources among the various transportation modes in the planning, development and maintenance of programs and technologies for transportation systems. Additional information and a request for proposal (RFP) may be obtained by faxing a request for RFP 99-16 to Vikki Mahoney at (717) 783-7971.

Department: Transportation
Location: Statewide
Duration: 4 years
Contact: Tom Schumacher, (717) 783-8906

9993 Provide sign language interpretation for deaf and hard of hearing inmates at the State Correctional Institution at Muncy.

Department: Corrections
Location: State Correctional Institution at Muncy, P. O. Box 180, Muncy, PA 17756
Duration: Approx. 10 months to 1 year
Contact: Cindy Lyons, (570) 546-3171

FL-1497169 One diesel powered generator and related accessories to be purchased and mounted on a 22' stake body truck to be utilized to operate a granulator to shred plastic crop production product containers.

Department: Agriculture
Location: PA Dept. of Agriculture Bureau of Plant Industry, 2301 N. Cameron Street, Harrisburg, PA 17110
Duration: 3 months
Contact: Michael Mesaris, (717) 787-5647

[Pa.B. Doc. No. 00-1125. Filed for public inspection June 23, 2000, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <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> |
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GARY E. CROWELL,
Secretary

STATE CONTRACTS INFORMATION

Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract No.	PR Award Date or Contract Effective Date	To	In the Amount Of	PR Award Date or Contract Effective Date	To	In the Amount Of
1390119-01	6/12/00	Heimann Systems Corp.	439,270.00	1566119-03	Calico Industries Inc.	290.14
1413139-01	6/12/00	Rohrer Bus Sales	37,904.00	1566119-04	Federal Supply OC	5,901.60
1453139-01	6/12/00	Wolfington Body Co.	48,362.00	1566119-05	Cooks Correctional Kitchen Equip.	749.90
1511119-01	6/12/00	Thyssen Security Elevator	73,500.00	1566119-06	United Restaurant Equipment Inc.	2,454.00
1513119-01	6/12/00	Bird Industrial Group	51,394.10	8135160-01	A. C. Miller Concrete Prod. Inc.	39,880.00
1534119-01	6/12/00	Brian L. Galloway	94,115.40	8176790-01	Brisban St. Corp. d/b/a Packaging Service	29,946.00
1546319-01	6/12/00	Flir Systems Inc.	20,400.00	8188020-01	PIBH	44,000.00
1546319-02	6/12/00	Mine Safety Appliances Co.	9,999.00	8252120-01	Ingersoll-Rand Equipment Sales	59,905.00
1562119-01	6/12/00	Thouron Industries	82,800.00	8505250-01	Walsh Equipment Inc.	40,990.00
1566119-01	6/12/00	Advance Equip.	6,912.00			
1566119-02	6/12/00	Buller Fixture	236.70			

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 00-1126. Filed for public inspection June 23, 2000, 9:00 a.m.]