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PENNSYLVANIA BULLETIN

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January—June 1998

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(Master Transmittal Sheet):**

No. 284, July 1998

PENNSYLVANIA



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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.

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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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List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 1998.

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THE GENERAL ASSEMBLY

Recent Actions During the 1998 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 1998 Regular Session.

1998 ACTS—ACTS 63 through 91 (numerical)

<i>Act No.</i>	<i>Enact. Date</i>	<i>Bill No.</i>	<i>Prntr's No.</i>	<i>Effective Date</i>	<i>Subject Matter</i>
1998-63	June 5	SB97	PN1417	60 days	Judicial Code (42 Pa.C.S.)—government agency appeals and editorial changes
1998-64	June 5	SB1168	PN1990	Immediately	Conveyance—Commonwealth property in Fayette and York counties
1998-65	June 11	HB80	PN3187	60 days	Crimes Code (18 Pa.C.S.)—unauthorized school bus entry
1998-66	June 11	HB1756	PN3524	60 days	Pennsylvania Board of Probation and Parole Law—power to parole
1998-67	June 11	SB770	PN2001	60 days	Judicial Code (42 Pa.C.S.)—arraignment by audio-video communication
1998-68	June 17	SB91	PN2082	Immediately*	Insurance Company Law of 1921, The—omnibus amendments
1998-69	June 18	SB540	PN569	60 days	Real Estate Tax Sale Law—limitations on owners and purchases from repository for unsold property
1998-70	June 18	SB543	PN2054	Immediately*	Crimes Code (18 Pa.C.S.)—omnibus amendments
1998-71	June 18	HB135	PN3736	Immediately*	Administrative Code of 1929, The—osteoporosis prevention and education program
1998-72	June 18	HB1108	PN3647	Immediately*	County Code, The—assistant district attorneys and contract procedures
1998-73	June 18	HB1480	PN3643	60 days	Names (54 Pa.C.S.)—omnibus amendments
1998-74	June 18	HB1502	PN3699	Immediately*	Probate, Estates and Fiduciaries Code (20 Pa.C.S.)—anatomical gifts and Organ Donation Awareness Trust Fund contributions
1998-75	June 18	HB1597	PN3672	Immediately*	Public Bathing Law—lifeguard requirements and swimming pool pesticides
1998-76	June 18	HB1778	PN3738	60 days	Crimes Code (18 Pa.C.S.)—terroristic threats and obscene and other sexual materials
1998-77	June 18	HB1979	PN3645	Immediately	Judicial Code (42 Pa.C.S.)—twenty year limitation expiration date extended
1998-78	June 18	SB185	PN2083	Immediately	Highway Capital Budget Project Itemization Act of 1996—1997—enactment
1998-79	June 18	SB220	PN2075	Immediately*	County Code, The—omnibus amendments
1998-80	June 18	SB252	PN2023	60 days	Death penalty—execution procedure and method
1998-81	June 18	SB253	PN254	60 days	Sunshine Act—political subdivision defined
1998-82	June 18	SB284	PN2028	Immediately	Municipal Pension Plan Funding Standard and Recovery Act—omnibus amendments
1998-83	June 18	SB420	PN2021	60 days	Names (54 Pa.C.S.)—name change orders procedure

<i>Act No.</i>	<i>Enact. Date</i>	<i>Bill No.</i>	<i>Prntr's No.</i>	<i>Effective Date</i>	<i>Subject Matter</i>
1998-84	June 18	SB640	PN2065	Immediately*	Judicial Code (42 Pa.C.S.)—omnibus amendments
1998-85	June 18	SB888	PN2036	Immediately*	Boiler and Unfired Pressure Vessel Law—enactment
1998-86	June 18	SB1164	PN2077	Immediately*	Liquor Code—omnibus amendments
1998-87	June 18	SB1203	PN1794	60 days	Public Television Network System Law—commission composition and members' terms
1998-88	June 18	SB1269	PN1972	Immediately	Education (24 Pa.C.S) and State Government (71 Pa.C.S.)—omnibus amendments
1998-89	June 18	SB1296	PN2073	60 days	Second Class County Code—county employee retirement allowances and appointment of joint tax collector
1998-90	June 18	SB1423	PN1922	Immediately	Agriculture-Linked Investment Program Act—omnibus amendments
1998-91	June 18	HB10	PN3739	Jan. 1, 1999	Fish and Boat Code (30 Pa.C.S.)—dam marking

1998 APPROPRIATIONS—ACTS 41A through 43A (numerical)

<i>Act No.</i>	<i>Enact. Date</i>	<i>Bill No.</i>	<i>Prntr's No.</i>	<i>Effective Date</i>	<i>Subject Matter</i>
1998-41A	June 18	HB2355	PN3387	July 1, 1998	Pennsylvania Public Utility Commission—operation
1998-42A	June 18	HB2356	PN3618	July 1, 1998	Office of Consumer Advocate—operation
1998-43A	June 18	HB2541	PN3454	Immediately	Department of Labor and Industry—operation

1998 JOINT RESOLUTIONS—JR 2 and 3 (numerical)

<i>Jr. No.</i>	<i>Filing Date</i>	<i>Bill No.</i>	<i>Prntr's No.</i>	<i>Subject Matter</i>
1998-JR2	June 9	SB555	PN1988	Trial by jury—rights of Commonwealth
1998-JR3	June 10	HB114	PN3694	Legislative reapportionment and judicial retirement—Legislative Reapportionment Commission organization and functions and judges and district justices retirement

* with exceptions

Effective Dates of Statutes

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

Advance Copies of Statutes

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

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

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

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

CARL MEASE,
Director
Legislative Reference Bureau

[Pa.B. Doc. No. 98-1051. Filed for public inspection July 2, 1998, 9:00 a.m.]

THE COURTS

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Procedure for Sale of Motor Vehicles Impounded for Driving Without Operating Privileges or Reg- istration Pursuant to 75 Pa.C.S. § 6309.2; Joint General Court Regulation No. 98-2

On July 2, 1996, Governor Thomas Ridge signed Act No. 1996-93 which authorizes the impoundment and sale of motor vehicles under certain specified situations. The within Joint General Court Regulation sets forth the procedure to be followed in implementing Section 6309.2, which authorizes the impoundment and sale of motor vehicles for driving without operating privileges or registration.

1. *Motor Vehicles Eligible for Immobilization and Impoundment.* Motor vehicles are subject to immobilization and impoundment for two reasons:

a. Motor vehicles driven by an unlicensed person, or while the person's operating privilege is suspended, revoked, canceled, recalled or disqualified; or

b. Motor vehicle itself is not registered, or for which the registration is suspended for failure to secure or maintain financial responsibility.

2. *Prerequisite to Immobilization and Impoundment.* The bases identified in Section 1 above must be verified with the applicable Department of Motor Vehicles by the Philadelphia Police Department before the motor vehicle may be immobilized and impounded.

3. *Prerequisites to Impoundment.* A motor vehicle may not be impounded for a 24 hour period after it is immobilized so as to enable the owner or operator of the immobilized motor vehicle to appear in Traffic Court and furnish proof of registration and financial responsibility and compliance with Titles 42 and 75. During that 24 hour period, however, the motor vehicle shall be immobilized and may be transferred to a secure location for safe keeping.

4. *Designation of Enforcement Officer.* The Traffic Court may, from time to time, appoint such "appropriate towing and storage agents" as may be necessary to undertake the impoundment and notification required by Act No. 1996-93.

5. *Impoundment.* Upon expiration of the 24 hour period as set forth above, if a Certificate of Release has not been issued evidencing compliance with 75 Pa. C.S. § 6309.2(b) and Sections 2 and 3 above, the appointed towing and storage agents shall impound the vehicle and store same at an appropriate location.

6. *Notice of Impoundment.* When applicable, the appropriate law enforcement officer shall issue a citation or summons to the operator of the motor vehicle. The appropriate towing and storage agent shall notify the title owner of the vehicle or combination and any lienholder and, if applicable, the owner of the load, of the fact that the motor vehicle has been impounded pursuant to 75 Pa.C.S. § 6309.2 and of their right to recover the said motor vehicle by showing compliance with 75 Pa.C.S. § 6309.2(b). The notice shall further provide that if the vehicle is not recovered by a stated date, the vehicle will

be sold. The notice shall be substantially in the form set forth hereunder as Exhibit "A." Notice shall be sent to the addresses on file at the appropriate departments of motor vehicle by regular mail, which the Court finds to be the most expeditious means, and a Certificate of Mailing shall be obtained. Notice shall be deemed to have been provided upon the mailing of the notices as set forth herein.

7. *Obtaining Leave of Court to Sell Vehicle.* A Petition and Motion Court Cover Sheet shall be filed with the Prothonotary and Civil Administration setting forth, inter alia, that prior to impounding the motor vehicle, the operator and owner of the motor vehicle had 24 hours to obtain a certificate of release as provided in 75 Pa.C.S. § 6303.2(b), and further setting forth the efforts made to notify the owners, and lienholders of record, the fact that no Certificate of Release has been issued, or if issued, that the vehicle has not been recovered. Copies of the notices sent to the appropriate parties and the Certificates of Mailing shall be attached to the Petition. Upon review of the Petition, the President Judge of the Court of Common Pleas, or his designee, if satisfied that the required Notices were sent, that no Certificate of Release was issued, or that if issued, the vehicle has not been recovered, that the owner or operator of the impounded motor vehicle have not complied with 75 Pa.C.S. § 6309.2, and that the requisite fines and costs have not been paid, may enter an Order authorizing the Traffic Court, through its authorized agent, to sell at public auction the motor vehicles described in the said Petition. The Order shall be substantially in the form set forth hereunder as Exhibit "B."

8. *Notice of Auction Date and Rights of Owners of Record and Lienholders of Record Pending Auction.* Notice of the auction dates shall be provided as set forth in Section 6 above. Notice of the public auction shall also be provided by publication at least five (5) days before the auction in either *The Philadelphia Inquirer* or *The Philadelphia Daily News*, or as otherwise directed by the Court of Common Pleas. At any time prior to the auction date, any operator, owner, or lienholder, may obtain the release of the motor vehicle upon compliance with 75 Pa.C.S. § 6309.2(b) and upon payment of the fines, fees and costs as set forth in the Notice and as may be incurred thereafter. Upon issuance of the Certificate of Release by the Traffic Court, the motor vehicle must be picked up before the auction set forth in the Notice provided as required in Section 6 above. In the event a vehicle scheduled to be auctioned on a specific date established in accordance with the procedures set forth herein is not auctioned on that date, the said vehicle may be auctioned on a subsequent date provided, however, that the interested parties are provided new Notices setting forth the date of the rescheduled auction, substantially as set forth in Sections 6 and 8.

9. *List of Successful Bidders.* At the auction, the Traffic Court and/or its authorized agent, shall maintain a list of the successful bidders. The said list shall be submitted to the Court of Common Pleas within thirty (30) days after the auction so that an order may be entered, if necessary, directing the appropriate departments of transportation to extinguish title of the prior owners or lienholders of record and to issue certificates of ownership to the successful bidders. The order shall substantially be in the form set forth hereunder as Exhibit "C."

10. *Disposition of Proceeds of the Auction.* The proceeds from the auction shall be used to satisfy the various fines and costs in the following order: cost of sale (auctioneer, advertising); costs associated with towing and storage; administrative costs imposed by Traffic Court; fines imposed by the Traffic Court on the owner or lienholder of the impounded vehicle or load, including full payment of any sums which may be due pursuant to a payment plan approved by the Court; and City of Philadelphia parking fines. Any remaining proceeds shall be subject to the demands of the original owner and lienholders of record as their interest may appear. If not claimed within one year, any such remaining proceeds shall be forfeited to the City of Philadelphia or utilized as otherwise provided by the President Judge of the Court of Common Pleas.

11. *Post-Auction Petition or Relief.* Proceedings instituted after the sale or auction of any motor vehicle conducted as authorized by 75 Pa.C.S. § 6309.2 and the within Joint General Court Regulation disputing the underlying facts or offenses rendering the motor vehicle subject to sale or auction shall not invalidate the sale or auction. In the event relief is granted and the underlying offenses discharged, the only entitlement the owner and lienholder may have, if raised within the applicable

limitations period, shall be the return of any remaining proceeds from the sale or auction of the motor vehicle as provided in Section 10 above.

12. *Effective Date.* This Joint General Court Regulation shall become effective immediately.

This Joint General Court Regulation is promulgated in accordance with Act 1996-93, the May 8, 1996 Order of the Supreme Court of Pennsylvania, Eastern District, No. 168 Judicial Administration, Docket No. 1, Phila. Civ. R. ★51 and Pa.R.C.P. 239. As required by Pa.R.C.P. 239, the original Joint General Court Regulation shall be filed with the Prothonotary in a docket maintained for General Court Regulations issued by the President Judge of the Court of Common Pleas, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Civil Procedural Rules Committee. Copies of the Regulation shall also be submitted to Legal Communications, Ltd., *The Legal Intelligencer*; Jenkins Memorial Law Library and the Law Library for the First Judicial District.

ALEX BONAVITACOLA,
President Judge

**PHILADELPHIA PARKING AUTHORITY
2501 WECCACOE AVENUE, PHILADELPHIA, PA
NOTICE OF IMMOBILIZATION AND IMPOUNDMENT OF VEHICLE SUBJECT TO SALE**

(Date)

(Last Known Registered Owner's Name)
(Address)
(City, state, zip)

Dear (Last Known Registered Owner):

The Philadelphia Parking Authority is informing you that on (Date of Tow), the following vehicle, registered in your name, was immobilized and/or impounded as authorized by the Traffic Court for violation(s) of the Motor Vehicle Code, 75 Pa.C.S. § 6309.2:

Vehicle Year:	State and Tag Displayed:
Vehicle Make:	Vehicle Identification Number:
Vehicle Color:	PPA Control Number:

You may recover the vehicle as provided by 75 Pa.C.S. § 6309.2.

Before you may recover the vehicle, you must appear in person at the Philadelphia Traffic Court, 800 Spring Garden Street, Philadelphia, PA to resolve any outstanding vehicle registration or operating privilege issues. You must bring with you the following: valid registration, proof of current insurance, and operator license, if applicable. You may call 686-XXXX for instructions on the procedure to be followed to recover your vehicle.

If the Philadelphia Traffic Court issues a Certificate of Release, you may recover this vehicle by bringing the Certificate of Release issued by the Philadelphia Traffic Court, valid registration, proof of current insurance, along with payment of the applicable towing and storage fees and other applicable fines or costs, to:

Philadelphia Parking Authority	Hours:	
Impoundment Lot #1	M - Th	8:00 a.m. - 9:00 p.m.
2501 Weccacoe Avenue	Fri - Sat	8:00 a.m. - 2:00 a.m.
Philadelphia, PA 19148	Sunday	7:00 p.m. - 2:00 a.m.
(215) 683-9550		

Pursuant to 75 Pa.C.S. § 6309.2 and Joint General Court Regulation No. 98-2, if this vehicle is not recovered within fifteen (15) days of the date of this notice, the Philadelphia Parking Authority will petition the Philadelphia Court of Common Pleas to sell this vehicle at public auction. A petition to sell this vehicle will be filed with the Court requesting leave to sell this vehicle at public auction on _____ at _____ a.m./p.m. at the following location: Philadelphia Parking Authority Lot #2, 2535 South Swanson Street, Philadelphia, PA 19148. If you do not recover your vehicle, you are responsible to remove any personal property from you vehicle 72 hours prior to sale from impoundment Lot #2, or we will dispose of the items.

THIS IS YOUR FINAL NOTICE, IF YOU DO NOT RECLAIM THIS VEHICLE IT WILL BE AUCTIONED AS SET FORTH ABOVE AND YOUR OWNERSHIP INTEREST WILL BE EXTINGUISHED AND OWNERSHIP WILL VEST TO THE SUCCESSFUL BIDDER.

Sincerely,

Frank Ragozzino, Manager
Towing and Impoundment

EXHIBIT "A"

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

In RE: : TERM, 19
Philadelphia Parking Authority :
: NO:
by _____ :
Director of Enforcement : Motion Control No. _____

ORDER

AND NOW, this _____ day of _____, 19____, upon Petition filed on behalf of the Traffic Court on _____, the Court being satisfied that appropriate notices were sent to the owners and lienholders of vehicles listed in Exhibit "A," as required by Joint General Court Regulation No. 98-2, copies of the notices and certificates of mailing being attached to the Petition, and the said owners or lienholders not having furnished proof of valid registration and financial responsibility, or paid, or made arrangements to resolve any outstanding vehicle registration or operating privilege issues as required by 75 Pa.C.S. § 6309.2, and having failed to recover the vehicle, IT IS HEREBY ORDERED and DECREED that the Traffic Court, through its authorized agent, the Philadelphia Parking Authority is authorized to sell at public auction the motor vehicles described in said Petition on _____, 19____, at _____ a.m./p.m., _____, Philadelphia, PA.

Notice of said public auction shall be published once at least five (5) days before the auction in either the *Philadelphia Inquirer* or the *Philadelphia Daily News*.

Petitioner shall, after the sale, submit to the Court proof of publication and a list setting forth the names of each successful bidder for the entry of an appropriate Order directing the appropriate departments of transportation to issue Certificates of Title to the successful bidders.

IT IS FURTHER ORDERED and DECREED that the net proceeds of said sale shall be distributed as provided in Section 10 of Joint General Court Regulation No. 98-2, and any remaining proceeds shall be held for one year subject to the demands of the current owners or lienholders of record of said vehicles, as their interest may appear. If not claimed within one year, any such remaining proceeds shall be forfeited to the City of Philadelphia or utilized as otherwise provided by the President Judge of the Court of Common Pleas.

BY THE COURT:

BONAVITACOLA, P.J.

EXHIBIT "B"

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

In RE: : TERM, 19
Philadelphia Parking Authority :
: NO:
by _____ :
Director of Enforcement : Motion Control No. _____

ORDER

AND NOW, this _____ day of _____, 19____, the Philadelphia Parking Authority having identified in Exhibit "A" the purchasers of the impounded motor vehicles offered for sale at public auction on _____ pursuant to this Court's Order of _____, 19____, IT IS HEREBY ORDERED and DECREED that the currently registered owners' and lienholders' legal and equitable interest in those vehicles is hereby extinguished, and the appropriate departments of transportation shall cancel any certificates of title which were issued prior to this Order to other person or entity and shall issue title to said vehicles in the names of those persons identified as purchasers in Exhibit "A," upon completion of the proper forms and payment of the required fees.

BY THE COURT:

BONAVITACOLA, P.J.

EXHIBIT "C"

[Pa.B. Doc. No. 98-1052. Filed for public inspection July 2, 1998, 9:00 a.m.]

Title 255—LOCAL COURT RULES

ADAMS COUNTY

Local Rules of Court; Administrative Order No. 17 of 1998

And Now, this 18th day of June, 1998, local rules of this court are repealed and replaced in their entirety by rules following to this order. This order and following rules shall become effective thirty days after publication in the *Pennsylvania Bulletin*. The following rules shall continuously be available for inspection in the offices of Prothonotary and Clerk of Courts of this court. Copies may be purchased at the Prothonotary's Office for \$10.00. If the Prothonotary mails the copy, the cost will be \$13.00. Certified copies in the numbers listed, together with a 3.5 computer disk shall be provided as follows:

1. Seven to the Administrative Office, Pennsylvania Courts. In addition, a 3.5 computer disc with rules therein shall be provided that office.

2. Two to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. One each to Civil Procedural Rules Committee, Domestic Relations Committee and Criminal Rules Committee. Complete sets of rules are provided those committees because of the interplay between civil, criminal and domestic relations rules.

By the Court

OSCAR F. SPICER,
President Judge

RULES OF CIVIL PROCEDURE

ADAMS COUNTY COURT OF COMMON PLEAS

CHAPTER ONE. BUSINESS OF COURTS

Rule 1.1. Applicability.

The rules adopted under this chapter shall apply to all offices in the Adams County Court system unless the context clearly indicates otherwise. Offices in the Court system shall include the offices of the District Justices, the Clerk of Courts, Orphans' Court Division, Criminal and Miscellaneous Sections, and the Prothonotary. In some instances, these rules will also apply to the Sheriff, Register of Wills and Recorder of Deeds.

Local rules are intended to supplement state rules and shall be read in context with those rules.

Local rules may be cited: Adams C. Civ. R. (number); Adams C. Crim. R. (number); Adams C. O.C. R. (number); Adams C. Juv. R. (number).

They also may be cited as Local (Civ., Crim., O.C., Juv.) Rule (number).

Rule 1.2. Court Calendar.

The Court shall promulgate a court calendar annually. The Prothonotary and Clerk shall prepare a list, and provide each judge with a copy thereof, of cases scheduled for hearing, trial, argument or other action at least five days prior to a specified calendar day. Other than summary appeals, the hearing list shall reflect matters listed for hearing at least ten (10) days prior to the hearing date. The list may be supplemented by order or with approval of a judge.

Rule 2. Papers Filed.

For purposes of this rule, papers include pleadings, motions, petitions and orders. Nothing in this rule shall be construed contrary to Pa.R.C.P. 205.2.

(a) Papers filed in the Court system should be eight and one half (8 1/2) inches by eleven (11) inches in size.

(b) Papers should be written in ink, printed, typewritten, photocopied, mimeographed or otherwise mechanically reproduced. The caption should include the name and division of the Court, identifying case number, the names of the parties, and the title of the proceeding.

(c) Papers requiring an order shall have a proposed order attached and be first filed in either the Office of the Clerk of Courts or the Office of the Prothonotary. Normally, papers should then be presented to the Court Administrator for proper routing. They may also be presented to the appropriate judge in chambers, or filed in open court.

Comment: The normal practice, especially when a party seeks to have a hearing scheduled or other relief, such as an order of continuance, or securing the appointment of a board or master, should be to file the paper in the appropriate office, then hand carry it and the proposed order to the Court Administrator

Rule 3. Bulletin Board.

Both the Prothonotary and Clerk of Courts shall maintain in public view a bulletin board for the purpose of posting required notices.

Rule 4. Records.

The Prothonotary, Clerk of Court, Recorder of Deeds and Register of Wills shall be responsible for the safekeeping of records in their respective offices. No person other than an office employee, judge, attorney admitted to practice in Pennsylvania, or persons designated by a judge or attorney may have unsupervised access to records. Attorneys may authorize not more than two employees per law office to have unsupervised access. The designation must be written and filed in the appropriate office. Attorneys and designated employees must sign an acknowledgement that they understand this rule and will do nothing to damage or compromise the integrity of records.

Officers may authorize temporary removal of records for purposes of examination and study. Only persons qualifying for unsupervised access shall be accorded this privilege. Officers shall require receipts and must be informed precisely where the records may be located. Any person temporarily removing the records shall authorize the Officer to seize and regain possession of the records, without process or notice, wherever they may be held. Other than in cases involving masters, auditors or other court appointed persons, records may not be removed longer than fifteen (15) days. Failure to return any paper within fifteen (15) days may immediately result in the cancellation of the privilege of unsupervised access for the entire law office concerned, until such time as the Officer restores the privilege.

Rule 5. Corrections of Public Records.

Neither the Prothonotary, the Register of Wills, the Clerk of Courts, the Recorder of Deeds, nor the Sheriff shall erase any matter erroneously entered in any official or public record, such as an entry book, docket, mortgage or deed, or will book. Any erroneous entry shall be struck therefrom in red ink in such manner as to leave the stricken matter legible, and the correct entry inserted.

Upon the making of any such correction the Officer making the same shall note the date of such making. In the event that any such Officer shall inadvertently omit to make an entry and subsequently another entry shall be made, the omitted entry may be placed upon the record but it shall not be inserted between two other entries unless the Officer shall note on the record that it was so made, together with the date thereof.

Rule 6. Photographs and Broadcasting (Pa.R. Crim.P. 27 and 328).

No pictures or photographs shall be taken immediately preceding or during sessions of this Court or recesses between sessions, in any of the courtrooms or at any place in the Courthouse within forty (40) feet of the entrance of such courtroom unless specially allowed by the President Judge.

No Court proceedings shall be broadcast or televised, nor shall any Court proceeding be mechanically or electronically recorded, except by the official court reporter unless specifically allowed by the President Judge.

No pictures or photographs of any party to a civil or criminal action, juror, or witness shall be taken in the law library or in any office or other room of the Courthouse, except with the knowledge and consent of the person or persons photographed.

Rule 7. Guardian Ad Litem.

Any interested party may move, in the cases wherein facts are of record, or may petition, in cases wherein facts are not of record, for the appointment of a guardian ad litem for any party in interest, not sui juris by reason of infancy or otherwise. The fee for the guardian ad litem shall be set by the judge to whom the case is assigned, and shall be paid in the first instance by the moving or petitioning party. Thereafter, the judge may make such order as may be appropriate, including assessing the fees as costs in the case.

Rules 8—9. Reserved.

Rule 10. Termination of Inactive Cases (Pa.R.J.A. 1901).

(a) The Clerk, the Prothonotary, and each District Justice shall annually review cases pending in his/her respective office on or before the first day in July. The Officer shall compile a list of cases in which there has been no docket activity for a period of two (2) years or more. The Officer shall, at least thirty (30) days prior to the argument and civil business court day in September, give notice to the parties and counsel either (a) in person, (b) by regular mail, addressed to the last address of record, or, (c) by publication when notice by mail cannot be given or has been returned undelivered, that at 9:00 a.m. on that date the case will be considered by the Court for dismissal. The notice shall comply with the provisions of Rules of Judicial Administration 1901 and shall contain:

- (1) a brief identification of the matter;
- (2) that termination is proposed for the September court date;
- (3) that the party has a right to request continuation of the case on active status, and/or a hearing. Requests must be filed with the Officer giving the notice prior to the September court day;
- (4) that all requests will be considered by the Court for cases in the Clerk's and Prothonotary's office, and by a District Justice for cases in those offices;

(5) that the party has the right to appear at 9:00 a.m. on the September Business Court date and request continuation on active status. If this procedure is followed, there will be no right to a hearing unless a request for same is made prior to the September court date.

(b) If no requests are made, the Court will summarily dismiss the cases at the September Business Court date. If requests are made, the Court may either schedule a hearing or continue the case on active status for period of one year.

(c) District Justices shall have the same powers and duties as the Court. Either party shall have the right to appeal to the Court from any decision as in other cases in which judgment is entered by a District Justice.

(d) Officers involved in this rule shall certify to the Court that proper notice has been given prior to 9:00 a.m. on the September court date. The certification shall list all cases scheduled for dismissal.

(e) Notice by publication shall be occur at least thirty (30) days prior to the September court date. Notice shall be published once in a newspaper of general circulation in the Adams County area and once in the Adams County Legal Journal.

Rule 11. Money Paid Into Court.

(a) Any party wishing to pay money into Court shall request leave to do so.

(b) The Prothonotary and Clerk shall open and maintain accounts for the deposit of funds paid into Court, pursuant to court order. Accounts and depositories shall be approved by the Court. Disbursements or distributions shall be made pursuant to court order. An administrative fee of twenty-five dollars (\$25.00) shall be paid from the fund to the Officer for handling the funds.

Comment: Since authorities generally agree that payment into Court, and the effect of such an act, is discretionary with the Court, it is felt that the prior version of this rule is unnecessary.

Rule 12. Appeals to Court of Common Pleas.

(a) When tenants as a condition of supersedeas in appeals from judgments of possession, are required to deposit sums equal to rent installments with the Prothonotary, they shall state whether or not the Prothonotary is authorized to periodically release sums to the landlord without application by the landlord. If authority is granted, the tenant shall state the amount that may be periodically disbursed. Until authority is cancelled by the tenant, those sums may then be periodically released without order of court.

(b) All appeals from agency action suspending or revoking licenses, rights or privileges, shall have attached to it a copy of the suspension or revocation order.

Comment: Most provisions in the former rule have been rendered obsolete or inappropriate by rule and statutory changes that have occurred since adoption of the prior rule. Supersedeas is now available only if the tenant deposits the lesser of three months rent or the amount due, and makes monthly payments equal to rent.

Rule 13. Legal Journal.

The Adams County Legal Journal is designated for the publication of Court or other legal notices as required by the various statutes, laws, rules, orders, or decrees of Court in the Commonwealth of Pennsylvania.

Rule 14. Law Library.

The President Judge shall appoint a chairman and committee to operate and maintain the Adams County Law Library. Committee members shall be selected from members of the Adams County Bar Association and shall serve at the pleasure of the President Judge. The committee may deal directly with the Adams County Commissioners in budgetary matters. The Committee shall file annually a report and accounting with the court. Upon approval, the report shall be filed of record in the Prothonotary's office.

The Adams County Law Library shall be a facility open to the general public and used as a research facility by the Court, county officials, and county attorneys, in accordance with law, subject to rules promulgated by the committee and approved by the Court. Until changed, the following shall apply:

(1) The library is open to the public during the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday. The law library will remain closed during those times when the Courthouse is closed.

(2) The Adams County Law Library is intended primarily for a reference library. No books may be taken out by members of the general public. Limited borrowing privileges are as follows:

(A) All books must be returned within three (3) days from the date that they are signed out, in a register provided and located at the desk in the law library. Violation of this provision shall subject the violator to the following penalties:

(1) Books held beyond thirty (30) days, library privileges to be revoked and the offender to be reported to the Adams County Court.

(2) After thirty (30) days, the offender will be billed for the replacement cost of the volume or volumes held.

(B) The following books are for reference only and may not be taken out of the law library: Purdon's Statutes, Pennsylvania Law Encyclopedia, United States Code Annotated, U.S. Code Service, all Slip Opinions, Court Rules, Dictionaries, Directories, Shepard Citations, Pennsylvania Code, Pennsylvania Bulletin, and all other books maintained on shelves that are marked indicating that the contents may not be removed.

(3) For all materials which are in circulation and borrowed from the library, authorized individuals shall sign the register and indicate the volume number and title, the borrower's name (judge, attorney, or county official), address or department and the date that the volume was removed. Every item taken from the library must be signed out. When the item is returned to the library, the register must be signed to indicate the date that the item was returned. The item should be reshelfed when it is returned to the library.

(4) In furtherance of a desire to maintain the Adams County Law Library as a complete County Reference Law Library, the following publications are to be provided for the law library:

(A) All published slip Opinions authored by the Adams County Court shall be delivered to the Adams County Law Library which shall hereinafter act as a depository for said Opinions.

(B) All ordinances of municipalities and townships, including Zoning Ordinances, shall be made available to the Adams County Law Library.

(5) These rules shall be posted in a conspicuous place in the Adams County Law Library.

(6) The photocopier in the law library is for the convenience of all persons authorized to use the law library. Use is restricted to making reasonable numbers of copies of library material. The Committee may subject the copier's use to conditions and restrictions by posting same by or on the copier and may, revoke any person's use privileges. The copy machine should be turned off after use.

Rules 15—205. Reserved.**Rule 206. Petitions and Answers.**

Petitions and rules shall be governed by Pa.R.C.P. 206.6. Pursuant to Pa.R.C.P. 206.5(2), a party may seek any relief for which petition and rule procedure may be appropriate. If disputed facts can be determined by a brief hearing, the party shall request that a hearing, and not depositions, be scheduled to determine facts. The petition shall be accompanied by an order conforming to Pa.R.C.P. 206.6 as modified by this local rule, as follows:

IN THE COURT OF COMMON PLEAS OF ADAMS
COUNTY

(Caption)

ORDER

And Now, this ___ day of _____, 199_, upon consideration of the within petition, it is hereby ordered that:

(1) a rule is issued upon respondent to show cause why the petitioner is not entitled to the relief requested;

(2) the respondent shall file an answer to the petition within twenty days of service upon the respondent;

(3) The petition shall be decided under Pa.R.C.P. 206.7 and Local Rule 206;

(4) The parties shall

appear _____ 19 ___, at _____ in Courtroom ___ of Adams County Courthouse, to determine appropriate procedure for determining disputed facts;

consult with the Court within ten days after an answer is filed to determine appropriate procedure for determining disputed facts;

An evidentiary hearing on disputed facts shall be held _____ 19 ___, at _____, in Courtroom ___, of Adams County Courthouse;

Depositions shall be completed within ___ days of this date;

Argument shall be held on _____, 19 ___, at _____, in Courtroom ___ of the Adams County Courthouse;

(5) notice of the entry of this order shall be provided to all parties by the petitioner.

BY THE COURT,

J.

Comment: This rule is intended to modify and closely mirror procedures in state rules. The rule contemplates that a petitioner will request the appropriate method to determine disputed facts. Since the rule has been expanded to include diverse subjects of relief, many petitions should be determined on Business Court day, with a short hearing followed by argument.

Rules 207—209. Reserved.**Rule 210. Arguments.**

(a) All motions and cases requiring arguments may be placed by either party upon the argument list for any regular Argument Court Day unless otherwise specifically ordered by the Court. At the time of placing the case upon the Argument List, counsel shall note thereon the name and address of known counsel for the opposing party and counsel shall that same day send notice to the opposing party or their counsel of record.

(b) An argument list shall be prepared by the Prothonotary previous to each argument court composed of cases arranged in the order of their seniority, which shall have been set down by the parties or their counsel at least forty (40) days before such Argument Court Day.

(c) An argument list containing all cases for argument in the several Courts shall, immediately upon the closing of the argument list, be furnished by the Prothonotary to all members of the Bar having cases listed for argument and to parties who have no counsel.

(d) In all arguments each party shall, before argument, furnish to the Court and opposite counsel or party a typewritten brief, containing a full and succinct statement of all facts conducive to a ready comprehension of the matter to be argued, and a reference to all authorities relied on. Where an authority is cited, the principle to be supported by it shall be stated. A mere reference to the book will not be sufficient. The party having the affirmative in the argument shall furnish such brief twenty-one (21) days before argument and the other party or parties shall furnish such brief seven (7) days before argument. When this rule is violated, the Court may, in its discretion:

(1) refuse to allow oral argument by the offending party: or

(2) consider the issues raised by such party to be waived: or

(3) order oral argument to be continued: or

(4) enter such other order as the interest of justice requires.

(e) The judge hearing argument may set time limits.

(f) Any party may request argument en banc. The judge to whom the case is assigned shall make the decision whether to grant or deny the request.

Rule 211. Preliminary Objections (see also Local Rule 1028).

Unless granted leave to proceed in accordance with Rule 210, any party filing preliminary objections shall file a brief within ten (10) days of such filing. The party against whom objections are filed shall have twenty (20) days thereafter to file a responsive brief. The Prothonotary shall then transmit the file and briefs to the Court and the case will be determined on brief. Requests for formal argument must be made at the time objections are filed, in the case of the filing party, or within ten (10) days after notice of the objections, by the party against whom objections are filed.

Any party failing to file a brief shall face the same sanctions prescribed in Rule 210.

Comment: This rule is intended to speed up procedure involving preliminary objections. Time requirements are intended to prevent parties from requesting oral argument at the last minute to gain a reprieve from filing requirements.

CHAPTER TWO. PRE-TRIAL PROCEDURE**Rule 212. Pre-Trial Procedure.**

(a) When an action is at issue and all pre-trial motions, petitions, and objections have been disposed of, any party thereto who desires to proceed to trial shall request, by praecipe, the Prothonotary to list and schedule the action for a pre-trial conference. A schedule shall be kept and maintained in that office. The party requesting the conference shall state the time and date preferred for the conference. Conferences will be scheduled to begin on the hour during Pre-Trial Conference Days listed in the Court Calendar. No conferences will be scheduled prior to 8:00 a.m., at noon, or after 4:00 p.m. except by special order of court. If the requested time is unavailable, the Prothonotary shall schedule at the next available time, or the next available time and date. The Prothonotary shall notify all counsel and pro se parties of the time and date of the conference. The notice shall state that parties are required to submit pre-conference memoranda at least five (5) days prior to the conference. The Prothonotary shall provide the Court Administrator and the judge designated by the President Judge with pre-trial conference schedules, no later than three (3) days prior to the conference(s).

(b) The Court on its own motion or on the motion of any party may order that a pre-trial conference is unnecessary. Any such order shall state what matters, if any, must be completed before trial and the time period for completing such matters and further specify the trial term at which the case shall be tried.

(c) Unless excused by the Court in advance, the attorney or party who intends to try the case shall attend the pre-trial conference. In the absence of an excuse, the Court, may require the attending attorney or party to try the case. If an attorney or party fails to appear for the pre-trial conference, the Court may proceed in his/her absence and enter binding rulings regarding any matter, including admissibility of evidence.

(d) At the pre-trial conference, every attorney or party shall submit a pre-trial memorandum which, where appropriate, will contain the following minimum information:

(1) Brief factual summary

(2) Names and addresses of all witnesses, identifying whether fact, expert or damage.

(3) List of all exhibits.

(4) Statement of issues involved.

(5) Statement of damages claimed

(6) Statement of proposed amendments to pleadings, if any.

(7) Statement of suggested stipulations of law or fact.

(8) Special requests. For example, a request for a view or requests relating to matters of discovery.

(9) Estimated duration of trial and whether it is jury or bench.

(10) The amount of settlement demands or offers.

(e) As soon as practicable after a pre-trial conference, the Court shall enter an order setting forth any admission of fact or documents, amendments or pleadings, agreements of attorneys, and other matters resolved or determined by the Court at the pre-trial conference. If a bench trial is ordered, it shall be scheduled for a specific time, if possible. If a jury trial is ordered, it shall be set

for a specific trial term. All orders shall set forth those matters which must be completed before trial and the time period for completing such matters.

(f) Actions ordered by the Court to be tried at a specific trial term shall be placed on a trial schedule by the Court Administrator before the beginning of such specific trial term.

(g) The trial schedule shall be made available by the Court Administrator to all parties or their attorneys of record. A copy shall also be made available to each member of the Bar who requests one.

(h) Priority on a trial schedule shall be determined by the date on which the Court Administrator places the case on a term list, or the date on which a case is continued to that particular term. However, priority will not necessarily govern which cases will be tried during any particular trial term.

Comment: The Court Administrator will normally list cases in the order received by the Prothonotary. If case "A" is listed, then case "B" is continued until that term and then later case "C" is listed, trial priority will be A, B, and C.

(j) Counsel may be required to submit a trial brief to the Court prior to the commencement of the trial for the guidance and information of the Court. Unless a similar trial brief is submitted by opposing counsel, and a copy furnished, such counsel shall not be entitled to a copy of said trial brief as a matter of right.

(k) Trials will be called at the Civil and Orphans' Court Business Day for the month preceding trial. Parties may answer the call formally, by appearance, or informally by telephone or mail shortly before call. Failure to answer the call may result in the case being stricken from the trial list.

Rule 213. Extended Hearings.

An extended hearing is defined as one requiring two or more hours. Parties requesting hearings, whether by order or praecipe, shall certify whether the hearing can reasonably be expected to become an extended hearing. Whether the matter falls within the scope of Prothonotary's or Clerk's duties, extended hearings shall be scheduled for pre-trial conference by the Prothonotary. Thereafter, unless otherwise ordered, the pre-trial procedure established in Rule 212 shall be followed.

Rules 214—235. Reserved.

Rule 236. Notice of Order. Decree or Judgment.

Where the Prothonotary is required by the Pennsylvania Rules of Civil Procedure to give notice to any party of any hearing, matter, order, decree, or judgment, it shall be the duty of the moving party to furnish the Prothonotary with the notice required to be mailed, a copy of the notice for the Prothonotary's file, and a postage prepaid envelope with the name and correct current address of the party to be notified set forth thereon. The Prothonotary shall note the date the notice was sent on the file copy. If a file copy is not provided, the Prothonotary shall make a copy of the notice and shall be authorized to charge and collect \$1.00 from the moving party for costs in connection therewith.

Rule 237. Reserved.

Rule 238. Delay Damages.

A party seeking an award of delay damages shall request such damages by the filing of a petition, which shall include a rule returnable as provided in Rule 206

directing the respondent to show cause why such damages should not be awarded. Issues shall be determined by the petition and answer. The Court may then determine such damages, if any, or refer the matter to a board of arbitrators.

Rules 239—1011. Reserved.

Rule 1012. Withdrawal of Counsel.

(a) Counsel withdrawing an appearance pursuant to Pa.R.C.P. 1012(b) shall certify in the praecipe for withdrawal that no stage of the litigation shall be delayed by such withdrawal.

(b) Counsel seeking to withdraw from a case where such withdrawal is not pursuant to Pa.R.C.P. 1012(b) shall present a written motion seeking leave to withdraw. The motion shall contain: (1) the written consent of the client, or (2) a certification of counsel that no less than ten (10) days notice of the time and place of presentation of the motion has been received by the client, and (3) the reasons why counsel seeks to withdraw, and (4) a statement whether any stage of the matter will be delayed by the withdrawal. If the consent of all parties is not obtained, the Court may order that a minimum of ten days notice shall be given to such parties and that the matter be considered at a Business Court Day at least ten (10) days beyond the filing of the request.

Rules 1013—1018. Reserved.

Rule 1018.1. Notice to Defend.

(a) As provided by Pa.R.C.P. 1018.1, the following officer is designated to be named in the Notice to Defend in order to find out where legal help can be obtained: Court Administrator, Adams County Courthouse, 111 - 117 Baltimore Street, Gettysburg, PA 17325, telephone number (717) 337-9846 or 1-888-337-9846.

(b) The Court Administrator upon receiving oral or written inquiry as a result of the endorsement on any pleading, shall furnish the name and telephone number of an appropriate member of the Legal Aid Committee of the Adams County Bar Association or immediately forward to the inquiring party a prepared list of the names, addresses, and telephone numbers of all the resident members of the Bar of Adams County, or both. The Court Administrator shall include on such list Legal Services, Inc., 432 South Washington Street, Gettysburg, PA 17325; telephone number (717) 334-7623.

(c) Copies of a Spanish translation of the Notice to Defend shall be made available by the Court Administrator upon request.

Rules 1019—1027. Reserved.

Rule 1028. Preliminary Objections.

Procedure for preliminary objections shall be governed by Rule 211.

Rules 1029—1034. Reserved.

Rule 1035.3. Summary Judgment.

Procedure for briefs and argument in motions for summary judgment shall be governed by Rule 211.

Rules 1036—1300. Reserved.

Rule 1301(a). Compulsory Arbitration.

All civil cases subject to arbitration by statute or rule of court shall be submitted to compulsory if the amount of money in controversy is within statutory limits.

Rule 1301(b). Arbitration by Agreement.

Cases may also be referred to arbitration if the parties or their counsel agree. If the case is not at issue, or where no pleadings have been filed of record, the agreement to

refer shall state the issues to be considered by the board of arbitrators, and shall contain all stipulations of fact reached by the parties. The agreement shall be filed of record and a copy provided to each member of the board of arbitrators.

Rule 1302(a)(1). List of Eligible Arbitrators.

A list of eligible arbitrators shall be prepared and maintained by the Court Administrator pursuant to Pa.R.C.P. 1302, and directions of the President Judge. The list shall contain all names of attorneys actively engaged in the practice of law primarily in Adams County, as determined by the President Judge, and who have not been excused from serving. Attorneys may request excuse by the President Judge. Attorneys so excused shall be required to serve only in unusual, or emergency situations.

Rule 1302(a)(2). Motion for appointment of Board of Arbitrators.

Any party to a case, after the pleadings are closed, may request the appointment of a board of arbitrators by written motion. Included in the motion shall be the names of all attorneys who, to the movant's knowledge, may have a conflicting interest in the case.

Rule 1302(a)(3). Service of Motion.

The party moving for the appointment of a board of arbitrators shall serve a copy of the motion on all other parties, or their counsel to the action. Proof of service of the motion shall be by acceptance of service noted on the original of the motion, or by a certificate of service by counsel (which need not be verified), or by an affidavit of service.

Rule 1302(a)(4). Notification of Conflicts.

Any party or the parties' counsel shall, upon receipt of a motion for the appointment of a board of arbitrators, immediately notify the Court Administrator of the names of all Adams County attorneys who, to the recipient's knowledge, may have a conflicting interest in the case.

Rule 1302(b). Selection and Appointment of Board.

No less than five (5) days after service of the motion for appointment of a board of arbitrators has been made on all parties, the Court Administrator shall select three (3) names from the list of eligible arbitrators and present an order for appointment to the President Judge or the judge to whom the case is assigned. The Prothonotary shall administer the oath to the board members in accordance with Pa.R.C.P. 1312, promptly after appointment.

Rule 1302(c). Distribution of Pleadings.

The parties shall be responsible for providing the Prothonotary with two (2) copies of their respective pleadings. The moving party shall provide copies at the time arbitrators are requested. The nonmoving party shall provide copies within ten (10) days after being notified of the appointment of a board. The chairman shall receive the original file and the Prothonotary shall distribute copies of pleadings to each member of the board.

Rule 1302(d)(1).

Fees for services for members of the Board of Arbitrators shall be periodically set by administrative order. Until changed, the chairman shall be paid two hundred dollars (\$200.00) and two members one hundred fifty dollars (\$150.00), upon the filing of the award.

Rule 1302(d)(2).

In the event that a case is settled or withdrawn, or otherwise terminated by or between the parties after the board members have been sworn but before the filing of the Board's report and award, if any, the board shall not be required to file any report or award, but its members shall be entitled to one-half of the arbitration fee, and the Prothonotary shall so certify such settlement, withdrawal, or other termination of the case by the parties to the County Commissioners and to the County Treasurer for that purpose, and arbitrators shall be paid their fee.

Rule 1303(a). Time, Date, and Place of Hearing.

The location and time of the hearing shall be set by the chairman of the board of arbitrators for the next available arbitration day specifically set forth on the Adams County Court Calendar which will allow for timely written notice. Unless otherwise agreed, no less than thirty (30) days written notice of the time, date, and place of the hearing shall be given by the chairman of the board of arbitrators to all parties or their counsel, to members of the board, and to the Court Administrator.

Rule 1303(b). Continuances.

Continuances may be granted by the chairman of the board of arbitrators. A motion for continuance and four (4) copies of the new notice for hearing shall be submitted in writing by the parties seeking the continuance to the chairman of the board and shall include the consent or opposition of opposing counsel. Any continuance granted shall be to a time and date set by the chairman. Notice of the continuance shall be given by the chairman to the other arbitrators and to the counsel of record.

Nothing in this rule shall prevent a party from seeking a continuance from a judge.

Rules 1304—1900. Reserved.

PROTECTION FROM ABUSE

Rule 1901. Commencement and Referral.

The Prothonotary and District Justices shall provide written and oral referrals to any person desiring to file a pro se petition under the Protection From Abuse Act, 23 Pa.C.S. § 6101 et. seq. to Legal Services, Inc. and Survivors, Inc. at their Adams County offices, and the Adams County Bar Association referral service. They shall also maintain sample forms and written instructions, in both Spanish and English, and give clerical assistance in completing forms.

The Prothonotary shall accept petitions without requiring the prepayment of filing fees and transmit copies to the Court Administrator for presentation to a judge for the entry of an order. Upon request by plaintiff, the Court may direct that the petition be served upon defendant by the Sheriff.

Rule 1902. Hearing After Relief By District Justice.

Whenever relief is granted by a District Justice, the District Justice issuing the order shall contact the Court Administrator as soon as possible. The Court will, thereafter, schedule a preliminary hearing and continue the temporary order in effect pending a plenary hearing. Preliminary hearings before the Court will be conducted at 1:00 p.m. on the next Business Court Day following the granting of temporary relief by the District Justice. The District Justice issuing the order shall provide both parties a notice in the form set forth in Local Rule 1906.

The District Justice issuing the temporary order will forward all papers for filing in the Prothonotary's office so that the papers will be available to the Court at the hearing before the Court.

Rule 1903. Petition For Temporary Relief.

Petitions for temporary relief may be presented to the Court without the necessity of scheduling an ex parte hearing if the petition is accompanied by an affidavit verifying the averments in the petition and the relief temporarily sought does not include eviction, or transfer of custody of minor children from defendant to plaintiff. Where eviction or custody transfer is requested, an ex parte hearing shall be scheduled.

Rule 1904. Plenary Hearings.

Unless the parties agree otherwise, plenary hearings shall be scheduled within ten (10) days after the filing of the petition.

Rule 1905. Contempt Hearings.

(a) *Arrest.* When the Court is available, a defendant arrested for contempt shall be produced without unnecessary delay before a judge for arraignment. If arrest occurs when the Court is unavailable, the defendant shall be arraigned before a District Justice. Upon request, defendant shall be provided with an application form for the appointment of a lawyer. Unless scheduled by a court order for a different time, contempt hearings shall be scheduled for 1:00 p.m. on the first business day of the week, at least seven (7) and no more than ten (10) days after the defendant's arrest. Bail shall be set by the District Justice, and defendant given an opportunity to post bail. The bail may be subject to special conditions such as cessation of abuse. If the defendant is not released on bail, he or she shall be produced before a judge at the first available opportunity following arrest. The District Justice shall also, when applicable, follow the procedure outlined in Rule 1901. At arraignment, the District Justice shall advise the defendant of the following:

- (1) A description of the alleged contemptuous acts;
- (2) That those acts violate a specific Order of Court;
- (3) Defendant is subject because of the alleged contempt to a prison sentence of six (6) months and a fine of One Thousand Dollars (\$1,000.00);
- (4) A hearing will be held by a judge on a specified court business day at 1:00 p.m.
- (5) Defendant is entitled to be represented by a lawyer in the contempt proceeding and that, if defendant qualifies, a lawyer will be appointed to represent him or her free of charge. The defendant shall be notified that he or she must apply for the appointment of a free counsel, and the District Justice shall provide an application form upon request;

(b) *Petition and Rule.* Plaintiff will first enter the petition in the Prothonotary's office and then present it to the Court Administrator for the scheduling of a hearing. Except in unusual circumstances, hearings will be scheduled in the same manner as in arrest cases. If a specific time is requested, the Court Administrator will select a time, which will afford speedy relief and afford defendant time to prepare a defense. No answer shall be required by defendant.

(c) *Criminal Complaint.* Contempt proceedings may be commenced by the filing of a criminal complaint before a District Justice. Service shall be accomplished as in other criminal proceedings, by a constable, or police officer. If neither is available, the complaint shall be served by the Sheriff. Procedures will be the same as are followed in other protection from abuse proceedings begun before a District Justice.

Rule 1906. Form of Notice.

NOTICE

A Petition Under the Protection from Abuse Act has been filed against you as set forth in the attached Complaint. A temporary order has been entered against you. This order will remain in effect until 1:00 p.m. on _____, 19____, when it will be considered in a Courtroom that will be designated on that date, in the Adams County Courthouse, Gettysburg, Pennsylvania. At that time, the temporary order may be continued, modified, or terminated. If the order against you is continued or modified, a full hearing on the merits will be scheduled. You may appear and either object or consent to an order against you being continued in effect until a full hearing on the merits. You may, but are not required to, appear and consent to the entry of an order for a longer period of time. Any order entered after a full hearing may remain in force for one (1) year. The Court may proceed in your absence to take testimony and enter an order granting relief to the Petitioner. You are entitled to be represented by an attorney at these hearings. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Adams County Court Administrator
Adams County Courthouse
111-117 Baltimore Street
Gettysburg, PA 17325
Telephone Number: (717)337-9846 or 1-888-337-9846

District Justice

SUPPORT RULES**Rule 1910.10. Procedure.**

All support proceedings shall be conducted in accordance with Pa.R.C.P. 1910.11.

Rule 1910.11. Notice.

The notice required by 23 Pa.C.S.A. § 4303 shall be as follows:

To: Obligor

The law requires the Domestic Relations Office to periodically provide approved consumer reporting agencies with your name and the amount of overdue arrearages that you owe. According to our records, you owe \$ _____, and this amount will be reported unless you contest the accuracy of the information within the next twenty days by filing a written objection with this office. Your objection should specifically state the amount of money that you dispute is owed.

Upon timely receipt of an objection, this office will schedule a conference to resolve the dispute.

Dated _____

Domestic Relations Officer

Rules 1912—1914. Reserved.

Comment: In light of comprehensive state rules, it is felt that local rules are unnecessary and might potentially become confusing. Following conference, procedures in Rule 1910.21-4 shall be followed, but no local rule is needed to indicate this.

Rule 1915.1. Custody.

In all custody cases, a preliminary conference will be held, at a time set by the Court, prior to the actual hearing on the custody matter. All parties and their counsel will be required to attend the preliminary confer-

ence. Children will not be required to attend unless either party requests their presence, and the court approves such request.

Counsel should appear at the conference prepared to schedule a hearing. Calendars, or familiarity therewith, will be required.

At the preliminary conference, the parties or their counsel shall provide the Court with a written memorandum, containing at least the following:

- (a) names of witnesses;
- (b) a statement of the potential issues;
- (c) information of the possibility of an amicable settlement without a hearing;
- (d) an estimate of the time a hearing would require;
- (e) any requests that either party might have; and
- (f) any other information which would help the Court and parties resolve the case.

Rule 1916. Home Studies and Investigations.

Adams County Children and Youth Services is designated as the agency authorized to conduct home studies within Adams County. Home studies may be ordered subject to the following:

Fees shall be periodically established by administrative order. Until changed, the fee will be seventy-five (\$75.00) dollars.

- (a) Requests for home studies, or the right to request a home study in the future, shall be submitted at the preliminary conference. The request may be included in the conference memorandum.
- (b) Payment of the home study fee shall be made, and a detailed written description of and directions to the house shall be provided to the agency:
 - (1) within two weeks of the court order authorizing the study, and
 - (2) at least 60 days prior to a scheduled hearing.

DIVORCE RULES

(The numbering of these rules does not coincide exactly with the Divorce Rules under the Pennsylvania Rules of Civil Procedure.)

Rule 1920(a). Uncontested Divorces.

A party may file a praecipe directing the Prothonotary to forward all papers to the Court for review and for entry of a final decree when all costs have been paid or excused and when all requirements of law and the Rules of Civil Procedure have been fulfilled. If any agreement is to be incorporated within the decree, the party shall state whether or not it is to be merged within the decree. If the defendant files the praecipe, he or she shall state by what authority he or she acts.

Rule 1920(b). Alimony.

Claims for alimony pendente lite raised in a divorce complaint or by a subsequent pleading in a divorce action shall be referred to the Domestic Relations Section for a conference upon the written motion of a party, or upon the request of a party at a conference for support. Unless otherwise directed by the Court, an award of alimony pendente lite shall be effective from the date of the motion, or of the request. The procedure for alimony pendente lite shall be in accordance with Pa.R.C.P. 1910.11.

Rule 1920(c). Motion to Appoint Master.

When a case is at issue and all discovery relating to issues to be submitted has been completed, a party may move for the appointment of a master. The motion shall, under Pa.R.C.P. 1920.74, in item (7) list the names of local attorneys who may be interested in the case, or contain a statement that no local attorneys are known to be interested.

Rule 1920(d). Master's List and Compensation.

The Court Administrator shall maintain a list of all attorneys primarily practicing in Adams County and who have not been excused from serving as masters in divorce or annulment. Any attorney may request the President Judge to excuse him or her from such service. Upon motion, the Court will appoint a master from the list to hear the issues set forth in the motion. The master shall be compensated at an hourly rate that will be periodically set by administrative order. Until changed, the hourly rate shall be \$50.00 per hour. No motion shall be considered unless there has been deposited with the Prothonotary the sum of \$500.00 for the purpose of guaranteeing payment of the master's fee as well as stenographer's. The master may request that additional deposits be made, if the case becomes protracted.

Rule 1920(e). Withdrawal of Issues.

Upon motion of any party, the Court may withdraw issues from the master, whether or not the master has acted upon those issues.

Rule 1920(f). Payment.

(1) Upon notice to the parties, the master may request an order directing the Prothonotary to disburse fees, and when a master's report has not been filed within sixty (60) days of the hearing date, the stenographer may request payment by filing the bill with the Prothonotary. If no exceptions to the sums are filed within ten (10) days, the Prothonotary shall disburse funds as requested.

(2) The master's report shall state the total amount of master's and stenographic fees being charged, and any amount that remains unpaid. If no exceptions or objections to the amounts are filed within the period for filing exceptions, the Prothonotary shall expeditiously pay the balance of fees requested in the report.

(3) If any party excepts or objects to fees, the Prothonotary shall not disburse any money or refund until the Court rules on the exceptions.

Rule 1920(g). Fees.

Under appropriate circumstances, the Court may:

- (1) excuse a moving party from depositing all or part of fees, and/or
- (2) direct the non moving party to pay the all or part of the fees, and/or
- (3) direct that the County pay all or part of the fees

Rule 1920(h). Fees as Costs.

Master's fees and stenographer's fees shall be considered costs of the case. In the event the master or the Court assesses costs against a party to the action, the costs shall be paid in full or a sufficient amount to cover the costs and shall be deposited with the Prothonotary within thirty (30) days of the date of the court order. If the payment or the deposit is not made within the thirty (30) day period, in addition to other remedies, the Court may direct the master to liquidate sufficient marital property to pay all sums due and owing.

Rule 1920(i). Notice.

The master shall give at least ten (10) days written notice of the time and place for taking testimony to the attorneys of record, or to the parties, in the manner prescribed by Pa.R.C.P. 1920.51.

Rule 1920(j). Hearings and Amendments.

Subject to the directions of the Court, the master shall have the usual powers of the Court with regard to the detention of witnesses for examination and the general course of the proceedings before him/her. The master shall also have the authority and power to rule on objections to the admissibility of evidence and to permit amendments to the complaint in order to have the pleadings consistent with the testimony given. However, no amendment shall be permitted which changes the grounds of the divorce alleged. In cases where amendments to the complaint have been granted, the notice of the filing of the master's report shall contain a brief summary of the amendments allowed.

Rule 1920(k). Revocations.

The appointment of a master may be revoked by the Court sua sponte, or upon motion of either party for cause shown, or upon the motion of the master on the grounds that no hearing has been held within ninety (90) days after the date of his/her appointment.

Rule 1920(l). Exceptions.

Exceptions to the master's report, or any motions or reasons for a new trial in relation to the verdict of any jury, where applicable, which either party shall desire to make, shall be filed with the Prothonotary, and a copy thereof served at the same time upon the opposite party or his/her attorney of record. If no exceptions have been filed to the master's report within ten (10) days, and all costs have been paid, the Prothonotary shall submit such report and all the papers in the case, including his/her certificate stating that all costs have been paid to the Court for final decree.

Rule 1920(m). Delinquent Reports.

(a) If a master fails to file a report and recommendation within the period established by Pennsylvania Rules of Civil Procedure, the master shall report such failure to the Court, explain reasons for the failure and state when the report shall be filed.

(b) The Court may terminate a master's appointment, reduce or deny the master's compensation, or order such other relief as may be appropriate, where: a master has violated this rule, or has failed to comply with the time limits of the Pennsylvania Rules of Civil Procedure, without adequate explanation. Such relief may be ordered by the Court sua sponte, or upon application of any party.

Rule 1920(n). Counseling.

If either party requests counseling under § 202 of the Divorce Code, the party making such request shall deposit Fifteen Dollars (\$15.00), with the Prothonotary at the time of filing the request to cover the cost of the counselor's report, unless the Court shall order otherwise.

The party requesting counseling shall provide the appointed counselor with a copy of the court Order directing such counseling.

Rule 1921. Procedure Relating to Masters' Hearings.

Subject to the Court's power to withdraw issues from the master, procedures shall be as prescribed by Pa.R.C.P. 1920.55-2.

Rules 1922— 2204. Reserved.**WRONGFUL DEATH****Rule 2205. Notice.**

In addition to the form of notice authorized by Pa.R.C.P. 2205, a plaintiff in a wrongful death action may give notice to persons entitled to recover damages in the action by any means of service, other than ordinary mail, authorized by state rules.

Rules 2206—2951. Reserved.**Rule 2952. Confession of Judgment.**

(a) A plaintiff seeking leave to confess judgment pursuant to Pa.R.C.P. 2952(9), shall apply for a court order in substantially the following form:

Caption

And Now, this ___ day of _____, ___, plaintiff applies for leave of court to enter judgment by confession against defendant(s), pursuant to Pa.R.C.P. 2952(9) and alleges that the instrument upon which the judgment is to be entered is:

- more than twenty years old,
- not attached to the complaint, nor is a photostatic copy or like reproduction showing the defendant's signature so attached.

It is requested that the

- schedule a hearing, which _____ expected to be _____ is or is not two or more hours in length.
- determine the application on the basis of depositions and the pleading.

Respectfully submitted,

(b) When plaintiff alleges that neither the original, nor a photostatic copy, nor a like reproduction is attached to the complaint, there shall be attached to the application a verified explanation of the reasons.

(c) The Court may, after reviewing the application schedule a pre-hearing conference, a hearing, and/or order that the application be listed for argument.

(d) The court may, at any time, alter the proceedings established by the initial order.

Comment: Rules relating to distributions of sheriff's sale proceeds have been deleted.

RULES OF ORPHANS' COURT DIVISION**ADAMS COUNTY COURT OF COMMON PLEAS**

Rule 1. The local rules of the Orphans' Court Division of the Adams County Court of Common Pleas shall be known as Adams County Orphans' Court Rules and may be cited as either Adams C. O.C. R. (number), or Local O.C. Rule (number). These rules should be read in conformity with Supreme Court Orphans' Court Rules. Except as otherwise provided in these rules, or by Supreme Court Rules, local Rules of Civil Procedure shall apply to proceedings in the Orphans' Court Division of this Court.

Comment: These rules should be read in conformity with not only state, but also local, rules. For example, Local Civ. R. 213 governs procedure in cases involving extended hearings. In light of extensive rule changes in

the area of appearances and withdrawals of counsel, no need exists for special rules applicable to the Orphans' Court Division.

BUSINESS OF THE COURT

Rule 1.1. Judges.

The President Judge may periodically assign a judge or judges to the Orphans' Court Division. Until the President Judge determines otherwise, all judges of this Court shall act as judges of the Orphans' Court Division.

CONSTRUCTION AND APPLICATION OF RULES

Rule 2.3. Definitions.

The following words when used in these rules, unless the context clearly indicates otherwise, shall have the meaning ascribed to them in this section.

(A) "*Auditor*" and "*master*," are generally used interchangeably, without regard to technical distinctions, in these rules. The terms may be similarly used in orders, unless the scope of duties or context indicates otherwise. Notwithstanding technical differences between the two terms, an auditor shall have all the powers and duties of a master, and vice versa, unless the order of appointment or scope of duties make this inappropriate.

(B) "*Exception*" means a formal disagreement with an appraisal, with a report of an auditor or master, or with an adjudication, opinion, or decree of the Court. The term includes "objection," and the two terms may be used interchangeably.

(C) "*Judge*" means a judge assigned by the President Judge to the Orphans' Court Division.

(D) "*Objection*" is included in the definition of "exception."

(E) "*Code*" means the "Probate, Estates and Fiduciaries Code," 20 Pa.C.S.A. § 101 et seq.

(F) "*Master*" may be used interchangeably with "auditor," subject to the discussion relating to the definition of "auditor."

Comment: The distinction between objection and exception is too esoteric to be of significance and is potentially confusing, since many people use the terms interchangeably. The prior rule's requirement that objections and exceptions be in writing conflicts with other rules allowing oral objections in certain instances. The terms, "auditor" and "master", are used interchangeably to avoid disputes about the authority or scope of duties of a person designated as one or the other.

PLEADING AND PRACTICE

Rule 3.1.

Since there are no local rules specifically applying only to pleadings and practice in equity, Supreme Court Rule 3.1 shall govern pleadings and practice in the Orphans' Court Division, except as otherwise provided. Unless ordered by a judge, notices to defend in the form specified by Rules of Civil Procedure shall not be required.

Rule 3.4. Form of Petition.

(a) A proposed order or decree, bearing the caption of the case, shall be attached to the face of the petition.

(b) Copies of documents essential to proper relief shall be attached to the petition as exhibits.

Rule 3.6. Depositions etc.

Any party seeking a special order relating to depositions, discovery, production of documents and/or perpetua-

tion of testimony shall give all interested parties, or their counsel, at least ten days advance notice before presenting the request. Otherwise, the party shall proceed in accordance with Rules of Civil Procedure.

Rule 4. Reserved.

Rule 5.1. Legal Periodical and Advertisement.

The Adams County Legal Journal shall be the legal periodical for the publication of legal notices in Adams County, whenever publication in a legal periodical is required by Act of Assembly or by Rule or Order of Court.

When advertisement is directed in these rules, unless otherwise provided, it shall be in accordance with publication requirements of Supreme Court Rule 5.1(c).

Comment: Attention is invited to the requirement in Supreme Court Rule 5.1(c) that publications occur once a week for three consecutive weeks, as contrasted with once under Pa.R.C.P. 430. Attention is also invited to the provisions of 20 Pa.C.S.A. § 745(b), which establish specific requirements for advertising accounts.

Rule 5.2(a). Method—When No Fiduciary.

Whenever notice is to be given to a person who is not sui juris for whom there is no guardian, trustee, or committee, notice shall be given by serving it upon him/her, if he/she is over fourteen (14) years of age, and, in all cases, upon the following persons:

(1) his/her next of kin; and/or

(2) his/her spouse; and/or

(3) the person with whom he/she resides or by whom he/she is maintained; and/or

(4) the superintendent or other official of the institution having custody of him/her; and/or

(5) in such manner as the Court, by Special Order, may direct.

Rule 5.2(b). Method—Presumed Decedents and Unascertained Persons.

Whenever notice is to be given to an absentee, a presumed decedent, or to an unknown or unascertained person, it shall be given in the manner provided by Act of Assembly or, in absence thereof, in such manner as the Court, by Special Order, shall direct.

Rule 5.4. Return of Notice—Requirements.

(A) Return of service shall in all cases show the date and manner of service and be attached to a copy of the notice served.

(B) Return of service by registered or certified mail shall also have attached the return receipt, or a photocopy thereof, or an adequate explanation of the failure to so attach.

(C) Registered or Certified Mail. Return of notice by registered or certified mail shall state the date and place of mailing and shall include the return receipt, or photocopy thereof. When the person who gives notice by registered or certified mail has personal knowledge, or has cause to believe, that such notice was not received by the person to be notified, he/she shall so state in the return. When the address of the person to be served by registered or certified mail is in a country other than the United States of America, a statement that the notice was so mailed to that person at the designated address shall be sufficient unless otherwise ordered.

(D) Return of notice by publication shall consist of proofs of publication, together with affidavits of publication by the publisher or his/her agent.

Rule 5.5. Notice to Attorney General.

No notice shall be required to the Attorney General with respect to a pecuniary legacy to charity in the amount of \$25,000.00 or less, which has been or will be paid in full.

Comment: It should be noted that Supreme Court Rule 5.5 excuses notice only in the case of a "pecuniary legacy." No opinion is expressed as to whether this provision applies to a gift of property, e.g. stock.

ACCOUNTS AND DISTRIBUTION

Rule 6.1. Form—Local Requirements.

(A) Accounts will be typed on 8 1/2" by 11" paper fastened together at the top and numbered consecutively at the bottom.

(B) All accounts shall begin with a caption which shall set forth the nature of the account, the name and capacity of the fiduciary, and the name of the estate.

(C) The first account of a personal representative shall contain, immediately following the caption, the date of death of the decedent and the dates when letters of the estate were advertised in each of the publications for that purpose. A copy of each of the proofs of publication shall be attached to the account.

(D) Principal of personal estate and principal of converted real estate shall be stated separately.

(E) Every account filed with the Register or Clerk shall be signed by each accountant, unless special leave of Court is obtained, and shall be verified by at least one accountant.

(F) If the account incorporates by reference the contents of the inventory, a true and correct copy of the inventory shall be attached for review by the Court; said true and correct copy of the inventory need not be filed of record in the Office of the Clerk of Courts.

Comment: Present Supreme Court Rule 6.1 gives an accountant an option as to which form is followed. Thus, this rule should be properly captioned "local" rather than "additional" requirements, as was previously done.

Rule 6.2.

No account presented by the Register or by the Clerk of the Orphans' Court shall be confirmed, nor any decree of distribution made, unless it be made to appear by the certificate of the accountant or his/her attorney, that written notice of the time of presentation of the account and proposed statement of distribution and the character thereof has been given for at least twenty-eight (28) days prior to the date fixed to every unpaid creditor who has given written notice of his/her claim to the accountant and to every other person of whom the accountant has notice or knowledge who claims an interest in the estate as beneficiary or next of kin. Acceptance of such notice may be in writing by the party in interest or by his/her attorney.

Rule 6.3.

All accounts shall be presented for confirmation at a regular confirmation date and must be filed not later than forty (40) days prior thereto. Although written objections are not required, if objections are made in open court at the time of presentment, the Court may require that the objector file a written objection within ten days.

The Court may also require the objector to state, in writing, the specific grounds upon which objections are based. Failure to comply within ten (10) days, or such other time set by the Court, may be considered a withdrawal of any objection made only orally.

Rule 6.9.

Accounts and any accompanying statements of proposed distribution filed in the office of the Register of Wills shall be marked "filed," a notation of the date of said filing made on the decedent's index of the estate, and then transmitted to the Clerk of the Orphans' Court on the next succeeding business day for audit and confirmation by the Court after proper advertising. The Register of Wills and Clerk shall be entitled to such fees as are authorized by law, and/or by administrative order of this Court, for accounts filed in that office. Until changed, a filing fee of \$3.00, in addition to fees established by the legislature and/or Supreme Court, is imposed.

Rule 6.9(a).

The statement of proposed distribution shall be filed at the same time and in the same office with the account it accompanies.

Rule 6.9(b).

A statement of proposed distribution shall be on a paper separate from the account which it accompanies. It shall contain the names of the persons to whom it is proposed to award the balance for distribution, the amount or share awarded to each and a brief statement of the nature and reasons for the proposed awards, and a copy of the will, if any.

Rule 6.9(c).

All statements of proposed distribution shall be signed by each accountant unless special leave of Court is obtained, and all statements of fact therein shall be verified by at least one (1) accountant.

Rule 6.9(d).

A fiduciary who, upon the filing of an account which reveals a balance for distribution, is unable for any reason to file therewith a statement of proposed distribution in accordance with the requirements of the Pennsylvania Supreme Court Orphans' Court Rules, shall in lieu thereof, file with the account a statement of the reasons why distribution cannot be proposed which shall conclude with a request for the appointment of an auditor to make distribution.

Rule 6.9(e).

The Clerk shall give notice by advertisement of the time when statements of proposed distribution filed with him/her and with the Register will be presented to the Court for approval. The notice shall be given in conjunction with the notice of the account which it accompanies.

Rule 6.9(f).

If distribution is to be made to a minor for whom no guardian has been appointed, the accountant may request distribution in accordance with either subsection 5101 or 5103 of the Code. If distribution is requested in accordance with 5103, there shall be a statement that the distribution will not exceed the amount to which accounts are insured and the following wording:

"As to the interest of the minor(s) above named, it is proposed that his/her (their) share(s) be deposited in a separate savings account in the _____ Bank at _____, Pennsylvania, with the following notation: (Name of Minor) and _____ his/her mother-father-

person having custody—not to be withdrawn until the minor, _____, becomes of age or in compliance with an Order of the Orphans' Court Division of the Adams County Court of Common Pleas during his/her minority."

Rule 6.9(g).

Where real estate is distributed, the real estate in the statement of proposed distribution shall be described by metes and bounds when such description is available.

OBJECTIONS TO ACCOUNTS AND STATEMENTS OF PROPOSED DISTRIBUTION

Rule 6.10(a).

Objections to accounts and/or to statements of proposed distribution shall be governed by Rules 6.3 and 7.1 et seq. A copy of objections shall be served on the accountant or his/her attorney.

Rule 6.10(b).

(1) Objections by the Register of Wills to deductions in an account or in the statement of proposed distribution shall be considered solely to determine the clear taxable value of the estate. Objections to the amount of such deduction will be disposed of by the Court after hearing and/or argument, but the account may be confirmed and distribution awarded subject to sufficient funds being withheld to pay inheritance tax.

(2) Any party in interest or the accountant may seek adjudication of a dispute concerning deductions disallowed by the Register prior to filing an account. Issues may be resolved after hearing, argument and/or upon case stated.

Rule 6.10(c).

Objections filed by anyone other than the Register of Wills may be determined after determination of facts and/or argument. Any party may request that a judge conduct a hearing to determine disputed facts, or that the matter be referred to an auditor. Notwithstanding a request for a hearing by the Court, an auditor may be appointed, in the discretion of the judge assigned the case.

Rule 6.11.

If no objections are filed to either the account or the statement of proposed distribution, the Court may, on the day fixed for the presentation thereof, make a final decree confirming the account absolutely and directing distribution in accordance with the statement.

EXCEPTIONS OR OBJECTIONS OTHER THAN THOSE MADE IN OPEN COURT

Rule 7.1.

Exceptions or objections other than those made in open court, when the case is being considered by the court, shall be in writing and copies thereof shall be served on all interested parties or their attorneys.

Rule 7.2.

All exceptions shall be filed with the Clerk. The Clerk shall transmit exceptions to an auditor's decision for initial consideration and ruling.

Rule 7.3.

The grounds of each exception must be clearly set forth.

Rule 7.4.

Exceptions shall be heard by a judge who shall sustain or dismiss them in whole or in part or enter any appropriate order.

AUDITORS AND MASTERS

Rule 8.1.

The Clerk shall provide a certificate of appointment to auditors and masters expeditiously after appointment. Auditors and masters shall schedule hearings without undue delay, and give notice thereof in accordance with Supreme Court Rule 5.1.

Rule 8.2.

Reports of auditors and masters shall be filed with the Clerk.

Rule 8.3. Reports.

In addition to requirements in Supreme Court Rules 8.3. and 8.4, reports shall contain an appendix which shall:

1. Recite the person's commission,
2. Contain notices given, with a description of how delivered or given,
3. Contain written waivers of notice,
4. Contain exceptions to the report and requests for findings submitted by counsel,
5. Contain exhibits, unless they accompany the report. Accounts and documents filed independently with the Court or belonging to its archives, and original documents reserved by the owner or custodian thereof, shall not be incorporated in the appendix. Copies, however, may be,
6. Recite the chronological summary of proceedings before the auditor,
7. Contain a bill of costs as taxed by the auditor, in the manner in which bills of costs are taxed in the Prothonotary's office.

Rule 8.4. Reserved.

Rule 8.5(a).

Auditors and masters shall call for appearances at the beginning of each hearing. Persons failing to enter a formal appearance shall not be entitled to notice of any further proceedings, or the completion and filing of the report, unless such rights are specially granted by the auditor.

Rule 8.5(b). Procedure.

Procedure followed shall be in accordance with good order, but may be less formal than court proceedings. Auditors shall initially determine what claims have been presented for resolution. In addition to claims to which specific objection has previously been made, interested parties or counsel may orally object to claims to which prior general objection has been made. Claims to which no objection has been made shall be allowed without further proof. Any claimant surprised by objection may request and be given an opportunity to support the claim.

Rule 8.5(c). Conduct of Hearings.

Hearings, continuances and adjournments, shall generally be in accordance with practice and procedures governing proceedings by masters in divorce cases. After the closing of the evidence has been announced and noted, any party may submit requests for findings of fact and conclusions of law within time limits set by the auditor or master.

Rule 8.6.

Upon the completion of the report, the auditor shall lodge it in the Clerk's office for inspection purposes only. The report shall not be filed by the Clerk, but shall be made available for inspection. Auditors shall give notice in writing to all parties or attorneys entitled to notice that:

(a) the report is available for examination in the Clerk's office, and

(b) exceptions thereto must be filed with the Clerk within ten (10) days.

If exceptions are filed, the Clerk shall return the report and exceptions to the auditor or master. If no exceptions are filed, the Clerk shall mark the report as filed, and transmit it to the Court for entry of an order.

Service of notice shall be sufficient if mailed first class mail, addressed to the person entitled to receive it.

Rule 8.7(a).

Other than in unusual circumstances and by leave of court, no exceptions shall be permitted after the ten-day period established by Rule 8.6.

Rule 8.7(b).**Rule 8.7(c).**

The auditor or master shall expeditiously rule upon and dispose of exceptions. Rulings, modifications and amendments shall then be filed, and the Clerk will mark the report, with rulings, modifications and amendments as filed. The Clerk shall then transmit the report, rulings, amendments and modifications to the Court for entry of a decree nisi. The auditor or master shall provide notice of filing to interested parties or counsel, and advise them that objections or exceptions to the decree nisi, or request for resubmission to the auditor or master, must be made within ten (10) days.

Rule 8.7(d).

The decree nisi shall be confirmed absolute, unless prior exceptions are renewed, new exceptions are filed, or a request is made for resubmission to the auditor or master, within ten (10) days. Any party may at any time after the ten-day period list exceptions or requests for argument.

Rule 9. Reserved.**APPEALS FROM THE REGISTER OF WILLS****Rule 10.1. Petition and Rule.**

Appeals from judicial acts or proceedings of the Register of Wills, and the practice and procedure with respect thereto shall be governed by Local Civ. Rule 206. However, the order directing that a rule issue shall also direct the Register to certify the record to the Court. The petition shall include the following information:

(a) the nature of the proceedings before the Register;

(b) the basis for the certification, requested certification or appeal; and

(c) the names of all parties in interest, including those not a party to the record.

Comment: Uniformity is served by making appeals subject to the procedure utilized with petitions and rules. Since the new rule applies to all appeals, no need exists for references to special appeals, such as from imposition of inheritance tax. State Rule 11.1 and 11.2, regarding jury trials, do not require supplementing.

SPECIAL PETITIONS**FAMILY EXEMPTIONS****Rule 12.1(a). Contents of Petition.**

A petition for the family exemption also shall set forth in separate paragraphs and in substantially the following order:

(1) the name, residence and date of death of decedent;

(2) the name, address, and relationship of the petitioner to the decedent, and whether the petitioner was a member of the same household as the decedent at the date of his/her death;

(3) if petitioner is the surviving spouse, the date and place of the marriage; and, if a common law marriage is asserted, all averments of facts necessary to establish the validity of the marriage;

(4) whether the decedent died testate or intestate; whether, where, when, and to whom letters were granted; if decedent died intestate, the names, relationship, and addresses of those interested as next of kin;

(5) the location, description, and valuation of property claimed; and

(6) that ten (10) days prior notice of the filing of the petition has been given to the personal representative, or when no letters have been granted, to the parties adversely affected, with a copy of such notice attached as an exhibit.

Rule 12.1(b).

No appraisal shall be required when the exemption is claimed from cash, bank savings and loan deposits, listed securities and well-known local securities. When the exemption is claimed from other items of personalty, the petitioner shall attach a sworn appraisal of one qualified, disinterested person. The Court may accept the appraisal of the attorney filing the petition for frequently traded items having an established price such as automobiles.

Rule 12.1(c).

If the petition requests the exemption from real estate, the practice and procedure shall be as provided in Rule 12.2(b) unless all parties in interest agree in writing to a valuation at which it is to be awarded.

Rule 12.1(d).

Where the exemption is claimed in personalty, no notice or advertisement of the appraisal shall be required unless directed by the Court on special order.

Rule 12.1(e).

(1) *Voluntary Distribution.* When the personal representative, at his/her own risk, delivers assets of the estate in satisfaction or on account of exemption, he/she shall set forth the same as a credit in the account. The same may be the subject of objection by any claimant or party in interest.

(2) *When Petition Filed.* When the procedure is by petition, questions as to the appraisement or allowance, or both, may be raised only by objection made in open court at the time fixed for presentation of the petition.

(3) *Higher Bid.* Objections which relate only to the amount of the appraisement will be dismissed unless a definite and bona fide higher bid for the property is made, or facts appear warranting consideration by the Court.

ALLOWANCE TO SURVIVING SPOUSE OF INTESTATE

Rule 12.2(a). Contents of Petition.

A petition for the allowance to the surviving spouse of an intestate shall also set forth in separate paragraphs:

- (1) the information required in a petition for family exemption under Rule 12.1(a), as far as appropriate; and
- (2) the death of decedent, intestate, without issue or adopted children; the names, addresses, and the relationship of those interested as next of kin; and
- (3) that ten (10) days prior written notice of the intended presentation of the petition has been given to the personal representative or, if no personal representative has been appointed, to those interested as next of kin; and, if there be no next of kin, to the Attorney General, with a copy of such notice attached as an exhibit; and
- (4) shall have attached thereto a copy of the inventory and appraisement.

Rule 12.2(b). Appraisal—Notice—Confirmation.

(1) *Filing of Appraisal.* Appraisers appointed pursuant to Supreme Court Rule 12.2(3) shall, within thirty (30) days after their appointment, file with the Clerk an appraisal of the property claimed.

(2) *Notice of Appraisal.* Upon filing of the appraisal, the Clerk shall give notice thereof to the personal representative, and to the next of kin; and, if there is neither personal representative nor next of kin, to the Attorney General. Notice to the Attorney General shall contain a copy of the petition and the appraisal. All notices shall state that:

- (a) Confirmation of the appraisal and an award of the property to the surviving spouse will be considered by the Court at a stated open court date that is at least ten (10) days later than the date notice is given.
- (b) The person to whom notice is given shall have the right to appear at the stated time and object.
- (c) If no objections are made, the property shall be awarded to the surviving spouse at the appraised value.

If the address or whereabouts of any of the next of kin is unknown, notice of the filing of such appraisement shall be given in accordance with Supreme Court Rule 5.1.

Comment: No authority exists for reducing advertisement below that required in state rule 5.1, other than by special order of court.

SURVIVING SPOUSE'S ELECTION

Rule 12.3. Extension of Time For Filing of Surviving Spouse's Election.

The petitioner shall file the petition with the Clerk and thereafter give ten (10) days written notice of intention to request the extension in open Court to all persons adversely affected thereby who do not join in the prayer of the petition.

If no objection is made, the Court may enter an appropriate decree upon the filing of a verified return of notice.

APPOINTMENT AND DISCHARGE OF FIDUCIARIES

Rule 12.4.

In every case where a guardian ad litem or trustee ad litem is appointed, the estate shall be liable for the compensation of the guardian ad litem or trustee ad litem in an amount to be set by the Court upon receipt by the Court of a written report of said guardian ad litem or trustee ad litem prior to the final hearing in the particular case.

APPOINTMENT OF A GUARDIAN FOR THE ESTATE OR PERSON OF A MINOR

Rule 12.5(a). Minor Over the Age of Fourteen.

If the minor is over the age of fourteen (14) years, he/she shall appear in person at the presentation of the petition for the appointment of a guardian unless the petition contains his/her written joinder in the request for the designation of the given guardian.

Rule 12.5(b). Consent of Guardian.

The petition shall have attached thereto the consent of the guardian to act as such.

(1) The consent of an individual guardian shall also contain the following statements:

- a. his/her business and domicile;
- b. that he/she is a citizen of the United States, able to speak, read, and write the English language;
- c. that he/she is not the fiduciary or an officer or employee of the corporate fiduciary of an estate in which the minor has an interest nor the surety of such a fiduciary; that he/she has no interest adverse to the minor; and,
- d. if the minor and proposed guardian reside in the same household, that it is not the intention of the guardian to apply for an allowance for the support or education of the minor during minority.

(2) When the proposed guardian is a corporate fiduciary, its written consent to act as such shall contain a statement that it is not the fiduciary of an estate in which the minor has an interest nor the surety of such a fiduciary; and, that it has no interest adverse to the minor.

Rule 12.5(c). Small Estates to Minors.

(1) Any petition to have the estate of a minor awarded without the appointment of a guardian or the entry of security shall contain, inter alia, the following:

- a. a statement that the net value of the entire real and personal estate of the minor does not exceed the statutory limitations; and,
- b. the name of bank or insured savings and loan association in Adams County as a suggested depository.

(2) The Court may require that said fund be deposited in an interest bearing deposit in said bank or be invested in said insured savings and loan association in the name of the minor and in the name of the natural guardian of the minor, subject to the express restriction, to be noted on the records of the depository, that no withdrawals shall be made therefrom during minority without Order of Court, with a further requirement that evidence of the deposit or investment marked to indicate the restriction, be promptly exhibited to the Court.

(3) When the Court authorizes the parent or other person maintaining the minor to execute a receipt, deed,

mortgage, or other instrument affecting property, real or personal, of the minor it shall be conditioned on the deposit of the proceeds in an account restricted as in (2) above.

Rule 12.5(d). Allowances From Minor's Estate.

When a petition is necessary for an allowance from a minor's estate, the petition shall set forth:

- (1) the manner of the guardian's appointment and qualification and the dates thereof;
- (2) the age and residence of the minor, whether his/her parents are living, the name of the person with whom he/she resides, the name and age of his/her spouse and children, if any;
- (3) the value of the minor's estate, real and personal, and the net annual income;
- (4) the circumstances of the minor, whether employed or attending school; if the minor's parent(s), or other person(s) charged with the duty of supporting him/her is/are living, the financial condition and income of such person and why he/she is/are not discharging his/her duty to support the minor; and, whether there is adequate provision for the support and education of the minor;
- (5) the date and amount of any previous allowance by the Court; and,
- (6) the financial requirements of the minor and his/her family unit, in detail, and the circumstances making such allowance necessary.

APPOINTMENT OF A TRUSTEE

Rule 12.6. Exhibit.

The following exhibits shall be attached to the petition:

1. a copy of the trust instrument; and,
2. a written consent of the proposed trustee to act as such.

DISCHARGE OF A FIDUCIARY AND SURETY

Rule 12.7(a). Discharge of a Fiduciary—Additional Provisions.

(1) The petition shall contain the averment that all parties interested in the estate as distributees have signed releases or aver a satisfactory explanation of the failure to procure releases. If such releases are not obtained, notice of intended presentation of petition for discharge shall be advertised once in a newspaper of general circulation published in Adams County and in the Adams County Legal Journal at least ten (10) days prior to the time specified in the notice for asking the order of final discharge.

(2) In the case of minor's estate not exceeding \$10,000.00 where the account accompanies the petition, the petition shall aver that there are no unpaid creditors and the former minor has consented to the petition, or aver a satisfactory explanation of the failure of the minor to consent.

Rule 12.7(b).

A petition for discharge of a personal representative and/or his/her surety under § 3531 of the Code shall conform as far as practicable to the requirements of a petition under Rule 12.15 (Small Estate).

Rule 12.8. Reserved.

REAL PROPERTY—SALE

Rule 12.9(a). Public Sale—Contents of Petition—Additional Requirements.

(1) *Personal Representative.*

A petition by a personal representative to sell real property at public sale under § 3353 of the Code shall also set forth in separate paragraphs;

- a. the name, residence, and date of death of the decedent; whether he/she died testate or intestate; and, the date of the grant of letters;
- b. that the personal representative is not otherwise authorized to sell by the Act; or, is not authorized or is denied the power to do so by the will; or, that it is desirable that the sale have the effect of a judicial sale, stating the reasons;
- c. whether an inventory and appraisal have been filed; the total value of the property shown therein; and, the value at which the real property to be sold was included therein;
- d. if the personal representative entered bond with the Register, the name of the surety and the amount of such bond;
- e. the names and relationships of all parties in interest; a brief description of their respective interest; whether any of them are minors, incompetents or deceased, and, if so, the names and the record of the appointment of their fiduciaries;

f. a full description of the real property to be sold, the improvements thereon, by whom it is occupied, its rental value and current tax assessment; and,

g. sufficient facts to enable the Court to determine that the sale is desirable for the proper administration and distribution of the estate.

(2) *Payment of Debts.*

A petition by a personal representative to sell real property at public sale for payment of debts, under § 3353 of the Code, shall also set forth in separate paragraphs;

- a. the information required to be set forth under sub-paragraph 1, as far as appropriate;
- b. a statement that the personal estate and the rents of real property are insufficient for payment of debts;
- c. a statement of all real property owned by decedent, wherever situated, which has come to petitioner's knowledge;
- d. a full description of the real property to be sold, the improvements thereon, by whom it is occupied, its rental value and current tax assessment;

e. that the trustee is not otherwise authorized to sell by the Act, or is denied the power by the trust instrument; or, that it is advisable that the sale have the effect of a judicial sale, stating the reasons; and,

f. sufficient facts to enable the Court to determine that the proposed sale is for the best interests of the trust.

(3) *Guardian.*

A petition by a guardian to sell real property at public sale, under § 3353 of the Code, shall also set forth in separate paragraphs:

- a. the age of minor;
- b. the names of his/her next of kin and the notice given them of the presentation of the petition;
- c. how title was acquired, stating the date and place of probate of the will or recording of the deed;

d. a recital of the provisions of the will or deed relating to the real property to be sold;

e. that the guardian is not otherwise authorized to sell by the Act, or is denied the power by the trust instrument; or, that it is advisable that the sale have the effect of a judicial sale, stating the reasons;

f. a full description of the real property to be sold, the improvements thereon, by whom it is occupied, its rental value, and current tax assessment; and,

g. sufficient facts to enable the Court to determine that the proposed sale will be for the best interests of the minor.

Rule 12.9(b). Method—Public Sale of Real Property Pursuant to Court Order.

(1) Notice of the public sale of real property shall be given:

(a) by advertisement in approved form;

(b) by handbills, one of which shall be posted at a conspicuous place on the real property to be sold and at least three (3) of which shall be posted in three (3) public places in the vicinity of such real property; and

(c) by personal notice or registered or certified mail to all known parties in interest, of the time and place of the proposed sale, at least ten (10) days prior thereto.

(2) Personal Representative. Trustee. Guardian.

A copy of the will, deed, or decree by which the fiduciary was appointed shall be attached to a petition by a personal representative, trustee, or guardian, to sell real property at public sale.

(3) Payment of Debts.

If the sale is for payment of debts, a copy of the inventory and appraisal of decedent's personal estate filed with the Register shall also be attached to the petition.

Rule 12.9(c). Public Sale—Notice—Confirmation.

(1) *Notice.* After the allowance of a petition for public sale, notice in approved form shall be given in the manner provided by Rule 12.9(b) above.

(2) *Return of Public Sale.* Return of public sale of real property for the purpose of approval or confirmation by the Court shall be in the form of an affidavit, which shall set forth:

a. the notice given as provided by Rule 12.9(b) above;

b. the price obtained; and,

c. the name and address of the purchaser and an averment that he/she was the highest bidder.

(3) *Confirmation.* If no objection is filed, the Court may enter a decree confirming the sale upon submission of the return of sale.

Rule 12.9(d). Public Sale—Security.

On the return day of the sale, the Court, in the decree approving or confirming the sale, will fix the amount of security or additional security which the personal representative, trustee, or guardian shall be required to enter, or will excuse the fiduciary from entering additional security.

PRIVATE SALE OF REAL PROPERTY

Rule 12.10(a). Private Sale—Contents of Petition—Additional Requirements.

A petition by a personal representative, trustee, or guardian to sell real property at private sale shall also conform as closely as practicable to the requirements of those rules with regard to a petition to sell real property at public sale by the same fiduciary.

Rule 12.10(b). Private Sale—Exhibits.

(1) Personal Representative. Trustee. Guardian.

The following exhibits shall be attached to the petition by a personal representative, trustee, or guardian, to sell real property at private sale:

a. a copy of the will, deed, or decree by which the fiduciary was appointed;

b. consents to the sale signed by those parties in interest who do not join in the petition, and the names and a copy of the notice which has been given to those parties who do not join or consent, except in a petition to sell at private sale for the payment of debts;

c. a copy of the agreement of sale;

d. affidavits, in approved form, of two estate appraisers; and,

e. if the sale is for payment of debts, a copy of the inventory and appraisal of decedent's personal estate filed with the Register shall also be attached to the petition.

Rule 12.10(c). Private Sale—Payment of Debts —Notice—Confirmation.

(1) *Notice.* A petition for private sale of real property to pay the debts of a decedent shall be presented in open court and a date fixed for hearing. Notice of such hearing shall be given in the manner provided by Rule 5.6.

(2) *Confirmation.* If no exception is filed the Court may enter a decree confirming the sale at the hearing. If a substantially higher offer is received at the hearing, the Court will make such order as it deems advisable under the circumstances.

Rule 12.10(d). Private Sale—Higher Offer.

Any person desiring to make a substantially higher offer for real property offered at private sale may do so at the time the petition of the fiduciary for leave to make such private sale is presented to the Court, or at any hearing fixed thereon, whereupon the Court will make such order as it deems advisable under the circumstances.

Rule 12.10(e). Private Sale—Security.

The Court, in the decree approving or confirming the sale, will fix the amount of security or additional security which the personal representative, trustee, or guardian shall be required to enter, or will excuse the fiduciary from entering additional security.

Rule 12.10(f). Petition to Fix or Waive Additional Security—Personal Representative.

(1) *Form of Petition.* In a sale, whether public or private, of real estate by a personal representative without benefit of an order directing or authorizing such sale, where he/she was required to give bond as such personal representative, he/she shall present his/her petition to the Court before the proceeds of the sale are paid to him/her by the purchaser, setting forth:

a. the date of death of the decedent;

b. the date of the grant of letters to the petitioner;

c. the amount of bond or bonds filed by him/her and the date of such filing and the name or names of his/her surety;

d. the total valuation of the personal estate as shown in the inventory and appraisal, if any; the total proceeds of any real estate sold previously;

e. a short description of the real property sold, the name of the purchaser, and the amount of the consideration to be paid; and,

f. a prayer for an order fixing the amount of additional security or for an order excusing him/her from filing additional security as the case may be.

(2) *Surety on Additional Bond.* The surety on any additional bond except for cause shown shall be the same as on the original bond.

Rule 12.10(g). Purchase by Personal Representative.

Petitions for approval of private sales of real estate to personal representatives shall be accompanied by an appropriate order. If all parties in interest join in the petition, the order may be in final form. Otherwise, it shall set a time for consideration, which will be a Business and Orphans' Court day at least thirty (30) days later than dates on which notice is given. The petitioner shall promptly serve a copy of the petition and order on parties who have not joined. The order shall recite that leave will be granted unless objections are made on or prior to the time set for consideration.

The petition shall identify any party in interest who is not sui juris and request the appointment of a guardian ad litem.

REAL PROPERTY MORTGAGE OR LEASE

Rule 12.11(a). Mortgage of Real Property—Additional Requirements.

(1) *Contents of Petition.* A petition to mortgage real property by a personal representative, trustee, or guardian shall conform as closely as practicable to the requirements of these rules with regard to a petition to sell real property at public sale by the same fiduciary; shall set forth the amount and terms of the proposed mortgage loan; and, shall set forth sufficient facts to enable the Court to determine whether the proposed mortgage should be approved.

(2) *Exhibits.* The following exhibits shall be attached to the petition:

a. a copy of the will, deed, or decree by which the fiduciary was appointed;

b. consents to the mortgage signed by those parties in interest who do not join in the petition, and the names and a copy of the notice which has been given to those parties who do not consent.

(3) *Security.* The amount of the security or additional security required to be entered, or the waiver thereof, will be determined by the Court in its decree approving the proposed mortgage.

Rule 12.11(b). Pledge, Lease or Exchange.

The practice and procedure governing petitions by a personal representative, trustee, or guardian to pledge, lease, or exchange or to grant an option for the pledge, lease, or exchange of property, under the Code, shall be governed by the appropriate provisions of these Rules governing the private sale or mortgage by such fiduciary.

Rule 12.12. Reserved.

Rule 12.13. Reserved.

Rule 12.14. Reserved.

SETTLEMENT OF SMALL ESTATES

(§ 3102 OF THE CODE)

Rule 12.15(a). Contents of Petition.

A petition under § 3102 of the Code for the settlement of a small estate shall be set forth in substantially the following order:

(1) name, date of death, and residence of the decedent at time of death;

(2) the name and address of the petitioner, his/her relationship to the decedent and whether or not he/she formed a part of decedent's household at the date of his/her death;

(3) if petitioner is the surviving spouse, the date and place of the marriage;

(4) whether decedent died testate or intestate; whether, where, when and to whom letters were granted, and the amount of bond given by the personal representative;

(5) the names, relationships, and a brief description of the interest of all persons entitled to share in the decedent's estate under the will or intestate laws, stating which are minors, incompetents, or deceased, with the names of their fiduciaries, and whether any of them has received or retained any property of the decedent by payment of wages or pension under § 3103 of the Code, or otherwise;

(6) the person entitled to the family exemption, and the facts on which the claim is based;

(7) an itemized statement of the property of the decedent and its value together with a sworn appraisal of one qualified, disinterested person appraising items other than cash, bank and savings and loan deposits, listed securities, and well-known local securities. The Court will accept the appraisal of the attorney filing the petition for frequently traded items having an established price such as automobiles;

(8) the disbursements made prior to the filing of the petition; the date and name of the person to whom paid; and, the nature and amount of each payment;

(9) the names of all unpaid claimants of whom the petitioner has notice or knowledge, the nature and amount of each claim, and whether such claims are admitted;

(10) that a schedule of assets and deductions for inheritance tax purposes has been filed with the Register; the amount of any inheritance tax assessed; and, the date of payment thereof;

(11) that ten (10) days written notice of intention to present the petition has been given to every unpaid beneficiary, heir, or claimant who has not joined in the petition, or to the Attorney General, if the decedent's heirs are unknown; and,

(12) a prayer for distribution of the property, setting forth the persons entitled and their distributive shares and requesting the discharge of the personal representative and the release of his/her surety, if letters have been granted and advertised.

Rule 13.1. Reserved.

ESTATES OF INCAPACITATED PERSONS**Rule 14.1(a). Guardians.**

Preference in appointments shall normally be given to banking institutions and suitable persons who do not reside with the alleged incapacitated person, are not related to the person and who reside or have a regular place of business in Adams County.

Rule 14.1(b). Incapacitated Person's Estate—Consent of Proposed Guardian.

The written consent of the proposed guardian to act as guardian, shall be attached to the petition.

Rule 14.1(c). Incapacitated Person's Estate—Proof of Service.

Proof of service of notice shall be presented at the hearing. The affidavit of service shall, in all cases, recite that the petition and citation were read to the alleged incapacitated person. When that person is in a hospital, service shall be made by a physician in charge.

Rule 14.1(d). Sales of Personal Property.

Court approval for sale of personal property shall not be required.

Rule 14.2(a). Adjudication of Competency.

A petition to adjudicate a person competent shall, unless for reasons explained in the petition, conclude with a prayer that the guardian be directed to file an account.

If the person's guardian is not the petitioner, the petitioner shall give at least ten (10) days notice of any scheduled hearing to the guardian and the next of kin of the incapacitated person. Proof of service shall be presented at the hearing.

Rule 14.3. Reserved.**ADOPTIONS****Rule 15.1. Investigations.**

(a) Adams County Children and Youth Services is designated as the agency to perform investigations required by the Court in accordance with the Adoption Act.

(b) Fees for investigations by the agency shall be periodically set by administrative order. Until changed, the fee shall be \$75.00. Fees for obtaining child abuse clearances and criminal histories shall be in addition to the investigation fee.

(c) Petitioners and/or persons filing notices of intention to adopt shall, unless excused from an investigation, pay the investigation fee within two (2) weeks of filing a petition or notice of intention to adopt, whichever is filed first.

(d) Petitioners shall, within the two (2) week period, provide the agency with a description of petitioners' home and detailed directions to it.

(e) Persons who are otherwise subject to investigation and who request a waiver thereof shall include, with the application for waiver, either:

(1) an affidavit setting forth in detail that person's criminal history and all indicated reports of child abuse that are known to the person, or

(2) original or certified copies of the person's criminal history and child abuse clearance forms.

(f) Upon receipt of the material described in (e), the Clerk shall promptly provide the agency with copies thereof.

Rule 15.2. Voluntary Relinquishment to Agency.

The caption for all pleadings and the docket entry shall carry the given name of the child.

Rule 15.3. Voluntary Relinquishment to Adult Intending to Adopt Child.

(a) The caption for all pleadings and docket entry shall carry the given name of the child.

(b) In addition to other information required by Supreme Court Rule 15.3, the petition shall describe any agreement between petitioner and natural parents regarding fees, costs, payments, or future rights of visitation and/or custody.

Rule 15.4. Involuntary Termination of Parental Rights.

(a) The caption for all pleadings and the docket entry shall carry the given name of the child.

(b) Information required by rule 15.3 (1)(b) shall be provided.

Rule 15.5. Adoption.

(1) *Petition.*

(a) The caption for all pleadings and the docket entry regarding an adoption shall be in the name to be taken by the proposed adoptee. Where there was a prior relinquishment or termination proceeding known to the adopting parents, there shall be a reference thereto by number and year in the petition for adoption.

(b) The petition shall contain the information required by Rule 15.3(b).

(2) *Notice or Consent—Parents of Child.* Notice of hearings affecting parental rights shall be given to each parent by personal service, registered mail, or as specified in Rule 15.6, unless:

(a) He or she has consented in writing, duly acknowledged, to the adoption and waived notice of hearing.

(b) He or she has voluntarily relinquished his or her parental rights in a court proceeding.

(c) His or her parental rights have been involuntarily terminated in a court proceeding.

(3) *Intermediary.* When a report is filed by an intermediary and the prior relinquishment or termination proceeding is not known to the adopting parents, the report of the intermediary shall refer to the prior relinquishment or termination proceeding by number and year. Where the prior relinquishment or termination proceeding is not referred to in the Adoption Petition or in the report of the intermediary, but is known to the Clerk, the Clerk shall place a memorandum in the adoption packet showing the reference to the prior relinquishment or termination proceeding.

(4) *Adult—Change of Name.* An adult to be adopted who desires to assume the surname of adopting parent or parents shall advertise such desire in accordance with Pa.R.C.P. 430(b)(1).

Rule 15.6. Notice—Method and Time.

(1) If personal service is not obtainable and the registered or certified mail is returned undelivered, then:

(a) Notice shall be sent by regular mail to the last known address of the parent and an affidavit of mailing shall be filed of record.

(b) Further notice by publication shall be given in accordance with Supreme Court Rule 5.1(c).

(c) The notice by publication shall appear in substantially the following form:

IN THE COURT OF COMMON PLEAS, ADAMS
COUNTY, PENNSYLVANIA COMMONWEALTH OF
PENNSYLVANIA ORPHANS' COURT DIVISION

NOTICE

TO: (Party to Whom Notice is Given)

You are hereby notified that a Petition for (Adoption/Involuntary Termination of Parental Rights to Child) has been filed in the Orphans' Court Division of the Court of Common Pleas of Adams County, Pennsylvania. A hearing has been set for _____ at ____ o'clock, __.M., prevailing time, at the Courthouse at Gettysburg, Adams County, Pennsylvania, for the purpose of determining whether or not statutory grounds exist for the (Adoption/Involuntary Termination of Your Parental Rights) with respect to your child.

You should contact your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get help.

Court Administrator
Adams County Courthouse
111-117 Baltimore Street
Gettysburg, Pennsylvania 17325

Telephone Number: 717-337-9846, or 1-888-337-9846

(d) Proof of notice by publication shall be presented to the Court at the time of the hearing.

Rule 15.7. Impounding—Docket Entries—Reports—Privacy.

The docket maintained by the Clerk shall carry only the name and date of each paper filed and shall also carry the date in reference to final action, which entry shall consist of a notation either that the decree was entered or that the petition was dismissed. Adoptions shall be indexed on an annual basis rather than to a term and number. An alphabetical index will be maintained for the convenience of the Clerk.

Rule 16. Reserved.

NOTICES REQUIRED BY THE CLERK

Rule 17.1.

The Clerk of the Orphans' Court shall give the Register of Wills written notice of the appointment of masters and auditors, the filing of their reports, the filing of the surviving spouses' elections to take against or under the will of any decedent and of any other Orders of the Court awarding the family exemption, awarding the allowance to the surviving spouse of an intestate or settling a small estate.

RULES OF CRIMINAL PROCEDURE

ADAMS COUNTY COURT OF COMMON PLEAS

Rule 1. Citation and Applicability.

These Rules may be cited as Adams C.R.Crim.P. (number), or Local Crim. Rule (number). Unless the context indicates otherwise, or it would be manifestly inappropriate to do so, Local Civil Rules that pertain to business of the Court shall apply to Local Criminal Rules. As used in these rules, "Clerk" shall mean the Clerk of Courts.

Rule 2. Appeals.

a. Appeals from District Justice decisions shall be listed for hearing by the Clerk for a Criminal Business Court Day at least twenty-one (21) days later than the time of filing of the docket transcript.

b. Appeals from summary convictions by persons under the age of eighteen (18) years shall be treated the same as appeals by adults, except that either the Commonwealth or the appellant may request that the case be transferred to Juvenile Court. The Court may, upon such request, order that the case be transferred and thereafter be treated as a juvenile proceeding and appellant subject to all provisions of the Juvenile Act, 42 Pa.C.S.A. § 6301 et. seq.

Rule 5. Requests for Closed Hearings.

Other than is otherwise provided by law, a party to a criminal action intending to request that a proceeding be closed to the public, must give notice as follows:

(Caption)

Take notice that the undersigned intends to present a request to the Court on _____, 19 __, at _____ in *Courtroom No./Chambers* that proceedings concerning be closed to the public.

The notice shall be posted in the Clerk of Courts' office and shall be mailed to every newspaper in general circulation in Adams County at least ten (10) days prior to presentment.

The moving party will be required to file proof of service at the time the request is made.

Comment: It is not intended that this Rule apply when a statute or general rule requires a private, or in camera hearing. It is intended to apply in situations where a judge has discretionary authority to bar the public from a proceeding.

Rules 6—10. Reserved.

Rule 11. Local Fees.

In addition to fees and charges imposed by statute or by the Supreme Court, the Court may impose fees as a condition of sentence or the Accelerated Rehabilitative Disposition Program (ARD). Until changed by administrative order, the following shall be assessed a defendant by general wording in an order, to the effect, "the defendant shall pay fees established by Local Rule of court,"

a), all cases:

Public service fee: \$25.00

Drug and alcohol test fee: \$10.00

Law enforcement fund fee: \$10.00

b), all cases except where the charges relate to public welfare fraud:

Local offenders' supervision fee: \$25.00 per month

The sentencing judge may give a defendant the right to request an evaluation by the Probation Office of defendant's financial condition, and a recommendation by that office of suspension or waiver of the supervision fee.

c), driving under the influence cases:

CRN fee: \$35.00

d), driving under the influence cases, when the Probation Office assumes responsibility for conducting the alcohol safe driving program, (all first offenders and ARD participants):

Educational fee: \$150.00

e), ARD:

Court cases: Administrative fee: \$300.00 per year, or portion thereof, of the program's duration.

Summary cases: Administrative fee: \$25.00 per month, or portion thereof, of the program's duration.

An order may state, "the defendant shall pay fees established by Local Rule of Court except (listed exceptions)", in which instance all fees shall be included except those fees or that fee excepted.

Rules 12—106. Reserved.

Rule 107. Approval of Certain Police Complaints by Attorney for the Commonwealth.

The District Attorney of Adams County having filed a certification pursuant to Pa.R.Crim.P. 107, criminal complaints and arrest warrant affidavits by police officers charging any of the following felony crimes:

- a. 18 Pa.C.S. Section 3121 - Rape (graded as a felony of the first degree)
- b. 18 Pa.C.S. Section 3122.1 - Statutory Sexual Assault (graded as a felony of the second degree)
- c. 18 Pa.C.S. Section 3123 - Involuntary Deviate Sexual Intercourse (graded as a felony of the first degree)
- d. 18 Pa.C.S. Section 3124.1 - Sexual Assault (graded as a felony of the second degree)
- e. 18 Pa.C.S. Section 3125 - Aggravated Indecent Assault (graded as a felony of the second degree)

shall not hereafter be accepted by a judicial officer unless the complaint and affidavit has the approval of an attorney for the Commonwealth prior to filing.

Rules 110—159. Reserved.

Rule 160. Participation in the Accelerated Rehabilitative Disposition Program (ARD) in Summary Proceedings.

Unless and until the District Attorney elects to certify that ARD cases proceed in Court, applications for admission into the ARD program shall be submitted to a District Justice on the same Application, Waiver and Agreement form as is used in court cases. The following procedure shall be followed and the following conditions apply:

- a. In order to be considered eligible, a defendant must specifically waive all statutes of limitations and speedy trial rights, and agree to abide by all terms, conditions and monetary obligations imposed by the District Justice.
- b. The District Justice shall establish the duration and conditions of defendant's probation, and transmit the original application, together with three copies, to the District Attorney for approval. If the District Attorney approves the application, he shall retain one copy, transmit one copy each to the Clerk and to the Probation Office and return the original to the District Justice.
- c. The District Justice may require that the defendant's probation be supervised by either the prosecuting police officer, in which case the District Justice shall set and defendant shall pay a lump sum supervision fee to the municipality employing the officer; or by the Probation office, in which case, defendant shall pay a \$25.00 per month local offender's supervision fee.
- d. If the District Justice requires probation to be supervised by the Probation Office, he shall notify defendant to report to that office at a designated time on a day when the office is open to the public. The ARD program shall commence when defendant reports.
- e. If the District Attorney disapproves the application, prosecution will proceed in the normal manner.
- f. If the Probation Office provides supervision, it shall report any infractions, or successful completion, to the

District Justice. A copy of the notification shall be provided the Clerk and District Attorney.

g. If defendant violates the conditions of the program, the District Justice may, after giving defendant notice and an opportunity to be heard, revoke defendant's admission, in which case prosecution shall proceed in normal fashion.

h. If defendant successfully completes the program, the District Justice shall dismiss the prosecution and send certified copies of the dismissal to the District Attorney, Clerk, and Probation Office. The Clerk shall report dismissals in the same manner and to the appropriate authorities as is now done in Court ordered ARD cases.

i. A defendant shall be required to pay costs, supervision and administrative fees established in these Adams County Rules of Criminal Procedure. The District Justice shall disburse costs as provided by law, and fees to the Clerk, who shall keep a record of them, and in turn disburse the same as if ARD had been ordered by the Court.

j. The Chief Probation Officer shall be responsible for monitoring ARD programs conducted by District Justices and shall report irregularities both to the District Attorney and President Judge.

k. The District Justice shall collect and disburse an administrative fee, the amount of which may be set by administrative order. Until changed, the fee shall be \$55.00.

Rules 161—300. Reserved.

Rule 301. Notice of Arraignment.

In all cases where defendants are held for court, the District Justice shall provide notice of the date of arraignment to the defendant, and counsel of record. Notices shall be given at the conclusion of the preliminary hearing, or at the time the hearing is waived. The notice shall be in the form set forth in Rule 301.1 and shall be acknowledged by the defendant and counsel, if any. The defendant, and defense counsel of record, shall be given a copy of the notice at the time of acknowledgement. No further notice of arraignment shall be required.

- (1) The date of arraignment will be set in accordance with Local Rule 302.
- (2) The issuing authority shall transmit the original notice of arraignment, along with the transcript, to the Clerk of Court's Office within five (5) days of the defendant being held for court.

Rule 301.1. Form of Notice.

The notice shall substantially be in the Following form:

IN THE COURT OF COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA
CRIMINAL

COMMONWEALTH OF
PENNSYLVANIA

VS.

: CR-
:
: CHARGES:
:
:

NOTICE OF ARRAIGNMENT

You must appear for formal arraignment at 8:30 a.m. _____, 19__, in Courtroom #1, 4th floor, Adams County Courthouse, 111-117 Baltimore Street, Gettysburg, Pennsylvania, UNLESS you file an informal arraignment as described below.

1. You and your attorney **MUST** appear on the date and time above OR you and your attorney **MUST** file a written waiver of arraignment by appearing at the District Attorney's Office **BEFORE** the above specified date and time.

2. If you do not appear or do not file a written waiver of arraignment as directed, a bench warrant will be issued for your arrest and bail will be forfeited.

FOR YOUR ASSISTANCE, IF YOU DO NOT HAVE AN ATTORNEY OR CANNOT AFFORD ONE, TELEPHONE THE COURT ADMINISTRATOR'S OFFICE AT 337-9846, OR 1-888-337-9846.

I, the undersigned Defendant, acknowledge that I have received a copy of the above Notice of Arraignment.

_____	_____
Defendant's Name (please type)	Defendant's Signature
_____	_____
Date	District Justice

THIS WILL BE YOUR ONLY NOTICE!

Rule 302. Time of Arraignment.

(1) The date on which defendant shall be directed to appear for arraignment shall be the first arraignment date, as established by the Court Calendar, which follows the date on which the defendant is held to court by at least twenty-one (21) days.

(2) The Clerk of Courts shall annually prepare a schedule from the Court Calendar, which shall list dates of arraignment, and the cut-off date for each arraignment date. On or before December 1 of the preceding year, the Clerk shall post the schedule, and provide copies to the Court Administrator, each District Justice, the District Attorney, and the Public Defender.

(3) The District Justice shall enter the date of arraignment in the notice required by this rule, in accordance with the schedule established by the Clerk.

Rule 303. Arraignment.

(1) *Appearance.* All defendants must appear at formal arraignment unless formal arraignment is waived pursuant to paragraph (2) below.

(2) *Waiver of Formal Arraignment.* Defendants who are represented by counsel, are charged with committing crimes less serious than felonies of the first degree, and who intend to plead not guilty and request a jury trial, may waive formal arraignment by appearing with counsel:

(a) in the jury assembly room, fourth floor of the Courthouse, one half hour prior to the time and on the date of scheduled arraignment, or

(b) in the Office of the District Attorney pursuant to a scheduled appointment, prior to the date of arraignment, and

(c) acknowledge receipt of copies of the Information and written instruction sheet, acknowledge an understanding of the material described therein, and waive, in writing, formal arraignment;

(3) *Instruction Sheet and Information.* Defendant shall be provided a copy of the Information and a copy of written instructions at arraignment, whether formal or informal.

(4) *Minimum Requirements.* Written instructions shall be on a form approved by the Court. Whether defendant is formally or informally arraigned, he/she shall be informed of the following:

(a) the nature and seriousness of the charges and possible consequences of conviction;

(b) the contents of written instructions;

(c) if he/she is required to appear at an informal pre-trial conference, the time and date thereof, and that failure to appear may result in forfeiture of bail and the issuance of an arrest warrant;

(d) if the case is listed for trial, the dates and times defendant must appear, and that failure to appear may result in a forfeiture of bail, the issuance of an arrest warrant and trial occurring in the absence of defendant.

(5) *Formal arraignment.* Defendants charged with a crime graded as a felony of the first degree, or who appear without counsel, must appear for formal arraignment.

(6) *Procedure.* At formal arraignment, defendants shall be individually called before a judge, at which time the attorney for the Commonwealth shall read and explain the Information. Formal explanation may, however, be waived by a defendant who specifically acknowledges an understanding of charges and possible consequences of a conviction;

(7) Defendants who are not represented by counsel shall be informed that failure to obtain counsel shall not necessarily be grounds for a continuance of any part of the proceedings, including trial.

Rules 304—310. Reserved.

Rule 311. Informal Pre-Trial Conference.

(1) The Attorney for the Commonwealth may require defendants and/or counsel to appear at an informal pre-trial conference. A defendant, who has been notified to appear, may request that a judge excuse his/her appearance. An attorney may make a similar request. The Attorney for the Commonwealth may seek sanctions against any attorney, who is notified to appear and fails to do so without an excuse. Absent written stipulation to the contrary, no conference shall be conducted in the absence of an attorney who has entered an appearance in a case. The Attorney for the Commonwealth shall advise unrepresented defendants that they may decline to discuss the case without an attorney being present. At the time of arraignment, whether formal or informal, the Attorney for the Commonwealth may direct defense counsel, or a pro se defendant, to appear for a pre-trial conference at the time, date and place set forth in the notice. The conference shall be scheduled at least thirty-five (35) days after arraignment. The purpose of the conference held pursuant to this Rule is to consider:

(a) Disclosure of information pursuant to informal pre-trial discovery;

(b) The simplification of stipulation of factual issues, including the admissibility of evidence;

(c) The scheduling of a trial date or date for other disposition of the proceedings;

(d) Such other matters as may aid in the disposition of the proceedings.

(2) A defendant who is represented by counsel may waive his or her right to be present with the consent of the Commonwealth. Waiver shall be assumed if counsel appears without his/her client.

(3) Upon request by either party and arrangement with the Court, informal conferences may be stenographically recorded.

(4) The parties shall reduce to writing and file with the Clerk of Courts all agreements or stipulations reached during the pre-trial conference. Such agreements or stipulations shall bind the parties unless modified at trial to prevent injustice.

(5) Bail for defendants who are required to appear, but fail to do so either personally or through counsel, may be revoked and forfeited and a bench warrant may issue for the defendant's arrest

(6) Beginning in 1999, one day per month will be designated on the Court Calendar for pre-trial conferences.

(7) Informal conferences shall be held outside the presence of the Court. However, either party may request within thirty (30) days after arraignment, that the pre-trial conference proceed pursuant to Pa.R.Crim.P 311.

Rule 1401(b).

A judge, other than the judge of the Court who received the defendant's plea of guilty or of nolo contendere, may impose sentence upon that defendant if the defendant was notified of that possibility at the time the plea was entered.

Rules 1402—1407. Reserved.

Rule 1408. Conditions of Probation and Parole.

Conditions of probation and/or parole shall be established by administrative order and filed in the Clerk's office, and with each District Justice. Until changed, the conditions shall be as follows (asterisks indicate standard conditions):

COUNSELING

and

ALCOHOL AND CONTROLLED SUBSTANCES

1. YOU MUST NOT:

- *a. Use non-prescribed controlled substances.
- *b. Become drunk or publicly intoxicated.
- ___ c. Consume alcoholic beverages.
- *d. Enter or remain in any bar, tavern, or other drinking establishment without consent from the Probation Office including State Liquor Stores.
- *e. Consume alcoholic beverages until this condition (e) has been waived in writing by the Probation Office.

2. YOU MUST:

- *a. Agree to have your blood, breath, or urine tested as directed by the Probation Office or Prison Officials to determine if you are alcohol and/or drug free.
- ___ b. Attend counseling or therapy sessions related to drug and alcohol abuse as directed by the Probation Office.
- ___ c. Complete the alcohol safe driving school.
- ___ d. Attend mental health counseling and therapy programs as the Probation Office directs.

PERSONAL CONDUCT

3. YOU MUST:

- *a. Avoid any violation of the law.
- *b. Report any arrest to your Probation Officer.
- *c. Avoid association with persons having serious criminal records and reputations for criminal conduct.
- *d. Report to the Probation Office when directed.

- *e. Obey all directions given by any Probation/Parole Officer.
- *f. Avoid any contact which might cause fear, annoyance, or alarm to the victim of any case where charges have been filed against you.
- *g. Be in your home and obey any curfew established by the Probation Office.
- *h. Obey all Prison rules, including those imposed while participating in the work release program.

<u>Witness</u>	<u>Defendant</u>	<u>Date</u>
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4. YOU MUST:

- *a. If directed by your Probation Officer as soon as possible get and then keep a steady job.
- *b. Avoid causing the loss of any job you get.
- *c. Notify the Probation Office of any change in your present employment status.

FINANCIAL OBLIGATIONS

5. YOU MUST:

- *a. Pay your debts, especially court ordered for the support of any other person.
- *b. Pay court costs, fines and restitution on such payment plan as may be established by the Probation Office.

PUBLIC SERVICE

6. YOU MUST:

- *a. Work in public service for forty (40) hours as arranged by Public Service Director for Adams County unless waived by the Court.

RESIDENCE

7. YOU MUST:

- *a. Notify the Probation Office of any change of mailing address or physical residence.
- *b. Obtain prior written permission from the Probation Office to leave Adams County or county of legal residence for any period of time in excess of twenty-four (24) hours unless prior permission is obtained by the Probation Office.
- *c. Consent, as a condition of Probation/Parole, to warrantless searches of your residence by any Probation/ Parole Officer based upon any suspicion that the residence contains contraband or other evidence of probation or parole violations.
- *d. Waive extradition procedures and rights, including the right to be taken before a judge in another state, with respect to violations of probation or parole conditions.

WEAPONS

8. YOU MUST NOT:

- *a. Possess a firearm or any other deadly weapon if:
 - i. You have been convicted of a felony and/or are prohibited by Federal and State Law.
 - ii. Your current offense is for a firearms or deadly weapon violation.
 - iii. Possession is prohibited by a court order.

<u>Witness</u>	<u>Defendant</u>	<u>Date</u>
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Rule 1409. Violation of Probation, Intermediate Punishment, or Parole.

Unless otherwise specifically noted, procedures established by this Rule shall apply to violations of probation,

intermediate punishment, and/or parole, regardless of which particular form of supervision is involved.

a. *Gagnon I Hearing Master.* The President Judge shall appoint an attorney authorized to practice before the Court to conduct Gagnon I hearings.

b. *Gagnon I Hearings.* The master shall conduct monthly hearings at a date and time set by Court order at least three (3) weeks prior to the hearing. The master shall promptly file with the Court preliminary findings and recommendations.

c. *Gagnon II Hearings.* Gagnon II hearings shall be scheduled by Court order at least three (3) weeks in advance and shall be conducted in the afternoon of DUI Arraignment day.

d. *Failure to appear.* A judge may order that a bench warrant issue for the arrest of any defendant who fails to appear at a hearing. Any person who is not released on bail and who is not produced before a judge within 72 hours after being placed in Adams County prison shall be released on \$500.00 ROR bail. Bail set in those or any other circumstances shall be conditioned on the defendant appearing at the next regularly scheduled Gagnon I or Gagnon II hearing date, that follows arrest by at least twenty-one (21) days.

e. *Commencement of proceedings.* Revocation proceedings may be commenced by petition and rule to show cause or by arrest. When commenced by arrest, defendant shall be produced before a judge without unnecessary delay. Bail shall be automatically set at \$500.00 ROR, in accordance with this Rule d. when defendants are not produced within 72 hours after being placed in Adams County prison.

Rule 1409.1. Intermediate Punishment.

Because of considerations that are unique to intermediate punishment sentences, usually arising out of restrictive phases of the program, special or "fast-track" procedures may be employed at the request of the Probation Office. To describe these and place them in perspective, the following provisions are adopted:

a. Conditions of the program shall be established by the appropriate Intermediate Punishment Board and by the Court. Until changed, the program shall consist of six (6) phases, with Phase III divided into two (2) aspects, as follows:

1. Phase I, partial confinement-work release.
2. Phase II, house arrest-electronic monitoring.
3. Phase III, intensively supervised probation.
4. Phase III, temporary, intense supervision awaiting entry into Phase I.
5. Phase IV, modified intensive supervision.
6. Phase V, general supervision.

b. Generally, conditions of probation and parole, Rule 1408, shall apply to Phases III, IV and V.

c. Procedures established in Rule 1409 shall be followed when a defendant is not incarcerated.

d. When a defendant is incarcerated, the following procedure shall be followed:

i. As soon after incarceration occurs, the Probation Office shall transmit a request for an IPP review hearing to the District Attorney.

ii. As part of the request, the Probation Office shall recommend that bail be set in a specified amount and be subject to any special conditions requested by the Probation Office.

iii. The District Attorney shall promptly submit a petition to the court requesting that defendant's entry into the intermediate punishment program be revoked, that bail be set in a specified sum, subject to any requested conditions, and that a hearing be scheduled.

iv. The judge assigned by the President Judge to handle intermediate punishment violations shall set bail and schedule a hearing within fifteen (15) days of the alleged violation, whenever possible.

Rule 1409.2. Intermediate Punishment Revocation Forms.

Standard forms shall be used in IPP revocation proceedings, whenever possible. The District Attorney shall be responsible for drafting and utilizing petition forms. The Court may, by administrative order, change and adopt forms.

a. Until changed, the initial order shall be substantially in the following form:

(CAPTION)

ORDER

AND NOW, this ____ day of _____, _____, at the recommendation of the Probation Office, bail is set at \$ _____, with cash percentage bail _____ available. Defendant is notified that he/she has the right to petition the court for a modification of the bail but, until modified, the bail herein set shall apply.

A revocation hearing is hereby set for _____ on the ____ day of _____, 1998 in Courtroom No. 2.

Judge

b. Until changed, defendants shall be given notice in substantially the following form:

NOTICE

DEFENDANT: _____

CASE NUMBER: _____

FILE NUMBER: _____

You are advised that you have the absolute right to a hearing as a Probation/Parole violator. You are further advised that you have the absolute right to be represented by counsel and that if you cannot afford to retain counsel of your own choice, you should file an application with the Public Defender's Office for the appointment of counsel to represent you. If you desire to have counsel appointed, your application *must be filed promptly*. Your failure to have counsel will *not* be cause to continue or postpone the hearing. You are also advised that you have the absolute right to have bail set in this matter. In accordance with Adams County Probation Guidelines, bail is hereby recommended to be set at \$ _____ with cash percentage bail _____ available. *It is your responsibility* to petition the court for a bail reduction hearing. A hearing on this matter will be scheduled promptly and you will be notified by your Probation/Parole Officer as to the time and date.

Specific Rules Violated:

I have read or have had read to me the above rights of a person charged with a violation of IPP Probation and have had the specific rules violated explained by a Probation/Parole Officer.

Witness _____ Defendant: _____
 Date: _____ Date: _____

(CAPTION)

ORDER

And Now, this ____ day of _____, _____, it is ordered that judgment in the amount of \$ _____ be entered in favor of the Commonwealth of Pennsylvania, to the use of the County of Adams, and jointly against _____ and _____.

No execution shall proceed against the judgment defendants without leave of court. No interest shall accrue on the judgment unless and until an order forfeiting bail is entered against judgment defendants in the criminal case. When the bail obligation is satisfied, the Clerk of Courts shall promptly direct the appropriate officer to satisfy the judgment.

BY THE COURT,

J.

Rules 4007—4014. Reserved.**Rule 4015. Fees Upon Return of Deposits.**

The costs of administering cash bail, including costs of the percentage-cash bail program, shall be set by administrative order. Until changed, the Clerk or District Justice shall retain \$25.00 as costs, when returning cash deposits to the persons entitled thereto. The amount retained shall then be paid to the County of Adams.

Comment: A review of present Pa. Rules of Criminal Procedure indicates that many former Local Rules are inappropriate and unneeded. Local Rule Crim. 4015 applies to all cash bail deposits held by the Clerk or District Justices, including deposits in Accelerated Rehabilitative Disposition cases and returned in accordance with Pa.R.Crim.P. 179(e). That rule requires that deposits be returned when a defendant is admitted into the ARD program.

RULES OF JUVENILE COURT PROCEEDINGS**ADAMS COUNTY COURT OF COMMON PLEAS****Rule 1. Allegations.**

Delinquency allegations and petitions shall be initially filed in the Juvenile Probation Office and shall be reviewed by that office to ensure that allegations and the petition conform to requirements of law. Petitions must be accompanied by a form setting forth in concise detail the acts that bring the child within the jurisdiction of the Juvenile Court.

Rule 2. Filing and Approval.

(A) The Juvenile Probation Office shall review the petition and allegations and, if need be, investigate the allegations, in accordance with intake procedures established, from time to time, by the office and Juvenile Court. Thereafter, the office may:

(1) Disapprove the form and return it to the deponent with a brief explanation why the form has been disapproved; or

(2) Approve it by marking it "approved informally," in which case, the matter shall be informally adjusted by the Probation office; or

(3) Approve it.

(B) Approved petitions shall be docketed and filed in the office of the Clerk of Courts in a docket and filing system reserved exclusively for Juvenile Court matters.

Rule 1505. Reserved.**Rules 1506—2001. Reserved.****Rule 2002(a).**

The District Attorney of Adams County having filed a certification pursuant to Pa.R.Crim.P. § 2002(a), search warrants in all cases except those involving exigent circumstances shall not hereafter be issued by any judicial officer unless the search warrant application has the approval of an attorney for the Commonwealth prior to filing.

Rules 2003—4005. Reserved.**Rule 4006. Realty Bail.**

(A) In cases where realty is posted as bail, the following procedures shall be applied to determine the value of the realty and the equity in it:

(1) The fair market value of the realty shall be established by a written appraisal report prepared by a real estate broker duly licensed in Pennsylvania, within three (3) months of the date of presentation of the report; or by multiplying the assessed value of the realty (land and improvements) by the common level ratio factor prescribed by the Pennsylvania Department of Revenue from time to time for transfer tax purposes.

(2) The equity in realty shall be determined by considering the appraisal and a lien certificate signed by any attorney at law authorized to practice in this Commonwealth, including the solicitor of the Recorder of Deeds, Prothonotary, Tax Claim Bureau, or a duly authorized agent of a title insurance company licensed to do business in Pennsylvania. The certificate must identify all liens against the property and the face amounts thereof. Statements from lienholders about current balances may also be considered.

(B) Certificates and appraisals shall be presented to the District Justice or to the Clerk for determination of the acceptability of the realty for bail purposes. A defendant may appeal any adverse ruling to the Court.

(C) The official with whom bail is posted shall collect a fee to enter and satisfy judgment in an appropriate office in the county in which the realty is situated. Until changed, the fee for judgments in Adams County shall be \$14.50. Defendant must produce proof of the fee for any county other than Adams.

(D) If a District Justice accepts such bail, he/she shall transmit the judgment and satisfaction fee and a certified copy of the bail bond to the Clerk's office. In all instances when realty is accepted, the Clerk shall transmit to the Court a certified copy of the bail bond, together with a proposed order directing that judgment be entered against both the defendant and surety in favor of the Commonwealth of Pennsylvania, to the use of the County of Adams.

(E) Upon receipt of an order signed by a judge, the Clerk shall transmit a certified copy of the order, the judgment and satisfaction fee, and a certified copy of the bail bond to the appropriate office for entry of judgment.

(F) In Adams County, the appropriate office for entry of judgment shall be the Prothonotary's office.

(G) The order shall be substantially in the following form:

Rule 3. Amendment.

(A) Petitions and allegations that are the basis for informal adjustment may be amended, as of course, at any time.

(B) Petitions and allegations in formal proceedings may be amended as of course prior to the mailing or service of notice to the juvenile and interested persons. Subsequent to the mailing or service of notice, amendments shall require permission of the Court.

(C) Amendments shall be filed with the Clerk of Courts and shall become part of the official file in the case.

Rule 4. Dependency Proceedings.

The procedures for dependency proceedings shall be the same as for delinquency proceedings except that allegations and petitions shall be initially filed with Adams County Children and Youth Services.

Rule 5. Confidentiality; Inspection and Disclosure.

(A) All records pertaining to juvenile matters shall be kept separate from those affecting adults.

(B) Juvenile files, wherever maintained, shall not be disclosed to or inspected by all persons not authorized by law to inspect juvenile records. Police Departments, Adams County Children and Youth, the Juvenile Probation Office and the Clerk of Courts shall adopt and follow procedures and safeguards to guarantee the integrity and confidentiality of records and files.

(C) Juvenile Probation Officers shall be authorized to inspect files relating to dependency proceedings, and Adams County Children and Youth caseworkers shall be authorized to inspect delinquency files. However, access to statutorily privileged material in Adams County Children and Youth files shall be limited to those persons authorized by the director of the agency, or as ordered by the Court.

(D) Judicial staff, including secretaries and the Court Administrator, shall have access to juvenile records maintained by the Clerk of Courts and material released by any office to a judge.

(E) Copies of petitions will be provided only to the following persons prior to a hearing in the matter:

1. The child, and his or her attorney,
2. The child's parents, and his, her or their attorney,
3. Juvenile Probation Office and/or Adams County Children and Youth Services,
4. District Attorney and/or counsel for Adams County Children and Youth Services,
5. Judicial staff, including the Court Administrator and judicial secretaries.

(F) Offices, agencies and persons shall provide information to offices and governmental agencies, such as the Department of Transportation or Child Abuse Hotline, as required or authorized by law.

(G) No person obtaining or acquiring information shall publicly disclose it except as authorized by law. This provision applies to law enforcement agencies, offices, and all other persons, including parents and counsel, involved with a child subject to Juvenile Court jurisdiction.

Comment: Public officials, police and other persons in authority should thoroughly familiarize themselves with statutory provisions affecting confidentiality. Attention is invited to various provisions of the Juvenile Act, specifically 42 Pa.C.S.A. §§ 6307, 6308 and 6336. Further

attention is invited to the interplay between § 6336(e)(1) (open hearing is required for any alleged delinquent 14 years or older, when act is a felony) and § 6308(b) (disclosure of police records limited to alleged delinquents 14 or older, when act is rape, kidnapping, murder, robbery, arson, burglary, or possession of a controlled substance with intent to deliver AND involves use of or threat of serious bodily harm). Subsection (1)(i) requires disclosure if the child is adjudicated delinquent; subsection (b)(ii) requires disclosure if a delinquency petition has been filed, the child is accused of committing a described crime and has previously been adjudicated delinquent for such crime or crimes. Disclosure is authorized for certain firearms violations under § 6308(d).

[Pa.B. Doc. No. 98-1053. Filed for public inspection July 2, 1998, 9:00 a.m.]

FAYETTE COUNTY**Child Custody Conciliation Fee; Rule 1915.15(d);
Civil Division No. 1175-1998, G. D.****Order**

And Now, this 16th day of June, 1998, pursuant to Rule 239 of the Rules of Civil Procedure, it is hereby ordered that the above-stated Local Rule be adopted as attached.

The Prothonotary of Fayette County is Ordered and Directed as follows:

(1) File seven (7) certified copies of this Order and Local Rule with the Administrative Office of Pennsylvania Courts.

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

(3) Forward one (1) certified copy of this Order and Amended Rule with the Domestic Relations Procedural Rules Committee.

(4) Forward one (1) copy for publication in the *Fayette Legal Journal*.

(5) Forward one (1) copy to the Fayette County Law Library.

This Local Rule shall be continuously available for public inspection and copying on the Office of the Prothonotary. Upon payment of reasonable costs of reproduction and mailing, the Prothonotary shall furnish to any person any local rule.

This Local Rule shall be effective 30 days after the date of publication in the *Pennsylvania Bulletin*.

By the Court:

WILLIAM J. FRANKS,
President Judge

Rule 1915.15(d). Child Custody Conciliation Fee.

Upon the filing of a Complaint, Petition or Motion relating to child custody, the moving party shall pay to the Prothonotary (in addition to any other required fees) a conciliation fee in the amount of Seventy-five Dollars (\$75.00) or file a petition to proceed in forma pauperis in

accordance with Pa.R.C.P. No. 240. However, if the Complaint, Petition or Motion seeks only the entry of an agreed-upon Order of Custody, no conciliation fee shall be required.

[Pa.B. Doc. No. 98-1054. Filed for public inspection July 2, 1998, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that Theodore J. Segal, having been disbarred from the practice of law in the State of Arizona, the Supreme Court of Pennsylvania issued an Order dated June 18, 1998 disbaring Theodore J. Segal from the practice of law in this Commonwealth. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside 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. 98-1055. Filed for public inspection July 2, 1998, 9:00 a.m.]

SUPREME COURT

**Recognition of the Pennsylvania Bar Association
as the Association Representing Members of the
Bar of this Commonwealth; No. 198 Supreme
Court Rules Doc. No. 1**

Order

Per Curiam:

And Now, this 19th day of June, 1998, pursuant to the authority set forth in 42 Pa.C.S.A. § 1728, the Pennsylvania Bar Association is hereby designated as the association which is most broadly representative of the members of the bar of this Commonwealth.

[Pa.B. Doc. No. 98-1056. Filed for public inspection July 2, 1998, 9:00 a.m.]

RULES AND REGULATIONS

Title 52—PUBLIC UTILITIES

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 59]

[L-950109]

Excessive Gas Service

The Pennsylvania Public Utility Commission (Commission) on December 18, 1997, adopted a final rulemaking regarding obsolete regulations in Chapter 59. The rulemaking is to reflect changes in eleven sections of this chapter which will clarify, simplify and remove excessive and burdensome requirements from the Commission's gas service regulations. Sections will be eliminated which no longer serve a useful purpose and other sections will be modified to promote ease of application, as well as fairness. The contact person is R. K. Smith, Assistant Counsel, Legal Division, Bureau of Transportation and Safety (717) 783-3713.

Executive Summary

On January 29, 1996, the Commission entered an Order at Docket No. L-00950109, instituting a proposed rulemaking to rescind all obsolete and excessive gas service regulations codified in Chapter 59. The purpose of the rulemaking was to clarify, simplify and remove excessive and burdensome requirements from current gas service regulations which should result in greater efficiency to the gas industry, consumers and the Commonwealth.

All comments filed to the proposed rulemaking have been considered. The regulations, as amended in consideration of the filed comments, are consistent with the public interest.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Commission submitted a copy of the final rulemaking, which was published as proposed at 26 Pa.B. 1370 (March 30, 1996) and served on March 15, 1996, to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of House Committee on Consumer Affairs and the Senate Committee on Consumer Protection and Professional Licensure 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 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.

These final-form regulations were deemed approved by the House Committee on Consumer Affairs April 27, 1998, and by the Senate Committee on Consumer Protection and Professional Licensure on October 28, 1997, and were approved by IRRC on May 7, 1998, in accordance with section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)).

Public Meeting held
December 18, 1997

Commissioners present: John M. Quain, Chairperson; Robert K. Bloom, Vice Chairperson; John Hanger; David W. Rolka; and Nora Mead Brownell

Order

By the Commission:

On January 29, 1996, the Commission entered an order at Docket No. L-00950109 instituting a proposed rulemaking to rescind all obsolete and excessive gas service regulations codified in Chapter 59. The purpose of the rulemaking was to clarify, simplify and remove excessive and burdensome requirements from current gas service regulations which should result in greater efficiency to the gas industry, consumers and the Commonwealth.

On February 23, 1996, the Office of Attorney General issued its approval of the proposed rulemaking as to form and legality. On March 15, 1996, copies of the proposed rulemaking were delivered for review and comment to the designated standing committees of both houses of the General Assembly and IRRC. The proposed rulemaking was published at 26 Pa.B. 1370 (March 30, 1996).

Timely comments to the proposed rulemaking were received from IRRC, the Office of Consumer Advocate (OCA), the Pennsylvania Gas Association (PGA), Columbia Gas and the Commission's Bureau of Conservation, Economics and Energy Planning (CEEP). Comments from UGI Utilities, Inc. (UGI) and IRRC were also received which pertain to § 59.51 (relating to general). Section 59.51 requires gas utilities to comply with the electric utility sales promotion practices in §§ 57.61—57.67. Section 59.51 was not made part of this rulemaking. Further consideration of § 59.51 will be specifically addressed in the Commission's proposed rulemaking relating to natural gas emergency planning docketed at L-00940098. This rulemaking was originally considered at our June 5, 1997, public meeting. Since that portion of the rulemaking to eliminate § 59.62 (relating to gas sales ban) was inadvertently omitted from the final-form regulations, the rulemaking in its entirety will now be considered. The views of the commentators will be discussed and evaluated in the content of each issue included within the scope of the rulemaking.

§ 59.1. Definitions.

Comments were received from three commentators. CEEP supports the proposed changes. Columbia Gas and IRRC suggested that pressure designations be redefined as low pressure and high pressure to comply with Federal regulations. Commission regulations list low, medium, high and standard service pressures. References to the various pressures appear throughout the regulations. Standard service pressure is a pressure defined by each public utility under § 59.29 (relating to gas pressure requirements for low-pressure distribution systems). To eliminate this definition might require the utilities to revisit their tariffs to correct this entry. The same would be true as other pressure entries might have to be redefined. This would be contrary to the intent of this rulemaking by increasing the burden on the operators to make these changes.

For these reasons, the Commission, while supportive of this suggestion, must reject it. A separate rulemaking might be considered to address this issue. Many gas operators currently use pressure designations of low, medium, intermediate and high. Changing these designations, without allowing the gas operators the opportunity to comment, might generate unintended consequences and might have the effect of increasing rather than decreasing their burdens.

The term "customer meter" is defined within the definition of "service line." IRRC would like to see "customer meter" as a separate definition. This definition is identical to that appearing in the Federal regulations. IRRC suggestion, however, has merit; and for the sake of clarification, the definition of "customer meter" will be listed as a separate item.

§ 59.11. Accidents.

Comments were received from CEEP, IRRC, OCA and PGA. The PGA supports the proposed changes.

CEEP, IRRC and OCA expressed concern that the proposed changes would eliminate the need for gas operators to notify the Commission of prolonged and serious interruptions of normal gas service. While this is a legitimate concern, the required notice regarding service outages is addressed in § 67.1(b) (relating to general provisions). It requires the operator "to notify the Commission when 2,500 or 5%, whichever is less, of their customers have an unscheduled service interruption in a single incident for six or more projected consecutive hours." In view of this specific reporting requirement, the requests to include specific outage reporting requirements in § 59.11 was denied.

IRRC suggested that the term "personal injury" be defined more precisely in § 59.11(b)(1)(i) to eliminate the requirement to notify the Commission whenever minor injuries occur. We agree with this suggestion. This definition has been modified to limit it to those injuries requiring inpatient hospitalization.

Comments were received from CEEP and IRRC regarding the damage threshold in § 59.11(b)(ii) for reporting accidents. CEEP is concerned that the figure would preclude the reporting of damage to a significant portion of the housing stock in this Commonwealth if unoccupied. They suggested that the \$50,000 figure be replaced and that damage to any structure be substituted in its place. IRRC commented that CEEP's suggestion of damage to any structure was overly broad and could result in reporting of accidents that cause minor damage. We agree with IRRC's comment. CEEP's suggestion to replace the \$50,000 figure with damage to any structure in § 59.11(b)(ii) is denied for the following reasons: (1) it would increase the reporting burden on the gas operators; and (2) the \$50,000 damage figure includes not only the damage done to the structures but also to the contents of those structures, the cost of lost gas and the damages done to the operator's facilities including the cost of parts and labor for repairs.

§ 59.15. Measurement of gas at higher than standard service pressure.

§ 59.21(a)(2). Meter tests.

Comments were received from CEEP, OCA and IRRC regarding the proposed changes to §§ 59.15 and 59.21(a)(2) which extended the maximum testing interval for meters from 2 to 5 years and reduced the recordkeeping from 10 years to 5 years. CEEP supports the changes. The OCA, while agreeing with the changes for newer regulators and meters, recommended that the existing 2 year testing schedule be maintained for older meters. The OCA recommended further that the Commission specify by age, those newer generation regulators and meters which require less frequent testing. IRRC agreed with the OCA but suggested an alternative method whereby the Commission would designate the year of installation after which testing would be at 5-year intervals. We agree with the concerns raised by the OCA and IRRC. Therefore, the

proposed maximum 5 year interval applies only to meters installed after January 1, 1990.

§ 59.26. Refusal to serve applicant.

Section 59.26 permits a utility to initially decline to serve an applicant if certain conditions are present. This would appear to prohibit the utility from suspending service if those conditions are found thereafter. To clarify this issue and to insure the utility's right and obligation to suspend service, the word "initially" has been removed. CEEP was the only entity to comment and they support the change.

§ 59.29. Gas pressure requirements for low pressure distribution systems.

Comments were received from CEEP, IRRC, Columbia Gas and PGA. The comments ranged from support for the recommended changes to a suggestion that the entire section be deleted. The comments on each subsection are as follows:

Existing § 59.29(a). Pressure districts—deleted.

CEEP supports these changes. Columbia Gas suggested that § 59.29 be deleted. Since there have been no comments to the contrary, § 59.29(a) has been deleted.

Existing § 59.29(b). Maximum pressure.

This subsection has been redesignated as § 59.29(a). Columbia Gas suggested deletion in favor of the Federal regulations in 49 CFR 192.623 (relating to maximum and minimum allowable operating pressure; Low Pressure Distribution Systems). IRRC suggested that the reference to the maximum pressure of 14 inches of water column be deleted so that the Commission's regulations will conform to the Federal regulations unless the Commission can demonstrate a compelling need to retain this requirement. The reference to the maximum pressure of 14 inches of water column traces back to the Commission's adoption of Natural Gas Regulations on January 29, 1946. A 1986 rulemaking addressed both the maximum pressure and the minimum pressure for low pressure distribution systems. At that time, the then Bureau of Safety and Compliance (now the Bureau of Transportation and Safety) stated, the specification of minimum and maximum pressure requirements will greatly simplify enforcement, since if these parameters are not met, it will not be necessary to examine customer appliances to see if they can safely accommodate pressures outside of these parameters. This argument is valid today and should satisfy IRRC's compelling need to retain this requirement. Also, the unintended consequences of changing pressure designations as discussed with regard to § 59.1 applies here. Again, a separate rulemaking addressing pressure designations might be considered. For these reasons, the request to delete or modify the existing § 59.21(b), except to redesignate it as § 59.29(a) was rejected.

Existing § 59.29(c). Minimum pressure.

This subsection has been redesignated as § 59.29(b). Columbia Gas suggested deleting this subsection. The request is rejected for the reasons outlined under maximum pressure in § 59.29(b), redesignated as § 59.29(a).

Existing § 59.29(d). Changing pressure.

This subsection is redesignated as § 59.29(c). Columbia Gas recommended its deletion in view of the Federal regulations. The PGA suggested that the last sentence be deleted since it requires utilities to notify the Commission whenever pressure changes are made necessitating adjustment of appliances. This deletion would relieve the utilities and the Commission of the expense of producing

and reviewing the reports. IRRC agrees with the PGA. We conclude that the recommendation to eliminate the reporting requirement has merit; therefore, the last sentence from § 59.29(d), redesignated as § 59.29(c) has been deleted.

Existing § 59.29(e). Exceptions—deleted.

The PGA opposed the deletion of this subsection. They stated that operational realities sometime necessitate occasional increases above prevailing standards and it is not clear what procedures would be available, if this subsection is deleted. The PGA stated further that the uprating procedures defined by 49 CFR Part 192, Subpart K and 192.619 (relating to uprating; and maximum allowable operating pressure: Steel or plastic pipelines) do not appear directed towards low-pressure systems. IRRC addressed this issue with the Gas Safety Division and the Federal Office of Pipeline Safety. Their comments were consistent in that § 59.29(e) was in conflict with 49 CFR Part 192, Subpart K and 192.619; therefore, it should be deleted. IRRC suggested that the final regulation reference the appropriate sections of the Federal regulations addressing operations at higher than maximum operating pressure. There is nothing in the Federal regulations that permits a system to operate above the maximum allowable operating pressure unless the uprating procedure in 49 CFR Part 192, Subpart K is followed. Therefore, § 59.29(e) is deleted.

Existing § 59.29(f). Pressure gauges.

This subsection is redesignated as § 59.29(d). The PGA suggested that this subsection be deleted because it exceeds the requirements of the Federal regulation in 49 CFR 192.741(b). They further suggested that pressure recording charts on small single feed systems serve no useful purpose and impose installation, maintenance and monitoring costs which are not required in states where only the USDOT standards apply. The comments of Columbia Gas were similar to the comments of the PGA. IRRC, after discussions with the Gas Safety Division of the Bureau of Transportation and Safety, does not oppose the retention of this subsection. The PGA and Columbia Gas made reference to 49 CFR 192.741(a) and (b). They are correct in that the Commission's regulations exceed the Federal regulations which are minimum safety regulations. The states may exceed these minimum regulations and are encouraged to do so if safety considerations warrant it. The Commission promulgated these regulations so that gas customers on low pressure systems are afforded the same level of protection as those systems which have Federally mandated recording gauges. Federal regulations require that each district regulator station be inspected once each calendar year with a maximum interval of 15 months. The Federal regulation at 49 CFR 192.741(c) requires that the regulator and auxiliary equipment be inspected and that necessary corrections be made if there are indications of abnormally high or low pressure. Recording gauges will alert the operator to pressure abnormalities and allow the operator to make the proper corrections. In pressure distribution systems without a recording gauge, the operator would be unable to identify pressure abnormalities except those that occur on the day that the regulator station is inspected. Failure to address abnormalities could lead to safety and supply problems; therefore, the suggestion to delete this subsection was denied.

§ 59.33(b). Safety code.

CEEP supported the proposed changes. The PGA, Columbia Gas and IRRC suggested that this section be

changed to eliminate the review, ratification and publication of new Federal pipeline safety regulations. They suggested that the section be modified so the date of amendment issuance by Federal agencies is the effective date for amendments in this Commonwealth.

Historically, the Commission has declined to implement a procedure of automatic adoption of Federal standards because we believed this would constitute an impermissible delegation of our rulemaking authority. We are not persuaded today that it is in the public interest for us to delegate any portion of our rulemaking authority. Accordingly, the request that the Commission implement a procedure of automatic adoption of Federal standards was denied.

§ 59.35. Increasing pressure in distribution facilities and transmission facilities.

CEEP supported the recommended changes. The PGA suggested that the section be deleted since it is identical to 49 CFR Part 192, Subpart K, dealing with pressure upratings. IRRC agreed with the PGA's recommendation. While this section does include a reference to the Federal regulations, it also addresses an omission therein. This section requires all pipelines to be leak surveyed before any pressure increase is started. The Federal regulation requires a leak survey before uprating for lower pressure pipelines, but no provision is made for higher pressure lines (49 CFR 192.555 and 192.557 (relating to uprating to a pressure that will produce a hoop stress of 30 percent or more of SMYS in steel pipelines; and Uprating: Steel pipelines to a pressure that will produce a hoop stress less than 30 percent of SMYS; plastic, cast iron, and ductile iron pipelines)). Also, this section, in the last sentence, requires an operator to inspect structures abutting or adjacent to the gas mains to confirm the utility's records as to the presence or absence of a gas service line on each property. This procedure can identify old unrecorded service lines which can then be abandoned. If unrecorded gas lines are in place and not identified, a leak during the uprating procedure might create serious consequences if leaking gas collects in a structure and explodes. In view of these concerns, the request to delete this section is denied.

§ 59.38. Filing of major construction reports.

Comments were received from CEEP, the PGA and IRRC. CEEP supported the changes. The PGA suggested raising the reporting requirement to \$500,000 or eliminating it altogether. The PGA also questioned the usefulness of and expense to prepare the reports. IRRC suggested that the Commission justify the \$300,000 figure and explain why it should not be raised to \$500,000 as suggested by the PGA. The Commission's position is as follows: 1) The \$300,000 figure, when corrected for inflation, still exceeds the \$200,000 figure as stated in the 1986 rulemaking. The Consumer Price Index (CPI) currently utilizes a base period of 1982 to 1984 as 100. Using this reference, the CPI for 1986 was 109.6 while 1995 has a CPI of 152.4 (the latest year for which figures are available). Using these figures, the \$200,000 figure specified in 1986, corrected for inflation, would yield \$278,100. The \$300,000 not only corrects for existing inflation but also will compensate for potential inflation; 2) Raising the amount to \$500,000, as suggested by the PGA, would effectively eliminate this reporting requirement because few projects that have been reported exceeding this figure; 3) These reports alert the Commission to new construction. With the current practice of contracting out work, these reports provide the Gas Safety Division with an opportunity to inspect the contracted out work for compliance with required Federal and Commission safety

regulations. It also enables the Gas Safety Division to evaluate the operator's monitoring of the contractor's work. The cost of preparing these reports is not significant since the data required is information the operator must consider before undertaking the project.

Finally, the suggestion was made that a confidentiality requirement be added to these reports. Since the goal of the rulemaking was to clarify, simplify and remove excessive and burdensome requirements, this suggestion is denied. If confidentiality is required, a utility may ask for proprietary treatment of information. Therefore, the suggestion to eliminate the reporting requirement or raise it beyond the \$300,000 figure was denied.

§ 59.41. *Classification of gas public utilities.*

CEEP was the only commentator and supported the proposed changes.

§ 59.42. *System of accounts.*

CEEP filed the only comment and supported the changes.

§ 59.62. *Gas sales ban.*

Comments were received from IRRRC and CEEP. CEEP opposed the deletion asserting that this section is an emergency regulation that only applies during a time of shortage and consequently is not burdensome. CEEP relates that the regulation was not written as a one-time regulation, but was designed to be triggered whenever a gas supply shortage is predicted. IRRRC supported the recommended deletion. IRRRC stated that there is no qualifying language in the section which indicates that this section only applies under certain conditions. IRRRC further stated that this section includes several reporting requirements which may be burdensome to utilities. We agree with IRRRC's comment. Therefore, § 59.62 was deleted.

We have carefully considered all the comments filed to the proposed rulemaking. We believe this rulemaking as amended in consideration of the comments and attached hereto as Annex A, is consistent with the public interest and should be adopted by final order. Accordingly, under sections 501, 1501, 1504, 1507 and 1508 of the Public Utility Code, 66 Pa.C.S. §§ 501, 1501, 1504, 1507 and 1508, and the Commonwealth Documents Law (45 P. S. § 1201 et seq.), and regulations promulgated thereunder at 1 Pa. Code §§ 71.1—7.9, we amend our regulations in §§ 59.1—59.42 are amended as discussed and initially published at 26 Pa.B. 1370 set forth in Annex A attached to this order; *Therefore,*

It Is Ordered:

1. That the Commission's regulations at Chapter 59, are amended by amending §§ 59.1, 59.11, 59.15, 59.21, 59.26, 59.29, 59.33, 59.35, 59.38, 59.41 and 59.42 and by deleting § 59.62 to read as set forth in Annex A with ellipses referring to the existing text of the regulations.
2. That the Secretary shall submit this order and Annex A to the Office of Attorney General for approval as to legality.
3. That the Secretary shall submit this order and Annex A to the Governor's Budget Office for review of fiscal impact.
4. That the Secretary shall submit this order and Annex A for formal review by the designated standing committees of both houses of the General Assembly, and for formal review by IRRRC.

5. That the Secretary shall deposit this order and Annex A with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

6. That the Secretary shall serve copies of this order and Annex A upon all parties that filed comments.

7. That these final-form regulations shall become effective August 3, 1998.

By the Commission

JAMES J. MCNULTY,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 28 Pa.B. 2463 (May 23, 1998).)

Fiscal Note: Fiscal Note 57-164 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 52. PUBLIC UTILITIES
PART I. PUBLIC UTILITY COMMISSION
Subpart C. FIXED UTILITY SERVICES
CHAPTER 59. GAS SERVICE
SERVICE AND FACILITIES

§ 59.1. Definitions.

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

* * * * *

Customer meter—A customer meter is the meter that measures the transfer of gas from an operator to a consumer.

Distribution line—A pipeline other than a gathering or transmission line.

* * * * *

Gathering line—A pipeline that transports gas from a current production facility to a transmission line or main.

* * * * *

LNG—Liquefied natural gas—A natural gas or synthetic gas having methane (CH₄) as its major constituent which has been changed to a liquid or semisolid.

LNG facility—A pipeline facility that is used for liquefying or solidifying natural gas or synthetic gas or transferring, storing or vaporizing liquefied natural gas.

* * * * *

Main—A distribution line that serves as a common source of supply for more than one service line.

* * * * *

Pipeline—All parts of those physical facilities through which gas moves in transportation, including pipe, valves and other appurtenance attached to pipe, compressor units, metering stations, regulator stations, delivery stations, holders and fabricated assemblies.

* * * * *

Public utility service line—The pipe and appurtenances of the public utility which connect any main with either the point of connection of a service line of the customer if the line is provided by the customer in accordance with the rules and regulations of the public utility, or the meter of the public utility if the utility owns all the pipe and appurtenances between its main and meter.

SMYS—Specified minimum yield strength:

(i) For steel pipe manufactured in accordance with a listed specification, the yield strength specified as a minimum in that specification.

(ii) For steel pipe manufactured in accordance with an unknown or unlisted specification, the yield strength determined in accordance with 49 CFR 192.107(b) (relating to yield strength).

Service line—A distribution line that transports gas from a common source of supply to a customer meter or the connection to a customer's piping, whichever is further downstream, or the connection to a customer's piping if there is no customer meter.

* * * * *

Transmission line—A pipeline, other than a gathering line that does one of the following:

(i) Transports gas from a gathering line or storage facility to a distribution center or storage facility.

(ii) Operates at a hoop stress of 20% or more of SMYS

(iii) Transports gas within a storage field.

SERVICE AND FACILITIES

§ 59.11. Accidents.

(a) *General.* Each public utility shall submit a report of each reportable accident involving the facilities or operations of the public utility in this Commonwealth as provided in this section. The reports shall be addressed to the Secretary of the Commission.

(b) *Reportable accidents.* Reportable accidents are those involving utility facilities or operations which result in one or more of the following circumstances:

(1) An event that involves a release of gas from a pipeline or of LNG or gas from an LNG facility and one of the following:

(i) A death, or personal injury necessitating inpatient hospitalization

(ii) Estimated property damage, including cost of gas lost, of the operator or others, or both, of \$50,000 or more.

(2) An event that results in an emergency shutdown of an LNG facility.

(3) An event that is significant, in the judgment of the operator, even though it did not meet the criteria of paragraph (1) or (2).

(c) *Telegraphic reports.* A report by telephone or telegraph shall be made at once in the event of the occurrence of a reportable accident resulting in the death of a person, or in the event of an occurrence of an unusual nature.

(d) *Written reports.* A written report shall be made on Form UCTA-8 immediately following the occurrence of a reportable accident as defined in subsection (b). Accidents reportable to the Commission which reports are also required by the Bureau of Workmen's Compensation, Department of Labor and Industry, may be reported by transmitting a copy of the reports in lieu of a report on Form UCTA-8.

§ 59.15. Measurement of gas at higher than standard service pressure.

(a) *Pressure-recording equipment.* If gas is measured to customers through displacement meters at a pressure greater than standard service pressure, the meters shall be equipped with reliable pressure-volume recording

gauges or other devices for accurately determining the quantity of gas which has passed through the meter in accordance with contract or tariff provisions.

(b) *Determination of multiplier.* In computing the volume of gas at a given pressure base from a pressure-volume chart, the multiplier shall be obtained by the weighted average method, which consists of determining the average pressure for each indicated unit volume on the chart.

(c) *Fixed pressure factor measurement.* If the gas metering pressure can be maintained at a constant level so that it will not vary by more than plus or minus 1.0% of the absolute metering pressure, the quantity of gas corrected for pressure for billing purposes may be determined by multiplying the uncorrected volume by the factor of Metering Pressure Plus Atmospheric Pressure Divided by Base Pressure or by a special index with gearing to perform this calculation. The special index shall meet the specifications of ANSI Standard B109.1, § 6.2 (1986) or ANSI Standard B109.1, § 6.9 (1986). The ability of the regulator to maintain the constant pressure shall be verified at or prior to installation. Verification will be established by the use of a verified pressure-indicating gauge (accuracy: ANSI B40.1 Grade 3A), or a pressure-recording gauge, at both high and low flow conditions. When customer load is measured with a meter with a rated capacity of 1,500 cubic feet per hour or less, with metering pressure less than 3 psig, the performance of the regulator shall be verified in accordance with the test schedule of the downstream meter, established under § 59.21 (relating to meter tests). When customer load is measured with a meter with a capacity of over 1,500 cubic feet per hour or metering pressure of 3 psig or more, the performance of the regulator shall be verified at least every 5 years, except that those installed before January 1, 1990, shall be verified at least every 2 years.

(d) *Determination of static and differential pressure.* In computing the volume of gas at a given pressure base from an orifice meter chart, the average static pressure and the average differential pressure shall be determined for periods not exceeding 1 hour. If pressure variations are extreme during the hour, the average shall be determined for 15-minute intervals.

(e) *Mechanical devices.* Mechanical devices may be substituted for the method of computing orifice meter charts set forth in this section.

§ 59.21. Meter tests.

(a) *Test schedule for other than Class A, B and C meters.* Each public utility shall make and record tests of orifice, rotary displacement and turbine type service meters as follows:

* * * * *

(2) Rotary displacement meters shall be tested and calibrated at the factory in accordance with recognized and accepted practices and shall be correct to within 1.0% when passing gas at their rated capacities. A record of the test shall be made available to and retained by the utility for the life of the meter. At least once every 10 years' a differential-rate test shall be made and the results checked against the original test recorded at the time of installation. At least every 5 years' the meter shall be inspected to observe the condition of the meter bearings noise, vibration, and the like, and the level and condition of the oil in the reservoirs, except that those meters installed before January 1, 1990, shall be inspected every 2 years. An observed problem shall be promptly corrected. A record of the results of these 5 year tests or 2 year tests

for the pre 1990 installed meters shall be maintained by the utility for 5 years. In lieu of a differential-rate test, a test method approved by the Commission may be used.

* * * * *

§ 59.26. Refusal to serve applicants or customers.

(a) A public utility may initially decline to serve an applicant if, in the judgment of the utility, any of the following conditions are present:

(1) The applicant has not complied with Commonwealth and municipal regulations governing gas service, and with the rules and regulations of the utility.

(2) The installation of piping or gas equipment of the applicant is hazardous or improper.

(3) The service requested by the applicant is unreasonable and improper under the circumstances.

(b) A public utility may decline to serve an existing customer if, in the judgment of the utility, a hazardous condition exists regarding the piping or gas equipment of the customer.

§ 59.29. Gas pressure requirements for low-pressure distribution systems.

(a) *Maximum pressure.* The maximum pressure specified for a low pressure system may not be greater than a pressure which will not cause the unsafe operation of connected and properly adjusted gas utilization equipment or 14 inches of water column (8.1 ounces), whichever is less, at the outlet of the service meter of a low pressure customer.

(b) *Minimum pressure.* The minimum pressure at the outlet of a service meter of a low pressure customer may not be less than a pressure which will not cause the unsafe or inadequate operation of a connected and properly adjusted gas utilization equipment or 2 inches of water column (1.2 ounces), whichever is greater, unless due to insufficient capacity of the service line owned by the customer.

(c) *Changing pressure.* A public utility may change the distribution pressure for any system, but if a change is made, all appliances of a customer located within the system shall, if necessary, be readjusted by and at the expense of the utility.

(d) *Pressure gauges.* A public utility shall maintain and operate on the outlet side of the system regulator station, at least one recording gas pressure gauge of suitable range. If more than one regulator station is used to serve a single pressure system, recording pressure gauges need not be installed for each regulator station. A sufficient number of recording pressure gauges shall be installed and operated in each distribution system to furnish a continuous record of the pressure prevailing in all parts of the system.

§ 59.33. Safety.

(a) *Responsibility.* Each public utility shall at all times use every reasonable effort to properly warn and protect the public from danger, and shall exercise reasonable care to reduce the hazards to which employes, customers and others may be subjected to reason of its equipment and facilities.

(b) *Safety code.* Unless otherwise authorized by the Commission, the minimum safety standards for all gas transmission and distribution facilities in this Commonwealth shall be those issued under the pipeline safety laws as found at 49 U.S.C.A. §§ 60101—60503 and as implemented in 49 CFR Parts 191—193 and 199, includ-

ing all subsequent amendments thereto which have been reviewed by the Commission and ratified by an order published in the *Pennsylvania Bulletin* or alternatively served on all jurisdictional gas utilities. The date the Commission's order is entered, or in the case of publication, the date of publication in the *Pennsylvania Bulletin* shall serve as the effective date of the amendments.

(c) *Enforcement.* Each public utility shall be subject to inspections as may be necessary to assure compliance with this section. The facilities, books and records of each public utility shall be accessible to the Commission and its staff for the inspections. Each public utility shall provide the Commission or its staff the reports, supplemental data and information as it shall from time to time request in the administration and enforcement of this section.

(d) *Records.* Each public utility shall keep adequate records as required for compliance with the code in subsection (b). The records shall be accessible to the Commission and its staff.

§ 59.35. Increasing pressure in distribution facilities and transmission facilities.

A significant increase in the normal operating pressure of a distribution or transmission pipeline shall be made in accordance with 49 CFR Part 192, Subpart K (relating to uprating) as of May 1, 1986, and subsequent amendments thereto which have been ratified by the Commission under § 59.33 (relating to safety). A leak survey of mains and services shall be made prior to increasing the pressure initially and also following each incremental increase in pressure. Structures abutting or adjacent to the gas mains shall be inspected to confirm the utility's records as to the presence or absence of a gas service line on each property.

§ 59.38. Filing of major construction reports.

A public utility shall notify the Commission of proposed major construction, reconstruction or maintenance of plant at least 30 days prior to the commencement of work. Major construction, reconstruction or maintenance is defined for this reporting as a single project involving an expenditure in excess of \$300,000 or 10% of the cost of the utility's plant in service, whichever is less, production well drilling to be excluded. This notification of proposed construction shall include the following:

- (1) Description and location (city, township, county) of proposed work.
- (2) Type of facility (distribution main, transmission pipeline, compressor station, and the like).
- (3) Estimated starting date.
- (4) Estimated completion date.
- (5) Design pressure.
- (6) Estimated cost.
- (7) Name and address of reporting gas company.
- (8) Name, address and telephone number of person to be contacted regarding the project.
- (9) Notification to the Commission of the completion date.

ACCOUNTS AND RECORDS

§ 59.41. Classification of gas public utilities.

For accounting and reporting purposes, gas public utilities are classified as follows:

(1) *Major*. Public utilities having annual gas operating revenues of \$1 million or more.

(2) *Nonmajor*. Public utilities having annual gas operating revenues of less than \$1 million.

§ 59.42. Systems of accounts.

(a) Each major gas public utility shall keep its accounts in conformity with the "Uniform System of Accounts Prescribed for Natural Gas Companies (Major)" by the Federal Energy Regulatory Commission (18 CFR Part 201).

(b) Each nonmajor gas public utility shall keep its accounts in conformity with the "Uniform System of Accounts Prescribed for Natural Gas Companies (Non-

Major)" by the Federal Energy Regulatory Commission (19 CFR Part 201).

(c) A gas public utility with annual gas operating revenue of less than \$25,000 shall keep the accounts as will be adequately informative for reasonable and foreseeable regulatory purposes.

(d) This section applies to manufactured gas public utilities.

§ 59.62. (Reserved).

[Pa.B. Doc. No. 98-1057. Filed for public inspection July 2, 1998, 9:00 a.m.]

PROPOSED RULEMAKING

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 93]

Boating

The Fish and Boat Commission (Commission) proposes to amend Chapter 93 (relating to boat registration and numbering). The Commission is publishing this amendment as a notice of proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendment deals with boating.

A. Effective Date

The proposed amendment will, if approved on final rulemaking, go into effect upon publication of an order adopting the amendment.

B. Contact Person

For further information on the proposed change contact Laurie E. Shepler, Assistant Counsel, (717) 657-4546, P. O. Box 67000, Harrisburg, PA 17106-7000. This proposal is available electronically through the Commission's Web site (<http://www.fish.state.pa.us>).

C. Statutory Authority

These proposed amendment is published under the statutory authority of section 5123 of code (relating to general boating regulations).

D. Purpose and Background

The proposed amendment is designed to update, modify and improve Commission regulations pertaining to boating. The specific purpose of the proposed amendment is described in more detail under the summary of proposal. Prior to consideration by the Commission on final rulemaking, the Commission's Boating Advisory Board will consider the proposed amendment and make a recommendation to the Commission regarding adoption.

E. Summary of Proposal

Section 93.5 (relating to display of registration number and validation decal). The Commonwealth has adopted the use of color coded validation decals to identify boats that possess current registrations. The use of validation decals is authorized by the Federal regulations that outline the content and form of state registration systems. At the inception of the Commonwealth's validation decal, the Commission's regulations required that the decal be displayed 3 inches behind the registration number. Several years ago an amendment was approved to allow this decal to be 3 to 6 inches from the number.

33 CFR 174.15 states:

(a) If a state issues validation stickers, its numbering system must contain the requirements that stickers must be displayed within six inches of the number and the stickers must meet the requirements in paragraph (b) and (c) of this section.

(b) Validation stickers must be approximately 3 inches square.

(c) The year in which each validation sticker expires must be indicated by the colors blue, international orange, green and red in rotation beginning with blue for stickers that expire in 1973.

The Commission's regulation currently conforms with these standards but are more strict than required for the display of validation decals. Because the important feature of this regulation is that the decal be displayed and not the exact location of the decal, the Commission proposes to broaden the language of this regulation to allow display anywhere within 6 inches of the number.

F. Paperwork

The proposed amendment will not increase paperwork and will create no new paperwork requirements.

G. Fiscal Impact

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

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed amendment to the 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. 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

Fiscal Note: 48A-81. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart C. BOATING

CHAPTER 93. BOAT REGISTRATION AND NUMBERING

§ 93.5. Display of registration number and validation decal.

* * * * *

(b) A set of two color-coded validation decals will be issued for display with each registration number. The decal shall be displayed [**at least 3 but no more than 6 inches following the last letter of the registration number's suffix**] **within 6 inches of the registration number** and on a level with the number. The decals shall be approximately 3 inches by 3 inches and color-coded to indicate the registration period. Registration numbers and validation decals shall be displayed in the following

manner: PA 12 AM or PA 12 AM. A validation decal may be displayed prior to April 1 of the period for which it is issued.

* * * * *

[Pa.B. Doc. No. 98-1058. Filed for public inspection July 2, 1998, 9:00 a.m.]

[58 PA. CODE CH. 65]

Miscellaneous Special Regulations; Blair and Huntingdon Counties

The Fish and Boat Commission (Commission) proposes to amend § 65.24 (relating to miscellaneous special regulations). The Commission is publishing this amendment as a notice of proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendment relates to fishing.

A. Effective Date

This proposed amendment will, if approved on final rulemaking, go into effect on January 1, 1999, or upon publication of an order adopting the amendment, whichever occurs later.

B. Contact Person

For further information on the proposed change, contact Laurie E. Shepler, Assistant Counsel ((717) 657-4546), P. O. Box 67000, Harrisburg, PA 17106-7000. This proposal is available electronically through the Commission's Web site (<http://www.fish.state.pa.us>).

C. Statutory Authority

This proposed amendment is published under the statutory authority of section 2102 of the code (relating to rules and regulations).

D. Purpose and Background

The proposed amendment is designed to update, modify and improve Commission regulations pertaining to fishing. The specific purpose of the various amendments is described in more detail under the summary of proposal.

E. Summary of Proposal

Section 65.24 (relating to miscellaneous special regulations). A few years ago when regulations were amended for the lower 13.5 miles of the Little Juniata River, a 2.1 mile stretch was left with an older set of regulations that are not appropriate at this time. Inventory information has confirmed that the 2.1 mile section from the mouth of Bald Eagle Creek downstream to the railroad bridge at the east (downstream) border of Ironville supports only a sparse trout population as coldwater habitat in this portion of the stream is marginal for the year-round survival of trout. Therefore, the Commission believes that this 2.1 mile section does not warrant management under miscellaneous special regulations and proposes removing this section from the list of waters subject to special regulations. If this change is adopted by the Commission, this section will be managed under Statewide regulations that are already in place on the upstream portion of the Little Juniata River from the headwaters downstream to the confluence of Bald Eagle Creek.

F. Paperwork

The proposed amendment will not increase paperwork and will create no new paperwork requirements.

G. Fiscal Impact

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

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed amendment to the 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. 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

(Editor's Note: A proposal to amend § 65.24 (relating to miscellaneous special regulations) remains outstanding at 28 Pa.B. 1837 (April 18, 1998).)

Fiscal Note: 48A-83. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 65. SPECIAL FISHING REGULATIONS

§ 65.24. Miscellaneous special regulations.

The following waters are subject to the following miscellaneous special regulations:

County	Name of Water	Special Regulations
* * * * *	* * * * *	* * * * *
[Blair and Huntingdon]	[Little Juniata River from the mouth of Bald Eagle Creek (near Tyrone) downstream to the railroad bridge at the east (downstream) border of Ironville.]	[No closed season on trout. Daily limit: Opening day of trout season to Labor Day—eight trout. Labor Day to succeeding opening day of trout season—three trout. Inland regulations apply to warmwater species.]
* * * * *	* * * * *	* * * * *

[Pa.B. Doc. No. 98-1059. Filed for public inspection July 2, 1998, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 63]

Interexchange Reseller Location Surcharges

Commissioners Present: John M. Quain, Chairperson; Robert K. Bloom, Vice Chairperson; David W. Rolka; Nora Mead Brownell; Aaron Wilson, Jr.

Public Meeting held
June 18, 1998

Rulemaking Regarding Interexchange Reseller Location
Surcharges; 52 Pa. Code § 63.112; Doc. No. L-00960117

Order

By the Commission:

Background

On November 27, 1991, the Commission entered a final order promulgating regulations which declared jurisdiction over interexchange (IXC) resellers and established procedures governing these IXC resellers. These regulations became effective on April 4, 1992, and are codified in 52 Pa. Code §§ 63.111—63.118. These regulations imposed a price cap on the rates resellers can charge, but it permitted them to assess a location surcharge for the use of a reseller's pay telephone.

One reseller type is the operator service provider (OSP), which provides service to pay telephones so that the transient public can assess IXC service. After the reseller regulations became effective, the Commission found that some OSPs were engaging in "price gouging" by charging excessive location surcharges to aggregator telephone users. An aggregator telephone is one which is made available to the transient public, such as coin operated telephones, credit card telephones and telephones located in hotels, hospitals and universities.

Thus, by order entered April 30, 1996, at the above-captioned Docket No., the Commission initiated a proposed rulemaking under 52 Pa. Code § 63.112a to amend

the reseller regulations to establish a \$1 cap on the location surcharge for aggregator telephones. This proposed rulemaking received Attorney General approval on June 21, 1996, was submitted into the regulatory process on August 9, 1996, and was published for comment at 26 Pa.B. 4097 (August 24, 1996).

Discussion

On September 20, 1996 and November 8, 1996, the Federal Communications Commission (FCC) released two orders which effectively preempted any state regulation of coin operated telephone rates. These orders were the *Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, Report and Order* and *Reconsideration Order*, at CC Docket Nos. 69-128 and 91-35 (for both documents). In these orders, the FCC stated that carriers providing service to coin operated telephones shall have the ability to set their own rates.

As a result of these FCC orders, the portion of the proposed rulemaking which establishes a \$1 surcharge cap on coin operated aggregator telephones is in direct contradiction with pertinent FCC mandates. Therefore, the Commission's regulation of aggregator telephone rates is now limited to noncoin operated aggregator telephones such as those found in hotels, hospitals and other public locations. To accommodate this limitation, the instant rulemaking requires revisions which, under the Pennsylvania regulatory process, necessitates a withdrawal.

In light of the foregoing, the Commission is withdrawing the above-captioned proposed rulemaking. *Therefore, It Is Ordered That:*

1. The proposed rulemaking, Rulemaking Regarding Interexchange Reseller Location Surcharges, at Docket No. L-00960117, is withdrawn and closed.
2. A copy of the Order shall be forwarded to the *Pennsylvania Bulletin* for publication.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 98-1060. Filed for public inspection July 2, 1998, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Pennsylvania Agricultural Product Promotion Matching Grant Program; Application Period

Notice is hereby given of the commencement of an application period for grants under the Pennsylvania Agricultural Product Promotion Matching Grant Program (Program) administered by the Department of Agriculture (Department). The statement of policy describing the Program is published at 7 Pa. Code Chapter 105.

In summary, the Program provides matching funds to Pennsylvania nonprofit agricultural product promotion and marketing organizations for projects intended to

increase consumer awareness of Pennsylvania agricultural products and thereby increase sales of these products.

Applications for the Program will be accepted by the Department beginning July 30, 1998, for a 30-day period. Applications will not be accepted if received by the Department after August 28, 1998. Information and a grant application may be obtained from Michael Varner, Bureau of Market Development, Department of Agriculture, 2301 North Cameron Street, Room 311, Harrisburg, PA 17110-9408.

SAMUEL E. HAYES, Jr.,
Secretary

[Pa.B. Doc. No. 98-1061. Filed for public inspection July 2, 1998, 9:00 a.m.]

DEPARTMENT OF BANKING

Actions 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 23, 1998.

BANKING INSTITUTIONS

New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-17-98	Millennium Bank Malvern Chester County	Great Valley Corporate Center 30 Valley Stream Pkwy. Malvern Chester County	Approved

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-19-98	S & T Bank Indiana Indiana County Purchase of Assets/Assumption of Liabilities of One (1) Branch Office of Mellon Bank, N.A., Pittsburgh, Located at: 410 Main Street Clarion Clarion County	Indiana	Filed

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-19-98	Fidelity Savings Bank Pittsburgh Allegheny County	2034 Penn Avenue Pittsburgh Allegheny County	Approved
6-19-98	PeoplesBank, a Codorus Valley Company Glen Rock York County	StoneBridge Commercial Center Hopewell Township York County	Authorization Rescinded

Branch Relocations/Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-19-98	Lebanon Valley Farmers Bank Lebanon Lebanon County	<i>To:</i> 9th and Cumberland Sts. Lebanon Lebanon County <i>From:</i> 817 Cumberland Street Lebanon Lebanon County	Approved

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-12-98	Fulton Bank Lancaster Lancaster County	2127 New Holland Pk. Lancaster Lancaster County	Effective

SAVINGS ASSOCIATIONS**Branch Applications**

<i>Date</i>	<i>Name of Association</i>	<i>Location</i>	<i>Action</i>
6-19-98	North Penn Savings and Loan Association Scranton Lackawanna County	651 Northern Blvd. Clarks Summit S. Abington Twp. Lackawanna County	Approved

CREDIT UNIONS

No activity.

[Pa.B. Doc. No. 98-1062. Filed for public inspection July 2, 1998, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Consolidated Plan; Public Meeting and Regional Housing Advisory Committee Meetings

The Department of Community and Economic Development (Department) is preparing the 1999 Annual Plan that supplements the Commonwealth's Consolidated Plan for Federal fiscal years 1995—1999. These documents must be submitted to and approved by the United States Department of Housing and Urban Development (HUD) in order for the Commonwealth and organizations within the State to receive funding under most HUD housing and community development programs. The Consolidated Plan creates a unified strategy for housing and community development programs as well as the necessary linkages for building successful neighborhoods and communities.

The Commonwealth's 1999 Annual Plan will address how the Commonwealth intends to allocate funds under the following programs: Community Development Block Grant, HOME Investment Partnerships, Emergency Shelter Grant and Housing Opportunities for Persons with AIDS.

An individual or organization may give testimony or comments at the public meeting. Comments will be accepted about topics related to community development, housing, the content of the Commonwealth's Annual Plan, and the process by which the public input is gathered. The Commonwealth encourages public participation in this process.

Anyone who wants to speak must call to schedule a time to give oral testimony at the meeting. The public

meeting will be shortened if no one is scheduled to testify or if there is minimal response. Please call Aldona Kartorie at (717) 720-7409 to schedule oral testimony at the public meeting at least 24 hours prior to the meeting date.

Written Comments

Written testimony, in lieu of oral testimony, may be submitted by 5 p.m., August 5, 1998. Please submit comments to Aldona Kartorie, Office of Community Development and Housing, Department of Community and Economic Development, Room 509, Forum Building, Harrisburg, PA 17120.

Public Meeting

The public meeting will be held as follows:

August 6, 1998
Forum Building
Room 321
Walnut Street and Commonwealth Avenue
Harrisburg, PA 17120
10 a.m. to 12 noon*

* Note: The public meeting may be shortened if there is minimal response.

Regional Housing Advisory Committee Meetings

The Commonwealth has six Regional Housing Advisory Committees across the State comprised of appointed members. Meetings of these committees are open to the public under the Sunshine Act. These committees advise the Department of Community and Economic Development regarding housing and community development needs as well as assist in fair housing planning. These meetings will be held as follows:

<i>July 14, 1998</i>	Pittsburgh, PA 15222
State Office Building	1 p.m. to 3:30 p.m.
300 Liberty Avenue	
Room 605A	

July 20, 1998
 State Office Building
 Penthouse
 Broad and Spring Garden
 Streets
 Philadelphia, PA 19130
 10 a.m. to 12:30 p.m.

July 22, 1998
 City of York Council
 Chambers
 One Marketway West
 3rd Floor
 York, PA 17401
 1 p.m. to 3:30 p.m.

July 15, 1998
 PNC Bank
 Board Room
 901 State Street
 Erie, PA 16534
 10 a.m. to 12:30 p.m.

July 21, 1998
 Economic Development
 Council of Northeastern
 Pennsylvania
 1151 Oak Street
 Pittston, PA 18641
 10 a.m. to 12:30 p.m.

July 24, 1998
 Borough of State College
 Council Chambers
 118 South Fraser Street
 State College, PA 16801
 10 a.m. to 12:30 p.m.

Anyone who has a disability and wishes to attend the public meeting or any of the Advisory Committee meetings and requires an auxiliary aid, service or other accommodation to participate in the proceeding should contact Aldona Kartorie, Room 509 Forum Building, Harrisburg, PA 17120, (717) 720-7409, to discuss how the Department of Community and Economic Development may best accommodate their needs. Text telephone calls can be placed through the Pennsylvania Relay System at (800) 654-5984. Calls will be relayed to the Department's number listed above.

SAMUEL A. MCCULLOUGH,
Secretary

[Pa.B. Doc. No. 98-1063. Filed for public inspection July 2, 1998, 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 his right to review or object to this proposed permit action under the waiver provision 40 CFR 123.6E.

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

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

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

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact the Secretary to the Board at (717) 787-3483. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

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

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

PA 0055891. Industrial waste, **RT Environmental Services, Inc.**, 215 West Church Road, King of Prussia, PA 19406.

This application is for renewal of an NPDES permit to discharge treated process wastewater from wastewater treatment plant in Upper Merion Township, **Montgomery County**. This is an existing discharge to Frog Run.

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 82,000 gpd are as follows:

<i>Parameter</i>	<i>Annual Average (mg/l)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
BOD ₅		100	200	250
Suspended Solids		100	200	250
Oil and Grease		15		30
pH	within limits of 6.0—9.0 standard units at all times			
Ammonia (as N)		20	40	50
Total Dissolved Solids		1,000	2,000	2,500
Benzene	.001			.012
Carbon Tetrachloride	.005			.06
Chlorobenzene		.02	.04	.05
Chloroform	.10			1.2
Dicbromochloromethane	.10			1.2
Dichlorobromomethane	.10			1.2
Barium		1.0	2.0	2.5
Cadmium		.01	.02	.025
Chromium		.05	.10	0.6
Copper		1.0	2.0	2.5
Lead		.036	.072	.09
Silver		.05	.10	.125
Zinc		1.0	2.0	2.5
1,2 Dichloroethane	.0004			.0048
1,1 Dichloroethene		0.0004	0.0008	0.001
1,3 Dichloropropane		.087	.174	.2175
Ethylbenzene		1.4	2.8	3.5
Methylene Chloride	.005			.06
Tetrachloroethylene	.0007			.0084
Toluene		2.0	4.0	5.0
Trichloroethene	.0003			.036
Vinyl Chloride	0.00057			0.0068
Total Xylenes		.01	.02	
Dissolved Iron		0.3	0.6	.075
Arsenic	.05			0.6
Total Iron		22.7	45.4	56.75
Total Phenols		monitor/report	monitor/report	monitor/report
Acetone		.109	.218	.273
2-Butanone		.210	.420	.525

The EPA waiver is not in effect.

Northeast Region: Environmental Protection Manager, Water Management, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2553.

PA 0029050. Sewerage, Pine Forests Camps, Inc., 151 Washington Lane, Jenkintown, PA 19046.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into Lake Greeley in Lackawaxen Township, **Pike County**.

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

Effluent requirements were determined at the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of .025 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10	20
Total Suspended Solids	30	60
Phosphorous as "P"	1	2
Dissolved Oxygen	a minimum of 7 mg/l at all times	
Fecal Coliform	200/100 ml as a geometric mean	
pH	6.0—9.0 standard units at all times	
Total Residual Chlorine		
1st month through 24th month	monitor and report	monitor and report
25th month through expiration	1.2	2.8

The EPA waiver is in effect.

PA 0062952. Industrial waste, SIC: 2815, **Laminations, Inc.**, 1350 Von Storch Avenue, Scranton, PA 18509.

This proposed action is for renewal of an NPDES permit to discharge noncontact cooling water into the Lackawanna River in the City of Scranton, **Lackawanna County**.

The receiving stream is classified for the following uses: warm water 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 Danville Borough Water Supply located on the North Branch of the Susquehanna River.

The proposed effluent limits for Outfall 001 based on a design flow of 0.055 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Oil and Grease	15.0	30.0
pH	6.0—9.0 standard units at all times	

The proposed effluent limits for Outfall 002 based on a design flow of 0.025 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Oil and Grease	15.0	30.0
pH	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 0020893. SIC: Code 4952, Sewage, **Manheim Borough Authority**, 15 East High Street, Manheim, PA 17545.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to Chickies Creek, in Manheim 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 Columbia Water Company located in Columbia Borough, 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 1.14 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40		50
Total Suspended Solids	30	45		60
NH ₃ -N				
(5-1 to 10-31)	4			8
(11-1 to 4-30)	12			24
Total Phosphorus	2			4
Total Residual Chlorine	0.5			1.6
Dissolved Oxygen		minimum of 5.0 at all times		
pH		from 6.0—9.0 inclusive		
Fecal Coliforms				
(5-1 to 9-30)		200/100 ml as a geometric average		
(10-1 to 4-30)		3,200/100 ml as a geometric average		

The EPA waiver is not in effect.

Northcentral Region: Environmental Program Manager, Water Management, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (717) 327-3666.

PA 0046094. Sewerage, SIC: 4952, **United States Army Corps of Engineers (Baltimore District)**, Tioga-Hammond/Cowanesque Lakes, R. D. 1, Box 65, Tioga, PA 16946.

This proposed action is for renewal of an NPDES permit, for the Ives Run Recreation Area, to discharge treated sewage to Hammond Lake in Tioga Township, **Tioga County**. This is an existing discharge.

The receiving stream is classified for the following uses: warm water fishery, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is the New York State line located approximately 18 miles downstream.

The proposed effluent limits for Outfall 001, based on a design flow of 0.0625 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Suspended Solids	30	60
Total Chlorine Residual	1.0	2.3
NH ₃ -N	15	30
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2,000/100 ml as a geometric average	
pH	6.0—9.0 SU at all times	

Other Conditions: none

The EPA waiver is in effect.

PA 0114111. Sewerage, SIC: 4952, **Department of Army**, Baltimore District, Corps of Engineers, R. D. 1, Box 65, Tioga, PA 16946.

This proposed action is for renewal of an NPDES permit, for the South Shore Recreation Area, to discharge treated sewage wastewater to Cowanesque Lake in Lawrence Township, **Tioga County**. This is an existing discharge.

The receiving stream is classified for the following uses: warm water fishery, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is assumed to be New York State border located at New York State 45 river miles downstream.

The proposed effluent limits for Outfall 001, based on a design flow of 0.01 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		50
Suspended Solids	30		60
NH ₃ -N	15		30
Total Chlorine Residual	1.0		2.3
Total Phosphorus	2.0		4.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	2,000/100 ml as a geometric average		
pH	6.0—9.0 su at all times		

Other Conditions: none.

The EPA waiver is in effect.

PA 0023531. Sewerage, SIC: 4952, **Borough of Danville**, Municipal Building, 235 Mill Street, Danville, PA 17821.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage to North Branch Susquehanna River in Danville Borough, **Montour County**.

The receiving stream is classified for the following uses: warm water fishery and 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 Sunbury located at Sunbury, Montour County, 12 miles downstream.

The proposed effluent limits for Outfall 001, based on a design flow of 3.62 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*	0.48		1.57
*limit effective 3 years from permit effective date, until then monitor and report			
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	2,000/100 ml as a geometric average		
pH	6.0—9.0 at all times		

Other Conditions: none.

The EPA waiver is not in effect.

PA 0209686. Sewerage, SIC: 4952, **Thomas L. Harris, Sr.**, Star Route Box 35C, Curwensville, PA 16833.

This proposed action is for issuance of an NPDES permit for a new discharge of treated sewage wastewater to an unnamed tributary to Little Clearfield Creek in Pike Township, **Clearfield County**.

The receiving stream is classified for the following uses: high quality cold water fishes, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is PA American Water Company located at Milton.

The proposed effluent limits for Outfall 001, based on a design flow of 0.0004 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	10		20
TSS	20		40
Free Cl ₂ Residual	report		
Fecal Coliforms		200 col/100 ml as a geometric mean	
pH		6.0—9.0 at all times	

The EPA waiver is in effect.

PA 0110230. SIC: 4952, **Lycoming County Recreation Authority**, R. R. 1, Box 183, Montgomery, PA 17752.

This proposed action is for reissuance of an NPDES permit for an existing discharge of treated sewage to unnamed tributary of Black Hole Creek in Clinton Township, **Lycoming County**.

The receiving stream is classified for the following uses: cold water fishery and 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 Pennsylvania American Water Company located on the Susquehanna River, 25 miles below the discharge.

The proposed effluent limits for Outfall 001, based on a design flow of 0.0015 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Suspended Solids	30	60
Total Chlorine Residual	1	2.3
Fecal Coliform (5-1 to 9-30)		200/100 ml as a geometric average
(10-1 to 4-30)		200/100 ml as a geometric average
pH		6.0—9.0 at all times

Other Conditions: none.

The EPA waiver is in effect.

PA 0113697. SIC: 4952, **David and Teresa Spiwak**, 603 East 4th Street, Bloomsburg, PA 17815.

This proposed action is for reissuance of an NPDES permit for an existing discharge of treated sewage to unnamed tributary of Fishing Creek in Mt. Pleasant Township, **Columbia County**.

The receiving stream is classified for the following uses: cold water fishery and 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 the Bloomsburg on the Fishing Creek, 2 miles below the discharge.

The proposed effluent limits for Outfall 001, based on a design flow of 0.0025 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Suspended Solids	30	60
Total Chlorine Residual	2	4.6
Fecal Coliform (5-1 to 9-30)		200/100 ml as a geometric average
(10-1 to 4-30)		200/100 ml as a geometric average
pH		6.0—9.0 at all times

Other Conditions: none.

The EPA waiver is in effect.

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

PA 0024082. Sewage, **Municipal Authority of the Borough of Avonmore**, Box 133, Avonmore, PA 15618.

This application is for renewal of an NPDES permit to discharge treated sewage from the Avonmore Borough Sewage Treatment Plant in Avonmore Borough, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Kiskiminetas River, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Freeport Water Company on the Allegheny River.

Outfall 001: existing discharge, design flow of 0.19 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	37.5		60
Suspended Solids	30	45		60
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	1.0			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA 0042820. Sewage, **Donald J. Dallatore, Jr.**, 1011 South Main Street, Washington, PA 15301.

This application is for renewal of an NPDES permit to discharge treated sewage from Ridgecrest Mobile Home Park Sewage Treatment Plant in South Franklin Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Chartiers Creek, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Western Pennsylvania Water Company.

Outfall 001: existing discharge, design flow of 0.001 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5-1 to 10-31)	12			24
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	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA 0094757. Sewage, **C&G Savings Association**, 1201 12th Street, Altoona, PA 16601.

This application is for renewal of an NPDES permit to discharge treated sewage from the Lake Cresson Manor STP in Allegheny Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Clearfield Creek, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply, and recreation. The first downstream potable water supply intake from this facility is the PA American Water Company at Milton.

Outfall 001: existing discharge, design flow of 0.0075 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	50,000/100 ml as a geometric mean			
Total Residual Chlorine 1st month—36th month	monitor and report			
37th month—expiration	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA 0095621. Sewage, **Ashville Borough Council**, P. O. Box 165, Ashville, PA 16613-0165.

This application is for renewal of an NPDES permit to discharge treated sewage from the Ashville Borough Sewage Treatment Plant in Ashville Borough, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Clearfield Creek, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Pennsylvania American Water Company-Milton, on the West Branch Susquehanna River.

Outfall 001: existing discharge, design flow of 0.05 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	37.5		50
Suspended Solids	30	45		60
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	20,000/100 ml as a geometric mean			
Total Residual Chlorine 1st month—36th month	monitor and report			
37th month—expiration	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA 0215848. Sewage, **J. G. Foodmart**, James Gnagey, R. D. 1, Box 620-G, Uniontown, PA 15401.

This application is for renewal of an NPDES permit to discharge treated sewage from J. G. Foodmart Sewage Treatment Plant in North Union Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of Redstone Creek, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Newell Municipal Authority located on the Monongahela River at approximate river mile 51.

Outfall 001: existing discharge, design flow of 0.0004 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	10			20
Suspended Solids	10			20
Ammonia Nitrogen (5-1 to 10-31)	3			6
(11-1 to 4-30)	9			18
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine 1st month—36th month	monitor and report			
37th month—expiration	1.4			3.3
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA 0215929. Sewage, **Keystone Coal Mining Corporation**, P. O. Box 729, Indiana, PA 15701.

This application is for renewal of an NPDES permit to discharge treated sewage from the Mudlick Run Shaft/Portal Sewage Treatment Plant in Washington Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Mudlick 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 Cadogen Township Water Works.

Outfall 001: existing discharge, design flow of .007 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(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				
1st month—36th month	monitor and report			
37th month—expiration	1.4			3.3
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA 0217913. Sewage, **Keystone Coal Mining Corporation**, P. O. Box 729, Indiana, PA 15701.

This application is for renewal of an NPDES permit to discharge treated sewage from Urling Mines 1 and 2, Urling Main Portal in Armstrong Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Armstrong Township, 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 Buffalo M. A.

Outfall 002: existing discharge, design flow of .023 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	13			26
(11-1 to 4-30)		monitor and report		
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	2.5			5.8
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 0027120, Amendment No. 1. Sewage. **City of Warren**, 2 Harmar Street, Warren, PA 16365.

This application is for an amendment of an NPDES Permit to discharge treated sewage to the Allegheny River in the City of Warren, **Warren 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 Emlenton Municipal Water Authority on Allegheny River located at Emlenton, approximately 95 miles below point of discharge.

The proposed effluent limits, based on a design flow of 4.25 mgd, are:

Outfall No. 001 (after the chlorine contact tank)

Parameter	Monthly Average (mg/l)	Weekly Average	Instantaneous Maximum (mg/l)
CBOD ₅	25	40	50
TSS	30	45	60
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	100,000/100 ml as a geometric average		
Total Residual Chlorine	.69		2.2
pH	6.0—9.0 at all times		

Outfall No. 002—005

Parameter	Average Monthly (mg/l)	Instantaneous Maximum (mg/l)	Location
Combined Sewer Overflows. Please refer to Special Condition A in Part C of this permit.			
	Outfall		Location
	002		Pine and Sill Street Pump Station
	003		Clark Street Pump Station
	004		Oak and Peach Street
	005		Treatment Plant

The EPA waiver is not in effect.

PA 0210510. Sewage, **Jim Fedor**, 14504 Ridge Road, West Springfield, PA 16443.

This application is for renewal of an NPDES permit to discharge treated sanitary sewage to an unnamed tributary to Turkey Creek in Springfield Township, **Erie County**. This is an existing discharge.

The receiving water is classified for cold water and migratory fishery, aquatic life, water supply and recreation. There are no potable water supplies affected by this discharge.

The proposed effluent limits, based on average design flow of 0.003500 mgd, are:

Outfall 001

Parameter	Effluent Concentration (mg/l)	
	Average Monthly	Instantaneous Maximum
CBOD ₅	25	50
Total Suspended Solids	30	60
NH ₃ -N (5-1 to 10-31)	8	16
(11-1 to 4-30)	24	48
Dissolved Oxygen	minimum of 3.0 mg/l at all times	
Phosphorus as "P" 1.0 daily average		
Total Residual Chlorine	1.4	3.3
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	2,000/100 ml as a geometric average	
pH	6.0—9.0 standard units at all times	

The EPA waiver is in effect.

PA 0023043, Amendment No. 1. Sewage, **Borough of North East**, 58 East Main Street, North East, PA 16428.

This application is for an amendment to an NPDES Permit to discharge treated sewage to the Sixteen Mile Creek in the Borough of North East, **Erie County**. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, MF, aquatic life, water supply and recreation.

This amendment is for the addition of the Pretreatment Condition to Part C of the existing permit.

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 man-

agement, and total residual chlorine control (TRC). Any 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 DEP's file. The documents may be inspected at, or a copy requested from, the Field Office that has been indicated above the application notice.

Northeast Regional Office, 2 Public Square, Wilkes Barre, PA 18711-0790, (717) 826-2511.

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA 0034631	One Time, Inc. 3400 Birchwood Drive East Stroudsburg, PA 18301	Monroe Pocono Twp.	Cranberry Bog	TRC
PA 0029157	Keystone College P. O. Box 50 La Plume, PA 18440	Wyoming Factoryville Borough	South Branch of Tunkhannock 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 proceedings should contact the Secretary to the Board at (717) 787-3483. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Industrial waste and sewerage applications under The Clean Streams Law (35 P. S. §§ 691.1—691.100).

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

WQM Permit No. 0998411. Sewerage. **James Mini**, 1422 Hilton Pike, Hilltown, PA 18927, to construct a small flow sewage treatment plant to serve the Mini Residence located in Hilltown Township, **Bucks County**.

Southcentral Regional Office: Water Management Program Manager, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110-8200, (717) 705-4707.

A. 2298404. Sewerage, submitted by **Robert H. and Lucille A. Kreiser**, 1429 Elm Road, Elizabethtown, PA 17022 in Conewago Township, **Dauphin County** to construct a small flow sewage treatment system to serve their residence and apartment building was received in the Southcentral Region on June 12, 1998.

A. 2898403. Sewerage, submitted by **Antrim Township Board of Supervisors**, 10655 Antrim Church Road, Greencastle, PA 17225 in Antrim Township, **Franklin County** to expand their existing sewage treatment plant was received in the Southcentral Region on June 16, 1998.

A. 0598201. Industrial waste, submitted by **Waste Systems International, Inc.**, P. O. Box 136, Hopewell, PA 16650 in Broad Top Township, **Bedford County** to construct a wetland treatment system was received in the Southcentral Region on February 24, 1998.

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

A. 1195201, Amendment No. 1. Industrial waste, **Bar Technologies, Inc.**, 1001 Main St., Gate 3, Johnstown,

PA 15909. Application for treatment of wastewater generated from the proposed production of leaded steel at the continuous caster located in the Borough of Franklin, **Cambria County** to serve the Leaded Steel Project, Bar Technologies, Inc.

A. 6398201. Industrial waste. **Green Valley Packing, Inc.**, P. O. Box 202, Claysville, PA 15323. Application for the construction and operation of slaughtering, packing and meat processing facility located in the Township of Buffalo, **Washington County** to serve the Green Valley Packing, Inc.

A. 0298407. Sewerage. **Park Corporation**, P. O. Box 450, Homestead, PA 15120. Application for the construction and operation of Sewer Extensions and Pumping Stations located in the Borough of Homestead, **Allegheny County** to serve the Waterfront—Homestead Section.

A. 0298408. Sewerage. **Park Corporation**, P. O. Box 450, Homestead, PA 15120. Application for the construction and operation of Sewer Extensions and Pumping Stations located in the Borough of Munhall, **Allegheny County** to serve the Waterfront—Munhall Section.

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

WQM Permit No. 2098408. Sewage, **David L. Kralj, SRSTP**, R. R. 2, Box 752, Meadville, PA 16335. This project is for the construction of a Single Residence Sewage Treatment Plant in Hayfield Township, **Crawford County**.

WQM Permit No. 4398414. Sewage, **Bruce Powell, SRSTP**, 429 Greenville Rd., Greenville, PA 16125. This project is for the construction of a Single Residence Sewage Treatment Plant in Sugar Creek Township, **Mercer County**.

WQM Permit No. 2498403. Sewage. **Jones Township Municipal Authority**, P. O. Box 374, Wilcox, PA 15870. This project is for a gravity sewage collection system to serve the Village of Wilcox, areas of Horner Road and Route 321 north towards Kane in Jones Township, **Elk County**.

INDIVIDUAL PERMITS

(PAS)

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

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

Persons wishing to comment on the proposed permit are invited to submit a statement to the Regional Office or County Conservation District Office indicated as the responsible office, within 30 days from the date of this public notice. A copy of the written comments should be sent to the County Conservation District Office. Com-

ments reviewed within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Regional Office of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the Regional Office considers the public response significant.

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

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

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

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

Northampton County Conservation District, District Manager; R. R. 4, Greystone Building, Nazareth, PA 18064-9211, (610) 746-1971.

NPDES Permit PAS10U093. Stormwater. **Hercules Cement Co.**, 501 Center St., Stockertown, PA 18083, has applied to discharge stormwater from a construction activity located in Stockertown Borough/Upper Nazareth Township, **Northampton County**, to Bushkill Creek.

NPDES Permit PAS10U094. Stormwater. **Hercules Cement Co.**, 501 Center St., Stockertown, PA 18083, has applied to discharge stormwater from a construction activity located in Stockertown Borough, **Northampton County**, to Bushkill Creek.

NPDES Permit PAS10U095. Stormwater. **Isadore Colonna—Mike Frick Partnership**, 825 Colonna Lane, Nazareth, PA 18064, has applied to discharge stormwater from a construction activity located in Moore Township, **Northampton County**, to Monocacy Creek.

Monroe County Conservation District, District Manager; 8050 Running Valley Road, Stroudsburg, PA 18360, (717) 629-3060.

NPDES Permit PAS10S055-1. Stormwater. **PA American Water Co.**, 20 E. Union St., Wilkes-Barre, PA 18701-1397, has applied to discharge stormwater from a construction activity located in the Borough of Mt. Pocono, **Monroe County**, to Red Run, Forest Hills Run, Tank Creek, Yankee Run.

Southcentral Regional Office: Regional Water Management Program Manager; 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 657-4707.

Blair County Conservation District, District Manager, Blair County CD6, 1407 Blair Street, Hollidaysburg, PA 16648, (814) 696-0877.

NPDES Permit PAS-10-0619. Stormwater. **Scotch Valley View Farms/Kenneth F. Burket**, 9 Cedar Heights Drive, Duncansville, PA 16635 has applied to discharge stormwater from a construction activity located in Frankstown Township, **Blair County**, to UNT to New Creek and Canoe Creek Tributary.

Bedford County Conservation District, District Manager, Bedford County CD, 702 W. Pitt Street, Suite 4, Bedford, PA 15009, (814) 623-6706.

NPDES Permit PAS-10-0416. Stormwater. **Dauphin County General Authority**, 1500 South Harrisburg Street, Harrisburg, PA 17113-1216 has applied to discharge stormwater from a construction activity located in Bedford Township, **Bedford County**, to Shobers Run.

PAS-10-H072. Individual NPDES. **Shah Mathias**, P. O. Box 163, Red Lion, PA 17356. To Implement an Erosion and Sedimentation Control Plan for the construction of a residential development called Ginger Field and Brook Meadow on 46.66 acres in Silver Spring Township, **Cumberland County**. The project is located along the west side of Mulberry Drive (T-586) about 200 feet south of PA 114 and T-586 intersection (Mechanicsburg, PA Quadrangle N: 18.2 inches; W: 3.8 inches). Drainage will be to Trindle Spring Run.

PAS-10-I033. Individual NPDES. **R. Stanley Miller**, P. O. Box 336, Dauphin, PA 17018. To Implement an Erosion and Sedimentation Control Plan for the construction of The Cottonwood Residential Subdivision on 212 acres in Middle Paxton Township, **Dauphin County**. The project is located on the north side of Clarks Valley Road (Route 325) at Primrose Lane (Halifax, PA Quadrangle N: 6.0 inches; W: 5.4 inches). Drainage will be to Clark Creek.

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

NPDES Permit PAS10W013R. Stormwater. **McClelland Farms, Inc.**, 3027 South Park Road, Bethel Park, PA 15102 has applied to discharge stormwater from a construction activity located in North Strabane Township, **Washington County** to an unnamed tributary to Little Chartiers Creek.

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. 0998503. Public water supply. **Philadelphia Suburban Water Company**, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010-3489. This proposal involves the construction of two additional high-rate filters to replace existing pressure filters at the Neshaminy Falls Water Treatment Plant in Middletown Township, **Bucks County**.

Regional Office: Northcentral Field Operations, Environmental Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701.

A. M. A. The Department has received a construction permit application from **Ulysses Municipal Authority** (P. O. Box 392, Ulysses, PA 16948-0392; Ulysses Township, **Potter County**) for repair of hole in existing cover at Big Spring Reservoir.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 1

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

Sections 302 and 303 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate identifies a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background or Statewide health standard to remediate a site must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known contaminants at the site, the proposed remediation measures for the site, and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of the cleanup standards identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department and shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

For further information concerning the content of a Notice of Intent to Remediate, please contact the Department Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office listed. TDD users may telephone the Department through the AT&T Relay Service at 1 (800) 654-5984.

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

Southcentral Regional Office: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4705.

Filling Cleaners, Inc., West Hempfield Township, **Lancaster County**. Filling Cleaners, Inc., 3885 Columbia Avenue, Mountville, PA 17554, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with solvents and BTEX. The applicant proposes to remediate the site to meet the Statewide Health standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Lancaster New Era* on June 17, 1998.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 2

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

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

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

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

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

P. B. & S. Company, Inc., City of McKeesport, **Allegheny County**. P. B. & S. Chemical Company, Inc., P. O. Box 20, 1405 Highway 136W, Henderson, KY 42420 and

W. David Sennimore, Earth Data, Inc., 924 Springdale Drive, Exton, PA 19341 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with solvents. The applicant proposes to remediate the site to meet a site specific standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Daily News* on June 4, 1998.

Johnstown Corporation, City of Johnstown, **Cambridge County**. Johnstown Corporation, Johnstown, PA and Brian I. Fitzpatrick, QST Environmental, 5205 Militia Hill Road, Plymouth Meeting, PA 19462 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with PHCs. The applicant proposes to remediate the site to meet a Special Industrial Area standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Tribune Democrat* on June 2, 1998.

HAZARDOUS WASTE, TREATMENT, STORAGE AND DISPOSAL FACILITIES

Applications submitted under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate a hazardous waste treatment, storage or disposal facility.

Regional Office: Regional Solid Waste Manager, 555 North Lane, Suite 6010, Lee Park, Conshohocken, PA 19428.

A. PAD002312791. Sun Co., Inc., (R&M), P. O. Box 426, Marcus Hook, PA 19061. Application received for change of ownership of the Allied Signal Facility located in the **City of Philadelphia**. Application received in the Southeast Regional Office on June 5, 1998.

AIR QUALITY

Notice of Plan Approval and Operating Permit Applications

Nonmajor Sources and Modifications

The Department of Environmental Protection (DEP) 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 DEP, 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.

DEP 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.

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 DEP 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 DEP 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 through 143, the Federal Clean Air Act and regulations adopted under the act.

Notice of Intent to Revise Operating Permit for Large Municipal Waste Combustors

Under section 111(d)/129 of the Clean Air Act, the United States Environmental Protection Agency (EPA) promulgated Emission Guidelines (EG) to control the emission of combustor gases from existing large municipal waste combustors (MWCs). (See 60 FR 65382, December 19, 1995, and 62 FR 45116, August 25, 1997). The guidelines are codified at 40 CFR Part 60, Subpart Cb (relating to emission guidelines and compliance times for large MWCs that are constructed on or before September 20, 1994). The Subpart Cb requirements apply to any existing large MWC unit that is capable of combusting more than 250 tons per day of municipal solid waste.

The Department of Environmental Protection (Department) intends to submit section 111(d)/129 State Plan for large MWCs to EPA as soon as practicable. In accordance with the Plan, the Department will implement the EG by incorporating the applicable requirements of 40 CFR Part 60, Subpart Cb into Federally Enforceable State Operating Permits (FESOPs). The revised FESOPs will serve as the legally enforceable mechanism to implement the Subpart Cb requirements.

Copies of the proposed permit amendments and other relevant information are available for public inspection and additional information may be obtained by contacting the Department's Southeast Regional Office at (610) 832-6003.

Interested persons may submit written comments, suggestions or objections concerning the proposed permit amendments to the Regional Office at the address below within 30 days of publication of this notice. Written comments submitted to the Department during the 30-day public comment period should include the name, address and telephone number of the person 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 issuance of the revised permit and the relevant facts upon which the objections are based. Any written comments should be sent to: DEP Southeast Regional Office; Air Quality, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, Attn: Thomas McGinley.

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 the hearing at least 30 days prior to the hearing. The hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation where the facility is located.

The following designated MWC facility must comply with the Subpart Cb requirements: 46-340-002: Montenay Montgomery Limited Partnership, Montenay Energy Resources of Montgomery County, Inc. (1155 Conshohocken Road, Conshohocken, PA 19428) in Plymouth Township, Montgomery County.

OPERATING PERMITS

Applications received and intent to issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.

23-399-025A. BASF Corp. (1830 Columbia Avenue, Folcroft, PA 19032) for the operation of a CI Filter Press and Rotary Cooler in Folcroft Borough, **Delaware County**.

23-313-003C. Esschem, Inc. (4000 Columbia Avenue, Linwood, PA 19061) for the operation of a Methacrylate Based Polymer Process in Marcus Hook Borough, **Delaware County**.

23-315-007. Kimberly-Clark Tissue Co. (Front and Avenue of the States, Chester, PA 19013) for the operation of a No. 18 Paper Machine in City of Chester, **Delaware County**.

PA-09-0009. Webcraft Technologies, Inc. (4371 County Line Road, Chalfont, PA 18914) for the operation of a Web Offset Press in New Britain Township, **Bucks County**.

Northeast Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (717) 826-2531.

48-309-088. Keystone Cement Corp. (Route 329, P. O. Box A, Bath, PA 18014) for the operation of a cement finishing mill in East Allen Township, **Northampton County**.

Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.

06-1036. Cryovac, Inc., formerly FORMPAC (P. O. Box 295, Reading, PA 19603-0295) for a polystyrene foam manufacturing facility in Muhlenberg Township, **Berks County**.

06-310-020B. Martin Stone Quarries, Inc. (P. O. Box 297, Bechtelsville, PA 19505) for a nonmetallic mineral crushing and processing facility controlled by wet suppression in Colebrookdale Township, **Berks County**. The facility is subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

07-309-013A. BMI-France (P. O. Box 276, Snow Shoe, PA 16874) for the operation of a refractory material processing operation controlled by a fabric collector in Logan Township, **Blair County**.

07-310-024A. Penn Mag, Inc. (R. D. 1, Box 22, Adrian, PA 16210) for the operation of an iron chromite crushing and classifying process controlled by fabric collectors in Greenfield Township, **Blair County**.

22-303-017. Haines & Kibblehouse, Inc. (P. O. Box 196, Skippack, PA 19474) for the installation of a batch asphalt plant controlled by a cyclone and a baghouse in Lower Swatara Township, **Dauphin County**. The facility is subject to 40 CFR 60, Subpart I, Standards of Performance for New Stationary Sources.

29-303-002C. New Enterprise Stone & Lime Co., Inc. (P. O. Box 77, New Enterprise, PA 16664) for the operation of a bituminous concrete batch plant controlled by a cyclone and two fabric collectors in Bethel Township, **Fulton County**.

31-310-004C. New Enterprise Stone & Lime Co., Inc. (P. O. Box 77, New Enterprise, PA 16664) for the

operation of a limestone crushing plant controlled by water sprays and a fabric collector in Cromwell Township, **Huntingdon County**.

Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-3637.

41-305-004E. Keystone Filler & Manufacturing Co. (214 Railroad Street, Muncy, PA 17756) for the operation of various pieces of carbon product processing equipment and a fabric and cartridge collectors in Muncy Creek Township, **Lycoming County**.

Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.

OP-11-00355. RNS Services, Inc. (224 North Hunter Run Road, Howard, PA 16841) for the operation of a waste coal screening plant at East Carroll Township, **Cambria County**.

PLAN APPROVALS

Applications received and intent to issue Plan Approvals under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

Southeast Regional Office: Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.

PA-09-0094. Lepko Finishing (111 North Seventh Street, Perkasio, PA 18944) for the construction of a Surface Coating Specialty Job Shop in Perkasio Borough, **Bucks County**.

PA-46-0043. Glasgow, Inc. (Conshohocken Road, Conshohocken, PA 19428) for the modification of a Asphalt Plant and Quarry in Plymouth Township, **Montgomery County**.

PA-15-0021. Glasgow, Inc. (660 Morehall Road, Frazer, PA 19335) for the modification of a Asphalt Plant and Quarry in East Whiteland Township, **Chester County**.

15-302-088GP. Centocor, Inc. (200 Great Valley Parkway, Malvern, PA 19355) for the construction of a Two Natural Gas-Fired Boilers in East Whiteland Township, **Chester County**.

PA-09-0095. Puralube, Inc. (USX Property, Fairless Hills, PA 19030) for two Process Heater Units in Falls Township, **Bucks County**.

PA-09-0040A. Piccari Press, Inc. (315A West Street Road, Warminster, PA 18974) for the construction of a Lithographic Printing Press in Warminster Township, **Bucks County**.

PA-46-0158. Colorcon (415 Moyer Boulevard, West Point, PA 19486) for a NO-TOx Area in Upper Gwynedd Township, **Montgomery County**.

PA-09-0037B. CMS Gilbreth Packaging Systems (3001 State Road, Croydon, PA 19021) to reduce the "Potential to Emit" in Bristol Township, **Bucks County**.

15-302-089GP. Centocor, Inc. (40-84 Great Valley Parkway, Bldg. 4, Malvern, PA 19355) for the installation of a Natural Gas-Fired Boiler in East Whiteland Township, **Chester County**.

PA-15-0067. Herr Foods, Inc. (273 Old Baltimore Pike, Nottingham, PA 19362) for the construction of a Gas Fired Boiler and Fryer in West Nottingham Township, **Chester County**.

Northwest Regional Office: Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (717) 826-2531.

35-303-011A. Dunmore Materials, Division of Haines & Kibblehouse Inc. (P. O. Box 196, Skippack, PA 19474) for the modification of a batch asphalt plant at Dunham Drive, Dunmore Borough, **Lackawanna County**.

39-318-102. American Atelier Inc. (301 North Front Street, Allentown, PA 18102) for the construction of a paint spray operation in the City of Allentown, **Lehigh County**.

40-399-040. Wyoming Valley Sanitary Authority (P. O. Box 33A, Wilkes-Barre, PA 18703) for the construction of a lime storage silo in Hanover Township, **Luzerne County**.

Southcentral Regional Office: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.

06-5063C. EAFCO, Inc. (201 Spring Street, Boyertown, PA 19512) for blast room controlled by a fabric collector in Boyertown, **Berks County**.

36-303-011A. Martin Limestone, Inc. (P. O. Box 550, Blue Ball, PA 17506) for the installation of a new silo with loadout located at their Kurtz Asphalt Plant in East Cocalico Township, **Lancaster County**.

Northcentral Regional Office: Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-3637.

14-318-001A. Spectra Wood (2651 Carolean Industrial Drive, State College, PA 16801) for the modification of a wood furniture finishing operation (increase in allowable volatile organic compound emissions from 6 tons per year to 12 tons per year) in College Township, **Centre County**.

08-318-027. Mill's Pride-Pennsylvania (423 Hopewell Road, Waverly, OH 45690) for the construction of a wood cabinet door manufacturing facility to incorporate lumber kilns, two wood-fired boilers and associated air cleaning devices (multicyclones), woodworking equipment and associated air cleaning devices (fabric collectors), a finishing operation and associated air cleaning device (a regenerative thermal oxidizer) and ancillary operations in Athens Township, **Bradford County**. The boilers are subject to Subpart Dc of the Federal Standards of Performance for New Stationary Sources.

49-313-035L. Merck & Co., Inc. (P. O. Box 600, Danville, PA 17821-0600) for the modification of an existing pharmaceutical process facility to manufacture a new product (MK-826) in Riverside Borough, **Northumberland County**.

18-318-013A. Avis America (P. O. Box 420, Avis, PA 17721) for the modification (increase in allowable volatile organic compound emission rate) of a modular home manufacturing operation previously owned and operated by Pan Avis Realty Company d/b/a Avis America in Pine Creek Township, **Clinton County**.

18-313-019B. Croda, Inc. (P. O. Box 178, Mill Hall, PA 17751) for the construction of a Super Refined Oils process and the modification of, and installation of air cleaning devices on a second Super Refined Oils process in Bald Eagle Township, **Clinton County**. These processes will emit hexane.

Southwest Regional Office: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.

PA-63-632A. Iron Oxide Co. (Foster Plaza, #7, 661 Andersen Drive, Pittsburgh, PA 15220) for the construction of a waste coal screening plant at Mine #20 in East Carroll Township, **Cambria County**.

PA-65-788F. Sony Electronics, Inc. (1001 Technology Drive, Mt. Pleasant, PA 15666) for the installation of 7" rear projection screen line at Pittsburgh Mfg. Center in Mt. Pleasant Township, **Westmoreland County**.

Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.

PA-43-170B. Werner Co. (93 Werner Road, Greenville, PA 16125) for minor modification to Conditions 6 and 7, issued May 4, 1998, for the fiberglass pultrusion process in Sugar Grove Township, **Mercer County**.

PA-61-011A. Merisol Antioxidants LLC (Route 8, Rouseville Road, Oil City, PA 16301) for the modification of the Eclipse Heater (20 MMBTU/HR) and the petroleum Heater (22 MMBTU/HR) to burn heptane emissions generated by the North and South BHT dryers in Oil City, **Venango County**.

PLAN APPROVALS/OPERATING PERMITS

Applications received and intent to issue Plan Approvals and Operating Permits or to administratively amend the Operating Permit under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

Northwest Regional Office: Larry Wonders, Regional Air Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.

37-264A. Ellwood Quality Steels Co. (700 Moravia Street, New Castle, PA 16101) for the installation of a ladle furnace. Ellwood Quality Steels Co. is a major facility subject to Title V permitting requirements and is located in New Castle, **Lawrence County**. These modifications will increase the potential steel production levels of the facility from 300,000 to 360,000 tons per year. The existing ladle and the new ladle furnace will be controlled by a new baghouse control system which will reduce PM₁₀ emissions to 0.02 lb/ton of steel for a total emission rate not exceeding 3.6 tons per year. NO_x emissions are not to exceed 65 lb/MMCF. Operating hours for the facility will be limited to 8,160 hours per year. The Plan Approval will contain conditions requiring that source tests be conducted to show compliance with the emission rates. The Plan Approval and Operating Permit will contain addition recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. For further details, contact Matt Williams.

Notice of Intent to Approve

Plan Approval Application #11-005B

Notice is hereby given, under 25 Pa. Code § 127.44, that the Pennsylvania Department of Environmental Protection (Department) intends to issue a Plan Approval to Bar Technologies, Inc. to modify the existing caster equipment to produce leaded steel grades on the continuous caster. This will also include the installation of air cleaning equipment (baghouse) specifically for leaded steel production. **Bar Technologies, Inc.** (1001 Main Street—Gate 3, Johnstown, PA 15909) is located at Franklin Borough, **Cambria County**.

The proposal is to manufacture leaded steel instead of carbon steel and may result in the emission of lead and lead compounds of less than 2.37 pounds per hour and 3,000 pounds per year.

Copies of the application, the Department's analysis and other documents used in evaluation of the application are available for public inspection during normal business hours at the address below.

In order to assure compliance with all applicable standards, the Department proposes to place the following conditions on the Plan Approval:

General Conditions

1. This plan approval is for the modification of the continuous billet/bloom caster and for installation of a baghouse and a ventilation system on the caster by Bar Technologies, Inc. at their Johnstown facility in Franklin Borough, Cambria County. This is in accordance with 25 Pa. Code § 127.32.

2. The facility's potential to emit and annual allowable emission rates are established based on a maximum steel-making rate of 1.2 million tons per year in accordance with 25 Pa. Code § 127.12b.

3. The maximum caster production rate for all steels shall not exceed 5,200 tons per day and 1.2 million tons per year in accordance with 25 Pa. Code § 127.12b.

4. The new caster baghouse shall be constructed as stated in the application. The baghouse shall be equipped with Gortex membrane felted polyester bags (or equipment) in accordance with 25 Pa. Code § 127.25 and § 127.1.

5. Particulate Matter < 10 microns (PM-10) emissions from the caster baghouse shall not exceed an outlet grain loading of 0.003 gr/dscf. Lead and lead compound emissions shall not exceed 0.0025 gr/dscf, 2.37 lbs/hr, and 3,000 pounds per year in accordance with 25 Pa. Code § 127.12b and § 127.25.

6. A mechanical or electrical interlock shall be installed to prevent lead from being fed to the caster if the baghouse is not operating in accordance with 25 Pa. Code § 127.12b.

7. The two bay doors nearest the caster torch cutting station shall remain fully closed when leaded steel is being produced in accordance with 25 Pa. Code § 127.12b and § 127.123.1.

8. Visible emissions from the continuous caster baghouse shall not equal or exceed 10% opacity in accordance with 25 Pa. Code § 127.1 and § 127.12b.

9. There shall be no fugitive emissions present from this facility in accordance with 25 Pa. Code § 123.1 and § 127.12b.

10. The owner/operator shall perform stack testing for particulate matter (as PM-10) and for lead and lead compound emissions in accordance with 25 Pa. Code Chapter 139 regulations and the Department's source testing manual. Section 6.1 of the Clean Air Act and 25 Pa. Code § 127.12b.

11. The stack test shall be performed while the continuous billet/bloom caster is operating at the maximum normal casting and lead injection rate. If stack testing is performed while the caster is operating at a lower casting rate or lower lead injection rate, then production shall be limited to the levels at which compliance has been demonstrated. Section 6.1 of the Clean Air Act and 25 Pa. Code § 139.11.

12. Two copies of a pre-test protocol shall be submitted to the Department for review at least 60 days prior to the performance of the stack test in accordance with 25 Pa. Code § 139.2.

13. The Department shall be notified at least 2 weeks prior to the stack test of the date and time of the test so that an observer may be present in accordance with 25 Pa. Code § 139.2.

14. Two copies of the stack test results shall be supplied to the Department for review within 60 days of completion of testing in accordance with 25 Pa. Code § 139.2.

15. The Department may revise the allowable emission rates based on the results of the stack tests in accordance with 25 Pa. Code § 127.1 and § 127.12b.

16. The owner/operator shall install, maintain and operate the caster baghouse and the caster ventilation system in accordance with manufactures specifications and in accordance with good air pollution control practices. This shall be done in accordance with 25 Pa. Code § 127.25.

17. A daily log shall be kept of all material throughput (lead and non-lead steel production). This file shall be maintained for a period of not less than 2 years and shall be made available to the Department upon request in accordance with 25 Pa. Code § 127.12b.

18. A monthly log shall be kept of all lead used in the production of this leaded steel in accordance with 25 Pa. Code § 127.12b and 127.12a.

19. The baghouse and the caster ventilation system must operate at all times when leaded steel is being produced in accordance with 25 Pa. Code § 127.12b and § 127.25.

20. The owner/operator shall maintain spare bags in accordance with the manufactures recommendation to insure adequate maintenance of the air cleaning device in accordance with 25 Pa. Code § 127.25.

21. This Plan Approval authorizes temporary operation of the source covered by this Plan Approval provided the following conditions are met. In accordance with 25 Pa. Code § 127.12b.

a. The Department must receive written notice from the owner/operator of the completion of construction and the operator's intent to commence operation at least 5 working days prior to the completion of construction. The notice should state when construction will be completed and when operator expects to commence operation.

b. Operation is permitted only to facilitate the start-up and shake-down of sources and air cleaning devices, to permit operations pending the issuance of an Operating Permit or to permit the evaluation of the source(s) for compliance with all applicable regulations and requirements.

c. This condition authorizes temporary operation of the source(s) for a period of 180 days from the date of commencement of operation, provided the Department receives notice from the Owner/Operator pursuant to subpart (1), above.

d. The Owner/Operator may request an extension if compliance with all applicable regulations and Plan Approval requirements has not been established. The extension request shall be submitted in writing at least 15 days prior to the end of this period of temporary operation and shall provide a description of the compliance status of the source, a detailed schedule for establishing compliance, and the reasons compliance has not been established.

e. The notice submitted by the Owner/Operator under subpart (1), above, prior to the expiration of this Plan

Approval, shall modify the plan approval expiration date. The new Plan Approval expiration date shall be 180 days from the date of the written notice.

In accordance with 25 Pa. Code § 127.45 the conditions listed in this plan approval do one or more of the following:

1. Identify the source and location.
2. Establish allowable emission rates.
3. Establish monitoring, recordkeeping, testing and reporting requirements.
4. Insure proper operation and adequate maintenance.
5. Insure compliance with other Department programs' requirements.
6. Establish the bases for the existing facility's actual emissions (baseline) and the modified facility's allowable emissions.

Any person wishing to provide the Department with additional information which they believe should be considered prior to the issuance of the Plan Approval may submit the information to the Department at the address shown below. A 30-day comment period, from the date of publication, will exist for the submission of comments. Each written comment must contain the following: name, address and telephone number of the person submitting the comments; identification of the proposed Plan Approval (specify Plan Approval #11-005B); and concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval.

A public hearing may be held, if the Department in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in this newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to: Joseph Pezze, Regional Air Quality Program Manager, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

For additional information, contact the following at the same address: Francis D. Condrick, Air Pollution Control Engineer II, Air Quality Control.

Any person may oppose the proposed plan approval by filing a written protest with the Regional Air Program Manager, at the address noted above. The protest shall include the following: name, address and telephone number of the person filing the protest; identification of the proposed plan approval issuance being opposed, concise statement of the objections to the plan approval issuance and the relevant facts upon which the objections are based.

REASONABLY AVAILABLE CONTROL TECHNOLOGY

(RACT)

Issuance of Reasonably Available Control Technology (RACT) Plan Approval

The Department of Environmental Protection (Department) will hold hearings at 1:30 p.m. in the Island Conference Room, Department of Environmental Protection Office, 400 Waterfront Drive, Pittsburgh, PA on July 30, 1998 to receive comments on the proposed approval of

a Reasonably Available Control Technology (RACT) Plan and Emission Reduction Credits (ERC's) for:

**GPU Generation Corp., Seward Station, Indiana
County, Permit Number 32-000-040**

Boiler 12, 14 and 15, Miscellaneous Sources

NOx—Penelec proposes the installation of Low NOx Burners in boiler 12 with an emission rate of 0.82 lb/mmbtu and 808.11 tons per year, and boiler 14 with an emission rate of 0.50 lb/mmbtu and 985.50 tons per year. For boiler 15, Penelec proposed Low NOx burners with overfire air (LNCFS level II) as meeting presumptive RACT. The expected emission rate of this unit is 0.51 lb/mmbtu, and 3,254.65 tons per year.

VOX—The economic evaluation illustrates that the cost of mitigation for installing VOC reduction systems is several orders of magnitude above what could be considered reasonable. Proposed RACT is operation in accordance with the manufacturer's specifications and recommendations.

In accordance with 25 Pa. Code § 129.91(e), the Department plans to approve and modify Penelec's proposal to include LNCFS level III on boiler 15 as meeting the presumptive NOx RACT emission limitations. The preliminary facility emission rates are projected to be 51.30 tons VOX and 5,059.43 tons NOx annually.

**GPU Generation Corp., Homer City, Indiana
County, Permit Number 32-000-055**

Pennsylvania Electric proposes to meet the presumptive nitrogen oxides RACT limitation of 25 Pa. Code § 129.93 by installing low NOx burners with separated overfire air on its boilers number one through three. These modifications would reduce NOx emissions by approximately 45%.

**GPU Generation Corp., Conemaugh Station,
Indiana County, Permit Number 32-000-059**

Units 1 & 2. Auxiliary Boilers A & B. Diesel generators A-D.

NOx—Penelec proposed Low NOx Burners with separated overfire air (LNCFS Level II) as meeting the presumptive RACT emission limitation of 25 Pa. Code § 129.93(b)(1) for the main units 1 and 2. This installation should yield an emission rate of 0.45 lb/mmbtu based on a 30-day rolling average. For the auxiliary units, Penelec presented the economic and technical evaluation of an array of technologies based on a 10% capacity factor. The result: cost of mitigation is unreasonably high. Penelec intends to comply with the Presumptive emission limitations of Chapter 129.

VOC—The economic evaluation illustrates that the cost of mitigation for installing VOC reduction systems on the main and auxiliary boilers is several orders of magnitude above what could be considered reasonable.

Proposed RACT is operation in accordance with the manufacturer specifications and recommendations.

In accordance with 25 Pa. Code § 120.91(3), the Department plans to modify Penelec's proposal to include LNCFS level III as meeting the presumptive NOx RACT emission limitations. The preliminary facility emission rates are projected to be 225 tons VOX and 41,780 tons NOx annually.

**Specialty Tires of America Inc., Indiana, Indiana
County, Permit Number 32-000-065**

The hearing is for the Department to take testimony concerning the Reasonably Available Control Technology (RACT) plan for the Specialty Tires of America, Inc. (STA).

STA satisfied the RACT requirements by achieving Volatile Organic Compounds (VOCs) reductions of 46% on a per tire basis as a result of substitution of solvent base paints with water base paints for green tire painting operations, installation of high volume, low pressure (HVLV) guns for application of VOC-base paints, elimination of VOC-base cleansing agents, and other process changes and improved work practices.

**Fisher Scientific Company International, Indiana,
Indiana County, Permit Number 32-000-100**

Fisher Scientific Company wishes to accept operational limitations on the amount of gallons of coatings to be used at the facility. The facility also has discontinued using a volatile organic compound (VOC) solution in the vapor degreasing operation and substitute it with a non-VOC aqueous solution. These limitations will restrict the emissions of VOCs to a level below the major source threshold value to meet the requirements under 25 Pa. Code, § 129. This will enable Fisher Scientific Company to receive synthetic minor permit.

**CNG Transmission Corporation, Rochester Mills,
Indiana County, Permit Number 32-000-129**

The proposed approval is for the application of presumptive RACT to all sources at the Rochester Mills Station. This will consist of four degree retard relative to standard timing on all for Ingersoll Rand SVG-8AS engines, and the operation and maintenance of all sources at this station according to manufacturer's specifications.

**GPU Generation Corp., Homer City, Indiana
County, Permit Number 32-000-132**

Pennsylvania Electric proposes to meet the oxides of nitrogen (NOx) RACT regulation of 25 Pa. Code § 129 by continuing to operate the thermal dryers at the facility in accordance with manufacturer specifications. There is not expected to be any resulting reductions in NOx emissions.

**Columbia Gas Transmission Corporation, Homer
City, Indiana County, Permit Number 32-000-146**

This RACT proposed plan approval is for Columbia Gas's proposal to limit Homer City Station's potential to emit to a level below the major NOx emitting facility threshold. Annually, the Clark MA-6 engine will be limited to 227,000 bhp-hrs, the Waukesha L7042GU engines will be limited to 1,089,000 bhp-hrs, and the Ajax DPC-540 will be limited to 4,730,000 bhp-hrs.

**Columbia Gas Transmission Corporation, Kent
Station, Indiana County, Permit Number 32-000-147**

This RACT proposed Operating Permit is for Columbia Gas's proposal to limit Kent Station's potential to emit to a level below the major NOx emitting facility threshold. Annually, the Clark HMA-10 will be limited to 497,000 bhp-hrs, and the Ajax DPC-540 will be limited to 4,730,000 bhp-hrs.

**T. W. Phillips Gas & Oil Co., Kinter Compressor
Station, Indiana County, Permit Number 32-000-157**

T. W. Phillips Kinter Compression Station has six engines all under 500 horse-power. Under the Presumptive RACT regulations 129.93(c)(3), these sources are required to permanently retard the ignition four degrees from the standard full load Ignition timing retard delays ignition of combustion to later in the power cycle, which increases the volume of combustion chamber and reduces the residence time of the combustion products. This increased volume and reduced residence time offers the potential to reduce NOx formation.

4CNG Transmission Corporation, Cherry Tree Station, Indiana County, Permit Number 32-000-303

The proposed approval for the Cherry Tree Station is for the installation of Low NOx conversion kits on the two Ajax DPC-600 engines by May 31, 1995 and the application of presumptive RACT to the Lakota 2885-01A dehydrator. NOx emissions from the Ajax engines are expected to be reduced by 30% to 21.3 pounds per hour, and will be verified by periodic stack testing.

Persons wishing to present testimony at the hearings should contact Community Relations Coordinator, Rita Zettelmayer at (412) 442-4183 by July 6, 1998. Oral testimony will be limited to a maximum of 10 minutes and two written copies of the testimony should be provided. 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 accommodation to do so, should contact Rita Zettelmayer or the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those unable to attend the hearings, but wishing to comment, should provide written comments to the DEP Regional Air Quality Program Manager, Joseph Pezze, DEP, 400 Waterfront Drive, Pittsburgh, PA 15222. Comments should be submitted within 30 days of the date of this publication notice.

All pertinent documents are available for review from 8 a.m. to 4 p.m. at the DEP Regional Office in Pittsburgh. Appointments for scheduling a review may be made by calling (412) 442-4000.

Issuance of Reasonably Available Control Technology (RACT) Plan Approval

The Department of Environmental Protection (Department) will hold hearings at 9:30 a.m. in the Island Conference Room, Department of Environmental Protection Office, 400 Waterfront Drive, Pittsburgh, PA on July 30, 1998 to receive comments on the proposed approval of a Reasonably Available Control Technology (RACT) Plan and Emission Reduction Credits (ERC's) for:

West Penn Power Company, Armstrong Station, Washington Township, Armstrong County

West Penn's RACT analysis evaluates an array of available control options and proposes the installation of Low NOx burners. This option projects an emission rate of 0.5 lb/mmbtu for both units. Armstrong Station is not designated as a major volatile organic compound (VOC) emitting facility.

The Department plans to modify West Penn Power's proposal to include that a presumptive NOx emission rate of 0.45 lb/mmbtu must be met with any other technology other than Low NOx burners with separate overfire air.

The Department will establish final RACT limits at a later date based on measured data collected after the installation of the RACT technology.

Pennsylvania Electric Company, Keystone Station, Washington Township, Armstrong County

Units 1 and 2, Auxiliary Boilers A and B, Diesel generators 3-6 NOx—Penelec proposes Low NOx Burners with separated overfire air (LNCFS Level II) as meeting the presumptive RACT emissions limitation of 25 Pa. Code § 129.93(b)(1) for the main units 1 and 2. This installation should yield an emission rate of 0.45 lb/mmbtu based on a 30 day rolling average.

For the auxiliary units, Penelec presented the economic and technical evaluation of an array of technologies based on a 10% capacity factor. The result; cost of mitigation is unreasonably high.

Penelec intends to comply with the presumptive NOx RACT emission limitation of 25 Pa. Code § 129.93(c)(5) of an annual capacity factor of less than 5% for the diesel generators 3, 4, 5 and 6.

Other provisions of the presumptive RACT of Chapter 129 will be applied to the miscellaneous sources of: three small oil-fired furnaces with a total heat input of less than 0.5 mmbtu/hr. a 217 hp fire fighting pump, and an emergency standby generator.

VOC—The economic evaluation illustrates that the cost of mitigation for installing VOC reduction systems on the main and auxiliary boilers is several orders of magnitude above what could be considered reasonable.

Proposed RACT is operation is accordance with the manufacturer's specifications and recommendations.

In accordance with 25 Pa. Code § 129.91(e), the Department plans to modify Penelec's proposal to include LNCFS level III as meeting the presumptive NOx RACT emissions limitations. The preliminary facility emission rates are projected to be 120 tons VOC and 41,453 tons NOx annually.

Apollo Gas Company, Shoemaker Station, Bethel Township, Armstrong County

Apollo Natural Gas will modify the two existing natural gas compressor engines at the Shoemaker Station. This modification includes the installation of Original Equipment Manufacture (OEM) retrofit controls on the natural gas compressor engines. Apollo Natural Gas will install a high energy ignition system with upgrades on the turbo-charger and associated cooling system to both engines. This will enable Apollo Natural Gas to restrict the emissions of Oxides of Nitrogen (NOx) and Volatile Organic Compounds (VOCs) to a level below the major threshold.

Vista Metals Inc., Kittanning, Armstrong County

The proposed RACT for Vista Metals Inc. includes the installation of a Ross dryer equipped with a condenser, along with the replacement of six existing Hobart dryers and an after condenser. The approved RACT establishes a potential VOC emission rate of 35 tons per year. A final RACT approval will be submitted to the Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan.

Persons wishing to present testimony at the hearings should contact Community Relations Coordinator, Rita Zettelmayer at (412) 442-4183 by July 6, 1998. Oral testimony will be limited to a maximum of 10 minutes and two written copies of the testimony should be provided. 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 accommodation to do so, should contact Rita Zettelmayer or the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those unable to attend the hearings, but wishing to comment, should provide written comments to the DEP Regional Air Quality Program Manager, Joseph Pezze,

DEP, 400 Waterfront Drive, Pittsburgh, PA 15222. Comments should be submitted within 30 days of the date of this publication notice.

All pertinent documents are available for review from 8 a.m. to 4 p.m. at the DEP Regional Office in Pittsburgh. Appointments for scheduling a review may be made by calling (412) 442-4000.

Issuance of Reasonably Available Control Technology (RACT) Plan Approval

The Department of Environmental Protection (Department) will hold hearings at 11:30 a.m. in the Island Conference Room, DEP Office, 400 Waterfront Drive, Pittsburgh, PA on July 30, 1998, to receive comments on the proposed approval of a Reasonably Available Control Technology (RACT) Plan and Emission Reduction Credits (ERC's) for:

**Duquesne Light Company, Elrama Station, Union Township, Washington County
Permit No. 63-000-014**

Duquesne Light proposes to meet the presumptive oxides of nitrogen (NOx) RACT limitation of 25 Pa. Code § 129.93 through the installation of low NOx burners with separated overfire air on boilers one through four. These modifications have reduced NOx emissions by approximately 35%. The Department has reviewed the plan and made a preliminary determination to approve this plan.

**West Penn Power, Mitchell Station, Courtney Township, Washington County
Permit No. 63-000-016**

West Penn intends to meet the presumptive NOx RACT limitation of 25 Pa. Code § 129.93 through the installation of low NOx burners and separated overfire air on boilers #1, #2, #3 and #33. These modifications have reduced NOx emissions by approximately 35%.

Lukens Steel Company, Washington Steel Facility, Washington County, Permit No. 63-000-023

Washington Steel's facility in Washington, PA intends to meet the NOx RACT requirements of 25 Pa. Code Chapter 129 through operating with the manufacture's specifications for all sources of combustion.

For the pickle lines, Washington Steel proposes to use the packed tower acid fume scrubber that currently controls the emissions.

Wheeling-Pittsburgh Steel Corporation, Allenport, Washington County, Permit No. 63-000-066

The plan approval is for the construction and operation of two combination natural gas/oil fired tube boilers rated at 60.5 MMBtu/hr retrofitted with Low-NOx Burners/Flue Gas Recirculation and the application of presumptive RACT to 104 ancillary sources.

Pennsylvania Department of Welfare's Western Center, Canonsburg, Washington County

Pennsylvania Department of Welfare proposes to limit Western Center's potential to emit to a level below the major NOx emitting facility threshold through a permit condition.

Corning Consumer Products, Charleroi, Washington County, Permit No. 63-000-110

The proposed approval is for the conversion of Tank 11 to full gas/oxygen firing on all ports, and the increase of electric boost on this source to 30%. Because the Tank 11 installation is found to exceed RACT economic guideline,

Corning has requested, and will be granted 500 tons NOx ERC's. NOx emissions from this source will be reduced by 66%.

RACT for the other sources at this facility will be the continued operation of Tank 6 with full gas/oxygen on all ports, and the operation and maintenance of all other sources in accordance with manufacture's recommendations, and accepted air pollution control practices.

Columbia Gas Transmission Corporation, Donegal Township, Washington County

This RACT proposal for the Hartson Compressor Station would approve the implementation of an hours operation limitation on three Cooper Bessemer GV-10 engines and presumptive RACT on seven ancillary sources.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to do so, should contact Rita Zettelmayer or the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those unable to attend the hearings, but wishing to comment, should provide written comments to the DEP Regional Air Quality Program Manager, Joseph Pezze, DEP, 400 Waterfront Drive, Pittsburgh, PA 15222. Comments should be submitted within 30 days of the date of this publication notice.

All pertinent documents are available for review from 8 a.m. to 4 p.m. at the DEP Regional Office in Pittsburgh. Appointments for scheduling a review may be made by calling (412) 442-4000.

Issuance of Reasonably Available Control Technology (RACT) Plan Approval

The Department of Environmental Protection (Department) will hold hearings at 2 p.m. in the Island Conference Room, Department of Environmental Protection Office, 400 Waterfront Drive, Pittsburgh, PA on July 7, 1998, to receive comments on the proposed approval of a Reasonably Available Control Technology (RACT) Plan and Emission Reduction Credits (ERC's) for:

Latrobe Steel Company, Latrobe, Westmoreland County, Permit Number 65-000-016

Latrobe Steel Company (LSC) complied with RACT requirements of sources with rated gross heat inputs less than 20 mmbtu/hr by implementing presumptive RACT technology which is the installation, maintenance and operation of the sources in accordance with manufactures specifications. For sources larger than 20 mmbtu/hr, LSC will perform an annual tune-up on each source to ensure that it is operating at the lowest possible emission rate. LSC also agreed to accept an operating limit of 6,000 hours per year for the Salem Walking Beam Furnace.

**Freedom Forge Corporation, Standard Steel Division, Westmoreland County
Permit Number 65-000-028**

The RACT Operating Permit approves Standard Steel's proposal to limit its potential to emit to a level below the major NOx emitting facility threshold.

Elliott Turbomachine Company, Jeannette, Westmoreland County, Permit Number 65-000-051

This RACT Operating Permit approves the Elliott Company's proposal to limit its potential to emit to a level below the major NOx emitting facility threshold. A final

RACT approval will be submitted to the Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan.

Allegheny Ludlum, Vandergrift, Westmoreland County, Permit Number 65-000-137

The RACT permit is for the continued operation with the manufacturer specifications of the No. 1 and No. 2 boilers at the Allegheny Ludlum Vandergrift Plant.

Chestnut Ridge Foam Inc., Latrobe, Westmoreland County, Permit Number 65-000-181

Chestnut Ridge Foam Inc. will take a limitation on its operating hours from 8,760 to 4,160 hours. This will enable the facility to reduce its potential of Volatile Organic Compounds (VOCs) emissions by 50%. Chestnut Ridge is also pursuing the use of nonsolvent adhesives on the glue and lamination lines. Currently, trial runs of the nonsolvent adhesives are taking place and implementation could begin in September.

Gen. Corp. Plastic Film Division, Jeannette, Westmoreland County, Permit Number 65-000-207

The proposed approval of the Operating Permit #65-000-207 for Gen. Corp. Inc. Plastic Film Division establishes a permanent restriction on oxides of nitrogen (NOx) emissions from the boilers to a level below the major source threshold "synthetic minor" by limiting steam productions. RACT established VOC limits for uncontrolled sources. A final RACT approval will be submitted to the EPA as a revision to Pennsylvania's State Implementation Plan.

BP Oil Company, Greensburg Terminal, Westmoreland County, Permit Number 65-000-378

The RACT Permit is for a synthetic minor determination at the BP Oil Company's Greensburg Terminal. BP will continue to operate this facility in a manner consistent with good air pollution control practices.

General Carbide Corporation, Greensburg, Westmoreland County, Permit Number 65-000-622

General Carbide Corporation processes metal carbide powders into a variety of parts used in the tooling industry. The mixture of metal carbide powders is produced through batch operations. The powdered materials are mixed with heptane, which is a volatile organic compound (VOC), to create a slurry with the blended powder. The slurry is then filtered in the drying room before the heptane is volatilized by steam heat in the drying units. General Carbide Corporation meets RACT, according to the Department, by utilizing its dryers and condensers to recapture an estimated 93% of the heptane involved with this process. General Carbide will not be required by the Department to add any additional emission controls to this process.

**CNG Transmission Corporation, J. B. Tonkin Station, Westmoreland County
Permit Number 65-000-634**

The existing natural gas compressor engine at CNGT's J. B. Tonkin Station was equipped with the original equipment manufacturer's (OEM) controls at the time of engine installation. Oxides of Nitrogen (NOx) emissions from the engine are currently at the post RACT level.

**CNG Transmission Corporation, Oakford Station, Salem Township, Westmoreland County
Permit Number 65-000-837**

The proposed revisions to the RACT Operating Permit issued to Consolidated Natural Gas Transmission (CNG)

for its Oakford Station in Salem Township, Westmoreland County increase allowable CO emission for 12 engines.

Texas Eastern Gas Transmission Corporation, Delmont Station, Sale Township, Westmoreland County, Permit Number 65-000-839

The proposed RACT approval for the Delmont Compressor Station would approve the operation of the Non-Selective Catalytic Reduction (NSCR) on six Ingersoll Rand KVG 410 engines, screw-in pre-combustors (SIPC) on four Ingersoll Rand KVS 412, and the implementation of presumptive RACT on eight ancillary sources.

CNG Transmission Corporation, South Oakford Station, Hempfield Township, Westmoreland County, Permit Number 65-000-840

CNG will modify its two existing natural gas compressor engines at the South Oakford Station by installing a high energy plasma ignition system along with modifications to the turbochargers.

**CNGT Transmission Corporation, Jeannette Station, Penn Township, Westmoreland County
Permit Number 65-000-852**

CNGT will modify the six existing natural gas compressor engines at the Jeannette Station by retarding the ignition timing on the engines in order to comply with RACT regulations. The ignition timing will also be retarded on two other natural gas engines which are used to drive auxiliary electric power generators. The station will be permanently shut down no later than December 31, 1996.

Fansteel Hydro Carbide, Unity Township, Westmoreland County, Permit Number 65-000-860

Fansteel Hydro Carbide has complied with the RACT Regulations by installing a Hobart Mixer which is designed to keep the temperature of the ingredients being mixed below the point of evaporation of heptane, a volatile organic compound (VOC). A chiller unit will also be installed to sufficiently lower the temperature of the noncontact cooling water to prevent the tungsten carbide mixture within the mixers to reach the evaporation point of heptane. The installation of the Hobart Mixer and Chiller enabled Fansteel to reduce its VOC emissions by over 50% and below the major threshold for VOCs.

A final RACT approval will be submitted to the Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan.

Persons wishing to present testimony at the hearings should contact Community Relations Coordinator Rita Zettelmayer at (412) 442-4183 by July 6, 1998. Oral testimony will be limited to a maximum of 10 minutes and two written copies of the testimony should be provided. 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 accommodation to do so, should contact Rita Zettelmayer or the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those unable to attend the hearings, but wishing to comment, should provide written comments to the DEP Regional Air Quality Program Manager, Joseph Pezze, DEP, 400 Waterfront Drive, Pittsburgh, PA 15222. Comments should be submitted within 30 days of the date of this publication notice.

All pertinent documents are available for review from 8 a.m. to 4 p.m. at the DEP Regional Office in Pittsburgh. Appointments for scheduling a review may be made by calling (412) 442-4000.

Issuance of Reasonably Available Control Technology (RACT) Plan Approval

The Department of Environmental Protection (Department) will hold hearings at 10 a.m. in the Island Conference Room, Department of Environmental Protection Office, 400 Waterfront Drive, Pittsburgh, PA on July 30, 1998, to receive comments on the proposed approval of a Reasonably Available Control Technology (RACT) Plan and Emission Reduction Credits (ERC's) for:

Johnstown Corporation, Johnstown, Cambria County, Permit Number 11-000-034

The Johnstown Corporation intends to meet the RACT regulation for NOx and VOC's set forth in 25 Pa. Code § 129 through two actions. The potential for NOx emissions will be reduced to less than 100 tons per year by accepting production limitations. RACT for VOC will be met by continuing to operate the facility in accordance with manufacturer specifications. There is not expected to be any resulting reductions in actual VOC or NOx emissions.

The final RACT approval will be submitted to the United States Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan.

Texas Eastern Transmission Corporation, Lilly Station, Cresson Township, Cambria County, Permit Number 11-000-258

The proposed RACT approval for the Lilly Compressor Station would approve the implementation of presumptive RACT on six ancillary sources.

The final RACT approval will be submitted to the United States Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan.

Cambria CoGen Company, Cambria County, Permit Number 11-000-332

In accordance with 25 Pa. Code § 129.91, DEP plans to approve the RACT proposal for the Cambria CoGen Company which produces steam and electricity from the use of waste coal refuse. The proposal approval for the CFb boilers is the limitation of NOx not to exceed .301 lbs/mmBtu on a 30 days rolling average basis and 1472 tons/year on an annual basis. Other minor sources in the facility are covered by the presumptive RACT limitation.

The Peoples Natural Gas Company, Rager Mountain Station, Jackson Township, Cambria County, Permit Number 11-000-356

The hearing is for the Department to take testimony concerning three RACT plans by the Peoples Natural Gas Company to reduce omissions of oxides of NOx from various air contamination sources at three compressor stations to meet the requirements under 25 Pa. Code §§ 129.91—129.95. The final RACT approval will be submitted to the United States Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan.

Persons wishing to present testimony at the hearings should contact Community Relations Coordinator Rita Zettelmayer at (412) 442-4183 by July 6, 1998. Oral testimony will be limited to a maximum of 10 minutes and two written copies of the testimony should be provided. 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 accommodation to do so, should contact Rita Zettelmayer or the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those unable to attend the hearings, but wishing to comment, should provide written comments to the DEP Regional Air Quality Program Manager, Joseph Pezze, DEP, 400 Waterfront Drive, Pittsburgh, PA 15222. Comments should be submitted within 30 days of the date of this publication notice.

All pertinent documents are available for review from 8 a.m. to 4 p.m. at the DEP Regional Office in Pittsburgh. Appointments for scheduling a review may be made by calling (412) 442-4000.

Issuance of Reasonably Available Control Technology (RACT) Plan Approval

The Department of Environmental Protection (Department) will hold hearings at 2:30 p.m. in the Allegheny Conference Room, Department of Environmental Protection Office, 400 Waterfront Drive, Pittsburgh, PA on July 30, 1998 to receive comments on the proposed approval of a Reasonably Available Control Technology (RACT) Plan and Emission Reduction Credits (ERC's) for:

J & L Specialty Steel Midland Works, Midland, Beaver County

J & L Specialty Steel intends to meet the RACT regulation of 25 Pa. Code § 129 by conducting an annual tune-up on the appropriate combustion units at the facility. Those combustion units that do not receive a tune-up will continue to operate within the manufacturer's specifications. Other sources at this facility subject to RACT will operate in accordance with good engineering practices. There is not expected to be any resulting reductions in actual emissions.

LTV Steel Company, Aliquippa, Beaver County

The proposed RACT permit for the Aliquippa Works involves the installation of low oxides of nitrogen (Low-NOx) burners on two of three package boilers while retaining the conventional burner on the third boiler, but limiting the annual fuel usage on that unit to 200 MMCF and potential annual NOx emissions to 14 tons per year. The other small combustion sources would also be limited to annual NOx emissions.

Koppel Steel, Koppel, Beaver County

For the Rotary Hearth furnace, Koppel proposes to employ the use of the low excess air at 10% to minimize NOx formation. For the electric arc furnace and ladle refining station, Koppel proposed to operation and maintenance in accordance with good air pollution control practice. All other sources at the facility will take the presumptive RACT provisions as described in the Department's regulations.

Whemco Midland Foundry, Midland, Beaver County

Whemco Midland Foundry will take a limitation on its annual natural gas usage. The proposed limit is 983,000 Mcf/Yr. of natural gas for the entire facility. The natural gas usage will be monitored and recorded monthly. If this facility would reach this limit, it would equal 75 tons of NOx emissions. This will enable Whemco to accept the Federally enforceable condition to limit its NOx emissions to below 100 tons per year of NOx and thus become a synthetic minor.

**Anchor Hocking Speciality Glass Company,
Monaca, Beaver County**

The RACT Operating Permit is for the operation of Lox-NOx burners, underreport firing, and low, excess air on a melter tank, the application of presumptive RACT on the annealing and decorating lehrs, the application of presumptive RACT on the quench lehrs, and the removal of niter addition from the glass-making processes by Anchor Hocking.

Armstrong World Industries, Beaver Falls, Beaver County

The proposed approval of the RACT operating permit #04-000-108 for Armstrong World Industries, Inc. established a permanent restriction of the VOC emissions from each VOC source located at the facility.

Columbia Gas Transmission Corporation, Ellwood City, Beaver County

This RACT proposed Operating Permit is for Columbia Gas's proposal to limit Ellwood City Station's potential to emit to a level below the major NOx emitting facility threshold. Each of the two Clark RA-5 engines will be limited to 1,314,000 bhp-hrs annually.

AES Beaver Valley Cogeneration, Monaca, Beaver County

AES Beaver Valley Cogeneration intends to meet the oxides of nitrogen (NOx) RACT regulations set forth in 25 Pa. Code § 129 through the installation of Low NOx burners.

J & L Structural Inc., Aliquippa, Beaver County

J & L Structural, Inc. intends to meet the oxides of nitrogen (NOx) RACT regulations set forth by 25 Pa. Code § 129 by continuing to operate the mill reheat furnace at the facility in accordance with manufacturers specifications. There is not expected to be resulting reductions in NOx emissions.

**Emess Lighting Inc., A Division of Cycle II Corp.,
Ellwood City, Beaver County**

The RACT plan calls for Alsy Lighting Inc. to accept operational limitations which restrict the emissions of volatile organic compounds (VOCs) to 40 tons per year to meet the requirements under 25 Pa. Code § 129. The Cycle II facility is located at 1110 Mecklem Lane, Ellwood City, PA.

The final RACT approval will be submitted to the United States Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan.

**Sun Company Inc. (R&M) Beaver Terminal,
Vanport, Beaver County**

The proposed approval of the RACT operating permit #04-000-489 for Sun Company, Inc. (R&M) establishes a permanent restriction on VOC emissions from each VOC source located at the facility. As a result of these permanent restrictions on the VOC emissions, Sun Company is not considered a major VOC emitting facility as defined by 25 Pa. Code § 121.1 The sources shall be considered as a "synthetic minor."

**Consolidated Natural Gas Corporation (CNG)
Beaver Station, North Sewickley Township, Beaver County**

The proposed RACT permit for the Beaver Station is for the application of presumptive RACT to all sources at this station, constructed in 1992 and 1993 and met Best Available Control Technology requirements at that time.

The final RACT approval will be submitted to the United States Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan.

Tuscarora Inc., New Brighton, Beaver County

Tuscarora Inc. intends to make a "process modification" by using reduced Volatile Organic Compound (VOC) bead technology in the expandable polystyrene molding process as meeting the RACT requirements of section 129. This reduction in VOC content represents a decrease of about 35% of actual emissions. This manufacturing process (EPS), consists of a series of steps during which the bead shaped resin is expanded, aged, and fused into desired shapes. Tuscarora manufactures various foam plastic product, including structural components, custom molded parts and foam package handling materials. A final RACT approval will be submitted to the Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan.

Columbia Gas Transmission Corporation, Blackhawk, Beaver County

This RACT proposed Operating Permit is for Columbia Gas's proposal to limit Blackhawk Station's potential to emit to a level below the major NOx emitting facility threshold. The Ingersoll-Rand 8TVR will be limited to 4,309,000 bhp-hrs annually.

Persons wishing to present testimony at the hearings should contact Community Relations Coordinator Rita Zettelmayer at (412) 442-4183 by July 6, 1998. Oral testimony will be limited to a maximum of 10 minutes and two written copies of the testimony should be provided. 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 accommodation to do so, should contact Rita Zettelmayer or the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those unable to attend the hearings, but wishing to comment, should provide written comments to the DEP Regional Air Quality Program Manager Joseph Pezze, DEP, 400 Waterfront Drive, Pittsburgh, PA 15222. Comments should be submitted within 30 days of the date of this publication notice.

All pertinent documents are available for review from 8 a.m. to 4 p.m. at the DEP Regional Office in Pittsburgh. Appointments for scheduling a review may be made by calling (412) 442-4000.

Issuance of Reasonably Available Control Technology (RACT) Plan Approval

The Department of Environmental Protection (Department) will hold hearings at 10:30 a.m. in the Island Conference Room, Department of Environmental Protection Office, 400 Waterfront Drive, Pittsburgh, PA on July 30, 1998, to receive comments on the proposed approval of a Reasonably Available Control Technology (RACT) Plan and Emission Reduction Credits (ERC's) for:

**Consolidated Natural Gas Corporation (CNG),
North Summit Station, North Union Township,
Fayette County, Permit No. 26-000-405**

The proposed RACT permit for the North Summit Station is for the application of presumptive RACT to all sources at this station, constructed in 1991.

CNG's North Summit Station intends to fulfill all of the applicable requirements specified in 25 Pa. Code Chapter 139; RACT File No. 26-0405, and the Departments Source Testing Manual.

Texas Eastern Transmission Corporation, Uniontown Station, North Union Township, Fayette County, Permit No. 26-000-413

The proposal approval covers the operation of Non-Selective Catalytic Reduction (NSCR) on four Ingersoll Rand engines, Dry Low-NOx Combustors (DLNC) on two solar Mars turbines, and the application of presumptive RACT on the ancillary sources as part of Texas Eastern's RACT plan for its Uniontown compressor station.

Persons wishing to present testimony at the hearings should contact Community Relations Coordinator Rita Zettelmayer at (412) 442-4183 by July 6, 1998. Oral testimony will be limited to a maximum of 10 minutes and two written copies of the testimony should be provided. 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 accommodation to do so, should contact Rita Zettelmayer or the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those unable to attend the hearings, but wishing to comment, should provide written comments to the DEP Regional Air Quality Program Manager, Joseph Pezze, DEP, 400 Waterfront Drive, Pittsburgh, PA 15222. Comments should be submitted within 30 days of the date of this publication notice.

All pertinent documents are available for review from 8 a.m. to 4 p.m. at the DEP Regional Office in Pittsburgh. Appointments for scheduling a review may be made by calling (412) 442-4000.

Issuance of Reasonably Available Control Technology (RACT) Plan Approval

The Department of Environmental Protection (Department) will hold hearings at 11 a.m. in the Allegheny Conference Room, Department of Environmental Protection Office, 400 Waterfront Drive, Pittsburgh, PA on July 30, 1998, to receive comments on the proposed approval of a Reasonably Available Control Technology (RACT) Plan and Emission Reduction Credits (ERC's) for:

Somerset State Hospital, Somerset, Somerset County

The proposed RACT permit of the Somerset State Hospital is for the application of RACT synthetic minor consideration for the three Riley Boilers limiting their consumption of coal. The other sources associated with the Hospital (two residential gas-fired furnaces and six emergency generators) will take presumptive RACT for maintenance and operation in accordance with the manufacturer's specifications. A final RACT approval will be submitted to the Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan.

Persons wishing to present testimony at the hearings should contact Community Relations Coordinator Rita Zettelmayer at (412) 442-4183 by July 6, 1998. Oral testimony will be limited to a maximum of 10 minutes and two written copies of the testimony should be provided. 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 accommodation to do so, should contact Rita Zettelmayer or the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those unable to attend the hearings, but wishing to comment, should provide written comments to the DEP Regional Air Quality Program Manager, Joseph Pezze, DEP, 400 Waterfront Drive, Pittsburgh, PA 15222. Comments should be submitted within 30 days of the date of this publication notice.

All pertinent documents are available for review from 8 a.m. to 4 p.m. at the DEP Regional Office in Pittsburgh. Appointments for scheduling a review may be made by calling (412) 442-4000.

Issuance of Reasonably Available Control Technology (RACT) Plan Approval

The Department of Environmental Protection (Department) will hold hearings at 1 p.m. in the Island Conference Room, Department of Environmental Protection Office, 400 Waterfront Drive, Pittsburgh, PA on July 30, 1998, to receive comments on the proposed approval of a Reasonably Available Control Technology (RACT) Plan and Emission Reduction Credits (ERC's) for:

Texas Eastern Gas Transmission Corporation, Holbrook Station, Rich Hill, Greene County, Permit No. 30-000-077

The plan approval is for the installation and operation of screw-in precombustion chambers on four Ingersoll Rand KVS412 engines, ignition retard on eight Cooper Bessemer GMV10S engines, the operation of Low-NOx burners on one Solar Mars turbine, and the implementation of presumptive RACT on seven ancillary sources at the Holbrook Station.

Consolidated Natural Gas Corporation, Crayne Station, Franklin Township, Greene County, Permit No. 30-000-089

The plan approval is for the application of presumptive RACT to the Solar Taurus turbine (6500 hp), which was installed in 1992, met BAT requirements at that time and will be retrofitted with an OEM low oxides of nitrogen (NOx) combustor kit at the first overhaul. All other sources at the station will take presumptive RACT of maintenance and operation with accordance with manufacturer's specifications.

Carnegie Natural Gas Company, Waynesburg Station, Greene County, Permit No. 30-000-106

The plan approval is for the modification of the two existing natural gas compressor engines at the Waynesburg Station. This modification includes the installation of Original Equipment Manufacturer (OEM) controls on the natural gas compressor engines. Carnegie gas will install a high energy ignition system with upgrades on the turbocharger and associated cooling system to both engines.

This will enable Carnegie Natural Gas to restrict the emissions of oxides of NOx and VOC's to a level below the major threshold.

Equitrans Inc., Rogersville Station, Center Township, Greene County, Permit No. 30-000-109

The RACT plan approves the implementation of presumptive RACT on seven ancillary sources as part of the RACT plan for the Rogersville Station.

Equitrans Inc., Pratt Station, Waynesburg, Greene County, Permit No. 30-000-110

The RACT plan approves the implementation of presumptive RACT on five Cooper Bessemer GMV-8 engines and presumptive RACT on 12 ancillary sources as part of the RACT plan for the Pratt Station.

Persons wishing to present testimony at the hearings should contact Community Relations Coordinator Rita Zettelmayer at (412) 442-4183 by July 6, 1998. Oral testimony will be limited to a maximum of 10 minutes and two written copies of the testimony should be provided. 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 accommodation to do so, should contact Rita Zettelmayer or the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those unable to attend the hearings, but wishing to comment, should provide written comments to the DEP Regional Air Quality Program Manager, Joseph Pezze, DEP, 400 Waterfront Drive, Pittsburgh, PA 15222. Comments should be submitted within 30 days of the date of this publication notice.

All pertinent documents are available for review from 8 a.m. to 4 p.m. at the DEP Regional Office in Pittsburgh. Appointments for scheduling a review may be made by calling (412) 442-4000.

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 such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (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 such certification.

Written comments or objections, or requests for informal conferences on applications, may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

Where any of the mining activities listed below will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. The NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52 and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity and pH. In addition to the above, more restrictive effluent limitations, restrictions on discharge volume, or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit when necessary for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies which have requested review of the NPDES permit requirements for a particular mining activity within the above-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

Written comments or objections should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

Ebensburg District Office, 437 South Center Street, P. O. Box 625, Ebensburg, PA 15931-0625.

Coal Applications Received:

56880107. Permit Renewal, **Scurlfield Coal, Inc.** (228 Main Street, Berlin, PA 15530), commencement, operation and restoration of bituminous strip mine, valid for reclamation only in Paint Township, **Somerset County**, affecting 52.9 acres, receiving stream Seese Run. Application received June 12, 1998.

Greensburg District Office, R. D. 2, Box 603-C, Greensburg, PA 15601.

03880110R. **McKay Coal Co., Inc.** (R. D. 2, Box 35C, Templeton, PA 16259-9211). Renewal application received for continued operation and reclamation of a bituminous surface mine located in Mahoning Township, **Armstrong County**. Receiving streams: unnamed tributaries to Cathcart Run, Cathcart Run, unnamed tributaries to Little Mudlick Creek and Little Mudlick Creek. Renewal application received May 29, 1998.

65980102. **V. P. Smith Company, Inc.** (P. O. Box 242, Ligonier, PA 15658). Application received for commencement, operation and reclamation of a bituminous surface mine located in Fairfield Township, **Westmoreland County**, proposed to affect 72.8 acres. Receiving streams: Unnamed tributaries of Hannas Run to Hannas Run to Mill Creek to the Loyalhanna River. Application received May 29, 1998.

McMurray District Office, 3913 Washington Road, McMurray, PA 15317.

30841317. **Consol Pennsylvania Coal Co.**, (Waynesburg Operation, P. O. Box 174, Graysville, PA 15337), to revise the permit for the Enlow Fork Mine in Richhill Township, **Greene County** to install the B-14 Vent Boreholes, no additional discharges. Application received June 8, 1998.

Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

54830206R3. Meadowbrook Coal Co., Inc. (6690 State Route 209, Lykens, PA 17048), renewal of an existing coal refuse reprocessing operation in Tremont Township, **Schuylkill County** affecting 11.1 acres, receiving stream—Stump Run. Application received June 15, 1998.

54830107C2. Selkirk Mining Company (200 East Norwegian Street, Pottsville, PA 17901) correction to include information for temporary stream crossing in Branch and Reilly Townships, **Schuylkill County**, affecting 3.0 acres, receiving stream—West Branch of Schuylkill River. Application received June 10, 1998.

Knox District Office, P. O. Box 669, Knox, PA 16232.

Applications Received Noncoal:

43820309. Roger Hoffman (22 McMillan Road, Mercer, PA 16137) Renewal of an existing sand and gravel operation in Findley Township, **Mercer County** affecting 9.6 acres. Receiving streams: an unnamed tributary to Cool Spring Creek. Application received June 11, 1998.

3074SM13. Allegheny Mineral Corporation (P. O. Box 1022, Kittanning, PA 16201) Renewal of an existing limestone operation in Slippery Rock Township, **Butler County** affecting 848.9 acres. Receiving streams: An unnamed tributary to Slippery Rock Creek and unnamed tributaries to Wolf Creek to Slippery Rock Creek to the Beaver River. Application received June 17, 1998.

Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

01740601A1C3. Valley Quarries, Inc. (P. O. Box J, Chambersburg, PA 17201), renewal of NPDES Permit No. PA0594407 in Mt. Joy Township, **Adams County**, receiving stream—Rock Creek. Application received June 15, 1998.

8275SM1C. Prospect Aggregates, Inc. (c/o Binkley & Ober, Inc., P. O. Box 7, East Petersburg, PA 17520), correction to an existing quarry operation in West Hempfield Township, **Lancaster County** affecting 34.7 acres, receiving stream—Chickies Creek. Application received June 15, 1998.

APPLICATIONS RECEIVED UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT

ENCROACHMENTS

The following Dam Safety and Encroachment permit applications, requests for Environmental Assessment approval, and requests for water quality certification have been received by the Department of Environmental Protection (Department). Section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)) requires the State to certify that the involved projects will not violate the applicable provisions of 33 U.S.C.A. §§ 1311—1313, 1316 and 1317, as well as relevant State requirements. Initial requests for 401 certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under Section 401 or to the issuance of a Dam Safety or Encroachment Permit or the approval of Environmental Assessments must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted above the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

Application filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under section 401 of the Federal Water Pollution Control Act.

Southeast Regional Office: Program Manager, Water Management Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

E09-768. Encroachment. Bensalem Twp., 2400 Byberry Rd., Bensalem, PA 19020. To place and maintain fill in the 100-year floodway of the Neshaminy Creek for the installation of portable toilets at Armstrong Park located on Bensalem Boulevard near its intersection with Gibson Road (Beverly, PA-NJ Quadrangle N: 21.55 inches; W: 4.25 inches) in Bensalem Township, **Bucks County**.

E09-773. Encroachment. Preit-Rubin, The Bellevue, 200 S. Broad Street, Philadelphia, PA 19102 and **Warrington Twp.,** 852 Easton Rd., Warrington, PA 18976. To construct and maintain the proposed Town Road bridge structure over the Little Neshaminy Creek (WWF, MF). The proposed work will extend existing Titus Road to provide a connection between Easton Road (SR 611) and Street Road (SR 132), and also alleviate traffic congestion associated with access to the proposed Warrington Retail Center. The proposed prestressed concrete beam bridge will have a 120-foot long single span, reinforced concrete abutments and have minimum underclearance of approximately 9 feet. This project also includes placement of fill material in 0.54 acre of adjacent wetlands associated with the proposed road construction. The site is located at a point approximately 2,000 feet southeast of the intersection of Easton Road (SR 611) and Street Road (SR 132) (Ambler, PA Quadrangle N: 18.0 inches; W: 1.8 inches) in Warrington Township, **Bucks County**. Applicant proposes to provide on site wetland replacement.

Southcentral Regional Office: Water Management Program, Soils and Waterways Section, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110, (717) 705-4707.

E06-514. Encroachment. John Henry, M. D., 1025 Hunter Road, Mohnton, PA 19540. To construct and maintain an excavated point impacting 0.46 acre adjacent to Wyomissing Creek at a point downstream of Hunter Road (Reading, PA Quadrangle N: 2.5 inches; W: 16.7 inches) in Cumru Township, **Berks County**.

E21-281. Encroachment. PA Department of Transportation, Engineering District 8-0, John Rautzahn, 2140 Herr Street, Harrisburg, PA 17103. To remove the existing structure and to construct and maintain a prestressed spread box beam bridge with a centerline span of 25.46 feet on an 80 degree skew with a minimum underclearance of 4.45 feet across an unnamed tributary to Yellow Breeches Creek on SR 2017, Section 003, Segment 0040, Offset 0000, Station 64+66 (Lisburn Road) located about 1.4 miles northwest of Lisburn Village (Lemoyne, PA Quadrangle N: 10.65 inches; W: 7.7 inches) in Lower Allen Township, **Cumberland County**.

E28-256. Encroachment. Greenridge Farms, Inc., Nick Miller, 11144 Old Forge Road, Waynesboro, PA 17268. To extend the length of existing twin 42-inch

diameter reinforced concrete pipe (RCP) culverts by 40 feet in the channel of an unnamed tributary to East Branch Antietam Creek (locally called Bailey Run) in order to widen the roadway width of Pineridge Drive for a development called Woodcrest Development, Section F-1 located about 0.9 mile southwest of Glen Forney Village (Waynesboro, PA Quadrangle N: 1.7 inches; W: 1.4 inches) in Washington Township, **Franklin County**.

E22-385. Encroachment. **Derry Woods Residential Development**, Lee Moyer, 851 Bullfrog Valley Road, Hummelstown, PA 17036. To remove an existing structure and construct and maintain a 16-foot 4-inch by 5-foot 11-inch aluminum box culvert and impact 0.20 acre of wetlands in and along a tributary to Swatara Creek at a point along Bullfrog Valley Road (Hershey, PA Quadrangle N: 1.0 inch; W: 8.5 inches) in Derry Township, **Dauphin County**.

E31-144. Encroachment. **PA Department of Transportation**, Engineering District 9-0, 1620 N. Juniata Street, Hollidaysburg, PA 16648. To remove an existing structure and to construct and maintain a spread box beam bridge having (2) clear spans of 35.36 feet and an underclearance of about 12 feet across Great Trough Creek located on SR 3019, Section 001, Segment 0200 about 1.2 miles south of the Village of Cassville (Cassville, PA Quadrangle N: 5.3 inches; W: 6.6 inches) in Cass Township, **Huntingdon County**.

E36-653. Encroachment. **PA Department of Transportation**, Engineering District 8-0, John Rautzahn, 2140 Herr Street, Harrisburg, PA 17103. To remove the existing structure, construct and maintain a precast reinforced concrete box culvert having an 18.0 foot normal span and a vertical underclearance of 4.0 feet on a 75 degree skew over Coopers Run on SR 2014, Segment 0030, Offset 0000 (Maple Shade Road) (Kirkwood, PA Quadrangle N: 20.8 inches; W: 7.95 inches) in Colerain Township, **Lancaster County**.

E38-118. Encroachment. **Pine Meadows Golf Course**, Larry Raybold, P. O. Box 66, Manheim, PA 17545. To construct and maintain three golf cart/pedestrian bridges across wetlands and a tributary to the Little Swatara Creek for access to golf greens No. 3, 15 and 16. Utility lines are authorized to be attached to structures to cross the watercourses and wetlands. Fill is authorized to be placed in a de minimis area of wetlands less than or equal to 0.04 acre for construction of paved cart paths and the bridge ramps. To place fill within the floodway of the Little Swatara Creek to raise the elevation of Green No. 13 to elevation 412 and stabilize the slide slopes with rock. This permit also authorized the enlargement by excavation to deepen five existing ponds on tributaries to the Little Swatara Creek and provide additional storage capacity for golf course irrigation. Permittee is authorized to perform pond maintenance and remove accumulated sediment as necessary to maintain capacity. The proposed nine hole golf course expansion of the Pine Meadows Golf Course is located on the west side of SR 343 and south of Greble Road (Fredericksburg, PA Quadrangle N: 6.5 inches; W: 7.0 inches) in Bethel Township, **Lebanon County**.

E38-119. Encroachment. **Wayne Herr**, R 1, Box 6870, Grantville, PA 17028. To excavate a 120-foot by 200-foot impoundment area for construction of a private non-jurisdictional dam across a tributary to the Swatara Creek and to abandon and fill in an existing upstream pond. This permit also authorizes the relocation and stabilization of about 100 feet of the watercourse from the existing impoundment area for the purpose of protecting

a private residence from bank erosion. The permit authorizes the construction and maintenance of 60 feet of an 18-inch pipe culvert and the removal of the existing dam drain pipe from under the driveway for the Herr residence located (Grantville, PA Quadrangle N: 7.2 inches; W: 0.5 inch) in East Hanover Township, **Lebanon County**.

Northcentral Region, Water Management, Soils and Waterways Section, F. Alan Sever, Chief, 208 West Third St., Suite 101, Williamsport, PA 17701.

E19-177. Encroachment. **Columbia County Commissioners**, P. O. Box 380, Bloomsburg, PA 17815. To repair, operate and maintain a single span covered bridge that carries T-422 across Catawissa Creek. The repair work shall consist of 1) constructing reinforced concrete backwalls and bearing seats at the existing abutments 2) underpinning the abutments with riprap and 3) replacing the existing timber stringers and floorbeams which shall not alter the clear normal span of 95 feet, the average underclearance 17 feet or the curb to curb width of 13.5 feet. The project is located along the eastern right-of-way of SR 0487 at the intersection of T-403 and T-422 (Catawissa, PA Quadrangle N: 14.0 inches; W: 10.1 inches) in Catawissa Township, **Columbia County**. Estimated stream disturbance is 155 feet of waterway. Temporary impact will be 155 feet of stream which shall be restored to original geometry, contours and elevations.

E53-313. Encroachment. **Kenneth P. Ayers**, R. R. 1, Box 256A, Austin, PA 16720. To construct, operate and maintain a storage building the floodway of an unnamed tributary to Prouty Run for the storage of commercial equipment. The work shall consist of constructing a commercial building that measures 2,400 square feet and is located along the eastern right-of-way of SR 3003 west of the intersection of Long Toe Road and Wild Boy Road (Ayers Hills, PA Quadrangle N: 5.00 inches; W: 8.25 inches) in Summit Township, **Potter County**. This permit also authorizes the installation of 80 linear feet of riprap channel protection for the restoration of the unnamed tributary to Prouty Run. Project will not impact the stream or wetlands; stream classification is High Quality Cold Water Fishery.

Southwest Regional Office: Soils and Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E02-1226. Encroachment. **Lincoln Property Company**, 35 Highland Road, Bethel Park, PA 15102. This application originally published April 25, 1998 to construct and maintain a 362.0 foot long x 94.0 foot wide boat docking facility. This is resubmitted to construct and maintain a boat docking facility having a total length of approximately 679.2 feet and a total width of approximately 109.0 feet (as measured from the low water mark) in the channel of and along the right bank of the Allegheny River (WWF) for the purpose of providing docking spaces for tenants of the Lincoln at North Shore Apartments. The project is located just upstream from the Ninth Street Bridge, (Pittsburgh East, PA Quadrangle N: 13.4 inches; W: 16.5 inches) in the City of Pittsburgh, **Allegheny County**.

E02-1236. Encroachment. **County of Allegheny**, Department of Public Works, 501 County Office Building, 542 Forbes Avenue, Pittsburgh, PA 15219-2951. To rehabilitate and maintain the existing Montour Run Bridge No. 20 bridge having a span of 17.0 feet with an underclearance of 11.15 feet across Montour Run (TSF) located on Enlow Road, just north of the intersection of Enlow Road, McNees Lane, Cliff Mine Road, Grace Street

and West Allegheny Road (Oakdale, PA Quadrangle N: 14.6 inches; W: 15.2 inches) in Findlay and North Fayette Townships, **Allegheny County**.

E02-1237. Encroachment. **Peoples Natural Gas Company**, 1201 Pitt Street, Pittsburgh, PA 15221. To rehabilitate and maintain the existing 20 inch diameter gas pipeline TP-7800 and the existing 4 inch diameter gas pipeline (M-3647) in the channel of an unnamed tributary to Sawmill Run (WWF) located approximately 300 feet northwest from the intersection of Beaver Road (S. R. 130) and Leax Lane on the south side of Leax Lane (Braddock, PA Quadrangle N: 9.4 inches; W: 1.8 inches) in Wilkins Township, **Allegheny County**.

E56-282. Encroachment. **Stonycreek Valley Development Corporation**, 305 Stonycreek Street, Boswell, PA 15531. To construct and maintain three ford crossings below normal pool level in the backwater areas of Lake Stonycreek (CWF) for the purpose of sediment retention and removal. The project is located approximately 0.5 mile west of the intersection of S. R. 160, T-535 and T-567 (Central City, PA Quadrangle N: 1.7 inches; W: 16.1 inches) in Stonycreek Township, **Somerset County**.

E63-456. Encroachment. **Pennsylvania Trolley Museum**, 1 Museum Road, Washington, PA 15301-6133. To place and maintain fill in the floodway along the right bank side of Chartiers Creek (WWF) for the purpose of constructing a new visitors complex for the Pa. Trolley Museum. The project is located on the west side of Country Club Road, approximately 800 feet south of its intersection with LR 62189 (Washington East, PA Quadrangle N: 15.5 inches; W: 16.5 inches) in Chartiers Township, **Washington County**.

E63-457. Encroachment. **PA Department of Transportation**, Engineering District 12-0, P. O. Box 459, Uniontown, PA 15401. To repair the invert of a 15.0 foot × 13.0 foot oblong corrugated metal pipe using cement concrete paving for a distance of 313.4 feet in an unnamed tributary to Chartiers Creek (WWF). To conduct channel cleaning and install R-4 rock for bank protection for a distance of 48.0 feet upstream from the pipe and install R-6 rock for bank protection for a distance of 64.0 feet downstream from the pipe. The project is located along Interstate 79 at the Meadowlands Interchange (Washington East, PA Quadrangle N: 17.9 inches; W: 12.4 inches) in North Strabane and South Strabane Townships, **Washington County**.

E65-698. Encroachment. **Clarence B. Smail, Jr.**, P. O. Box 1200, Route 30 East, Greensburg, PA 15601. To extend and maintain the existing 13 foot by 8 foot metal plate arch pipe under S. R. 30 for a length of 250 feet in the channel of Slate Creek (WWF); to construct and maintain a 360 foot long, 5 foot diameter R. C. pipe stream enclosure in the channel of an unnamed tributary to Slate Creek; and to place and maintain fill in 0.01 acre of de minimis wetlands (PEM) for the purpose of building a new car sales area. The project is located just north of S. R. 30, approximately 0.5 mile east of Eastgate Shopping Plaza (Latrobe, PA Quadrangle N: 9.20 inches; W: 15.7 inches) in Hempfield Township, **Westmoreland County**.

E03-374. Encroachment. **Armstrong School District**, 410 Main Street, Ford City, PA 16226-1698. To construct and maintain a single span bridge having a normal span of 62.0 feet and an underclearance of 9.0 feet across Cowanshannock Creek (WWF) for the purpose of providing access to the proposed secondary school complex. Also proposed are four outfall structures along Cowanshan-

nock Creek including a 24-inch pipe, a 36-inch pipe and two 30-inch pipes. The project is located approximately 200 feet south of the intersection of S. R. 85 and S. R. 839 (Rural Valley, PA Quadrangle N: 8.3 inches; W: 2.3 inches) in Cowanshannock Township, **Armstrong County**.

E56-283. Encroachment. **Somerset Housing Development, LTD**, Housing Alliance of Indiana County, Inc., 104 Philadelphia Street, Indiana, PA 15701. To place and maintain fill in 0.2 acre of wetlands (PEM) for the purpose of constructing apartments for lower income elderly households along an unnamed tributary to East Branch of Coxes Creek (TSF). The applicant proposes to make a payment to the Pennsylvania Wetland Replacement Project in lieu of constructing replacement wetlands. The project is located at the intersection of Brierwood Drive and Princeton Avenue (Murdock, PA Quadrangle N: 21.5 inches; W: 12.8 inches) in Somerset Borough, **Somerset County**.

Northwest Regional Office: Soils and Waterways Section, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.

E16-103. Encroachment. **Vernon F. Waltman**, R. D. 2, P. O. Box 168A, Clarion, PA 16214. To construct, modify and maintain the following structures and/or activities associated with Waltman's Mule Camp along the Clarion River and within the impoundment area of Piney Dam located south of McCleary Road approximately 2 miles East of S. R. 1005 near Clarion (Strattanville, PA Quadrangle N: 18.85 inches; W: 12.0 inches) located in Highland Township, **Clarion County**.

1. Modify and maintain an approximately 250-foot-long, 48-inch-diameter CM pipe stream enclosure in a tributary to the Clarion River having an improved inlet with concrete headwall and endwall, outlet protection and paved overflow channel. This structure is to provide expanded parking area for existing camps and access for a marina.

2. Maintain approximately 920 cubic yards of fill placed along a 269-foot-reach of the Clarion River within the impoundment area of Piney Dam to provide expanded parking and access for existing camps and a marina.

3. Construct and maintain dock facilities for 100 boats along the right side of the Clarion River within the impoundment area of Piney Dam.

E61-214. Encroachment. **PA Department of Transportation**, Engineering District 1-0, 1140 Liberty Street, Franklin, PA 16323. To remove the existing single pratt truss bridge locally known as the Jersey Bridge (Drake Well Bridge) and to construct and maintain a multi-steel plate girder bridge with a single clear span of 133 feet, a minimum underclearance of 11 feet, and on a 90 degree skew across Oil Creek (CWF, trout stocked). The project is located on S. R. 1011 across Oil Creek approximately 1,000 feet north of the Drake Well Museum located in Cherrytree Township, **Venango County**.

DAM SAFETY

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.

Central Office: Bureau of Waterways Engineering, 400 Market Street, 6th Floor, P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.

D06-501. Dam. **Pennsylvania Department of Transportation** (Engineering District 5-0, 1713 Lehigh Street, Allentown, PA 18103). To construct, operate and maintain a stormwater detention dam across a tributary to Lauers Run (Reading, PA Quadrangle N: 12.9 inches; E: 2.15 inches) in the Borough of Wyomissing, **Berks County**. This dam will be located behind the development along Lincoln Court and will control stormwater from the proposed relocation/reconstruction of U. S. 222 and construction of the Warren Street Extension.

ENVIRONMENTAL ASSESSMENT

Requests for Environmental Assessment approval under section 105.15 of 25 Pa. Code and requests for certification under section 401 of the Federal Water Pollution Control Act.

Central Office: Bureau of Waterways Engineering, 400 Market Street, 3rd Floor, P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.

EA15-023C0. Environmental Assessment. **Cedarville United Methodist Church** (1092 Laurelwood Road, Pottstown, PA 19465). To modify and maintain an existing driveway culvert into a nonjurisdictional dam across a tributary to the Schuylkill River (HQ-TSF) for stormwater management at the Cedarville United Methodist Church located approximately 600 feet south of the intersection of S. R. 724 and Laurelwood Road (Pottstown, PA Quadrangle N: 19.35 inches; W: 6.00 inches) in North Coventry Township, **Chester County**.

EA15-024C0. Environmental Assessment. **Krapf Homes, Inc.** (451 Marshall Road, Glenmoore, PA 19343). To modify and maintain an existing non-jurisdictional dam located in the watershed of a tributary to East Branch Brandywine Creek (HQ-TSF, MF) impacting a de minimis area of wetlands (PEM) equal to 0.05 acre for stormwater management at the proposed Marshall Pond subdivision located approximately 1,700 feet northwest of the intersection of Marshall Road and Highspire Road (Wagontown, PA Quadrangle N: 12.7 inches; W: 1.5 inches) in Wallace Township, **Chester County**.

EA36-011C0. Environmental Assessment. **East Petersburg Borough Authority** (6040 Main Street, East Petersburg, PA 17520). To breach and remove a jurisdictional dam across Little Conestoga Creek (TSF) for the purpose of restoring the stream to a free flowing condition. The dam is located approximately 100 feet upstream of the S. R. 722 bridge crossing Little Conestoga Creek (Lancaster, PA Quadrangle N: 19.55 inches; W: 12.35 inches) in East Petersburg Borough, **Lancaster County**.

EA59-009C0. Environmental Assessment. **Mike and Harold Dunaway** (122 Heaps Road, Street, MD 21154). To construct and maintain a nonjurisdictional dam in the watershed of a tributary to Crance Brook (CWF) impacting approximately 0.18 acre of wetlands (PEM) for the purpose of recreation and wildlife enhancement located approximately 3,600 feet north of the intersection of Reservoir Hill Road (T-338) and T-635 (Potter Brook, PA-NY Quadrangle N: 4.1 inches; W: 7.8 inches) in Westfield Township, **Tioga County**.

D63-017EA. Environmental Assessment. **Beth Energy Mines, Inc.** (P. O. Box 29, Ebensburg, PA 15931). To remove a partially breached dam across Patterson Run (TSF) for the purpose of restoring the stream to a free flowing condition. The dam is part of the facilities associated with the closed Marianna Mine No. 58 and is located approximately 4,000 feet upstream of the confluence of Tenmile Creek and Patterson Run (Ellsworth, PA

Quadrangle N: 0.85 inch; W: 17.05 inches) in West Bethlehem Township, **Washington County**.

ACTIONS

FINAL ACTIONS TAKEN UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

[National Pollution Discharge Elimination System Program (NPDES)]

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

(Part I Permits)

The Department of Environmental Protection has taken the following actions on previously received permit applications and requests for plan approval and has issued the following significant orders.

Any 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, Market Street State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

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

WQM Permit No. 0998405. Sewerage. **Borough of Quakertown**, 15—35 North Second Street, P. O. Box 727, Quakertown, PA 18951, applicant request approval to construct an additional 2.0 million gallon flow equalization tank at the WWTP located in Richland Township, **Bucks County**.

WQM Permit No. 4698411. Sewerage. **Horsham Township Sewer Authority**, 617 B Horsham Road, P. O. Box 1565, Horsham, PA 19044, construction and operation of gravity sewer collection system pump station and forcemain to serve proposed Fairway Estates developments located in Horsham Township, **Montgomery County**.

NPDES Permit No. PA 0021512. Sewage. **Borough of Royersford**, P. O. Box 188, Royersford, PA 19468. Is authorized to discharge from a facility located in Upper Providence Township, **Montgomery County** into Schuylkill River.

Northcentral Regional Office: Department of Environmental Protection, 208 West Third Street, Suite 101, Grit Building, Williamsport, PA 17701.

NPDES No. PA0027171-A1. Sewerage. **Bloomsburg Municipal Authority**, Municipal Bldg., Bloomsburg, PA 17815. Permit amendment to discharge treated sewage from facility located at Town of Bloomsburg, **Columbia County**.

NPDES No. PA0112305. Sewerage. **Wyalusing Municipal Authority**, P. O. Box 61, Wyalusing, PA 18853. Renewal to discharge treated sewerage from facility located at Wyalusing Borough, **Bradford County**.

NPDES No. PA01116335. Industrial waste. **Spring Township Municipal Authority**, P. O. Box 133, Beaver Springs, PA 17812. Renewal granted to discharge treated waste from facility located at Beaver Township, **Snyder County**.

WQM Permit 1496413-A1, Amendment. Sewerage. **Krislund Camp and Conference Center**, P. O. Box 331, State College, PA 16804. Permit amendment by the Department for discharge of treated sewerage from facility located at Miles Township, **Centre County**.

WQM Permit 5389401-A2, Amendment. Sewerage. **Sizerville State Park**, R. R. 4, Box 212, Emporium, PA 15834. Permit amendment by the Department for discharge of treated sewerage from facility located at Portage Township, **Potter County**.

WQM Permit 1798404. Sewerage. **Robert and Sandra Fye**, P. O. Box 47, Drifting, PA 16834. Permission granted to construct a single residence treatment facility located at Cooper Township, **Clearfield County**.

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

NPDES Permit No. PA0000906. Industrial waste. **Westinghouse Electric Corporation**, Box 158, Madison Road, Madison, PA 15663 is authorized to discharge from a facility located at Waltz Mill Facility, Madison Borough, **Westmoreland County** to Calleys Run (Outfalls 001, 010, 011, 013—028) (colloquial name), Unnamed Tributary of Calleys Run (Outfalls 005 and 012) (colloquial name), and Unnamed Tributary of Sewickley Creek (Outfalls 002, 003, 006—009, and 029—037).

NPDES Permit No. PA0042161. Sewage. **Eugene P. Jordan**, 3678 Green Garden Road, Aliquippa, PA 15001 is authorized to discharge from a facility located at Greenhaven Gardens Sewage Treatment Plant, Raccoon Township, **Beaver County** to Drainage Swale Tributary of Raccoon Creek.

NPDES Permit No. PA0204960. Sewage. **Briselli, Incorporated**, Cecil-Hendersonville Road, P. O. Box 35A, Hendersonville, PA 15339 is authorized to discharge from a facility located at Big Jim's Roadhouse STP, Cecil Township, **Washington County** to Unnamed Tributary to McPherson Creek.

Permit No. 6377209, Amendment No. 1. Industrial waste, **Allegheny Power/West Penn Power Co.**, 800 Cabin Hill Dr., Greensburg, PA 15601-1689. Construction of Steam Electric Power Generating Plant located in the Township of Union, **Washington County** to serve the Mitchell Power Station.

Permit No. 6598201. Industrial waste, **Westinghouse Electric Company**, Interstate 70, Exit 25A, Madison, PA 15663-0158. Construction of Westinghouse Waltz Mill Remediation Project located in the Township of Sewickley, **Westmoreland County** to serve the Mobile Remediation Treatment System.

Permit No. 2672406-T2, Amendment No. 1. Sewerage, **Lance L. Safran**, 5800 Steele Road, Murrysville, PA 15668. Construction of a Sewage Treatment Plant located in the Township of Salt Lick, **Fayette County** to serve the Pleasant View Mobile Home Park.

Permit No. 5698401. Sewerage, **Penn Coal, Inc.**, 214 College Park Plaza, Johnstown, PA 15904. Construction of a Sewage Treatment Plant located in the Township of Jenner, **Somerset County** to serve the Sarah Mine.

Permit No. 6397407. Sewerage, **East Bethlehem Township Municipal Authority**, P. O. Box 136, Fredericktown, PA 15333. Construction of a Treatment plant, pump stations, and sewers located in the Township of East Bethlehem, **Washington County** to serve the Fredericktown and Vestaburg areas.

Northwest Regional Office: Regional Oil and Gas Program Manager, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6860.

NPDES Permit No. PA0102903. Industrial waste. **Allegheny Environmental Corporation**, P. O. Box 149, Franklin, PA 16323, is authorized to discharge from a treatment facility located in Sandycreek Township, **Venango County**, to the Allegheny River.

NPDES Permit No. PA0102997. Industrial waste. **Advanced Heat Treating Inc.**, Trout Run Road, St. Marys, PA 15857 is authorized to discharge from a facility located in the City of St. Marys, **Elk County** to an unnamed tributary to Elk Creek.

NPDES Permit No. PA0005860. Industrial waste. **Farmers Dairy Foods, Inc.**, R. R. 1, Box 111B, New Wilmington, PA 16142 is authorized to discharge from a facility located in Wilmington Township, **Lawrence County** to the Shenango River and an unnamed tributary to Buchanan Run.

NPDES Permit No. PA0210897. Sewage. **Human Services Center**, 130 West North Street, New Castle, PA 16101 is authorized to discharge from a facility located in Pulaski Township, **Lawrence County** to an unnamed tributary to the Shenango River.

NPDES Permit No. PA0040878. Sewage. **Gentile Enterprises, Inc.**, 270 Sharon Road, Greenville, PA 16125 is authorized to discharge from a facility located in West Salem Township, **Mercer County** to an unnamed tributary to the Shenango River.

NPDES Permit No. PA0103811. Industrial waste. **Northwest Sanitary Landfill**, 1436 West Sunbury Road, West Sunbury, PA 16061 is authorized to discharge from a facility located in Cherry and Clay Townships, **Butler County** to Findlay Run and unnamed tributaries to the South Branch of Slippery Rock Creek.

WQM Permit No. 4398409. Sewage. **Glen Lake Estates**, 6315 Forbes Avenue, Pittsburgh, PA 15217. This project is to install and operate a new extended aeration package STP with intermittent sand filtration in Pine Township, **Mercer County**.

WQM Permit No. 2489202. Industrial waste. **Superior Greentree Landfill, Inc.**, 635 Toby Road, Kersey, PA 15846. This project is for the construction of a treatment facility in Fox Township, **Elk County**.

INDIVIDUAL PERMITS

(PAR)

The following parties have submitted Notices of Intent (NOIs) for Coverage under (1) General NPDES Permit(s) to discharge wastewater into the surface waters of this

Commonwealth. The approval for coverage under these general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in the general permit; (2) General Permit(s) for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in Pennsylvania. The approval of coverage for land application of sewage sludge or residential septage under these general permits is subject to pollutant limitations, 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 approves the following coverages under the specified General Permit.

The EPA Region III Regional Administrator has waived the right to review or object to this permit action under the waiver provision: 40 CFR 123.24.

The application and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangement made for copying at the contact office noted.

*List of NPDES
and/or other
General Permit Type*

PAG-1	General Permit For Discharges From Stripper Oil Well Facilities
PAG-2	General Permit For Discharges of Stormwater From Construction Activities
PAG-3	General Permit For Discharges of Stormwater From Industrial Activities
PAG-4	General Permit For Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit For Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit For Wet Weather Overflow Discharges From Combined Sewer Systems
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

General Permit Type—PAG 2

*Facility Location
County and
Municipality*

Permit No.

*Applicant Name
and Address*

*Receiving Stream
or Body of Water*

*Contact Office and
Telephone No.*

Lower Heidelberg Township Berks County	PAR-10-C197	Calvary Bible Fellowship Church Pastor Robert A. Sloan 31 Green Valley Road Sinking Spring, PA 19608	Little Cacoosing Crk.	Berks County CD P. O. Box 520 1238 County Welfare Rd. Leesport, PA 19533 (610) 372-4657
South Heidelberg Twp. Berks Co.	PAR-10-C212	Galen Court Estates Richard A. Reinhold 225 North Ridge Rd. Reinholds, PA 17569	Cocalico Crk.	Berks County CD P. O. Box 520 1238 County Welfare Rd. Leesport, PA 19533 (610) 372-4657
East Cocalico Twp. Lancaster Co.	PAR-10-O-320	David Witmer 187 East Church St. Stevens, PA 17578	UNT Muddy Crk.	Lancaster County CD 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-5361
Salisbury Twp. Lancaster Co.	PAR-10-O-321	Marcin L. Stoltzfus 756 Pequea Ave. Gap, PA 17527	UNT Pequea Crk.	Lancaster County CD 1383 Arcadia Road, Room 6 Lancaster, PA 17601 (717) 299-5361
Franklin Twp. York Co.	PAR-10-Y307	Hickory Meadows/Harry Fox, Jr. 241 Old York Rd. Dillsburg, PA 17019	UNT to Bermudian Crk.	York County CD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430

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 or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Hellam Township York Co.	PAR-10-Y311	Wrights Crossing Kinsley Equities II LP 2700 Water St. York, PA 17403-9036	UNT to Susquehanna River	York County CD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
East Manchester Twp. York Co.	PAR-10-Y036-R1	Asbury Point LTD/ Richard Schreiber c/o Bennett Williams 135 North George St., 4th Floor York, PA 17401	Codorus Crk. Susquehanna River	York County CD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Red Lion Borough York Twp. York Co.	PAR-10-Y316	Red Lion Junior High School Red Lion School District 696 Delta Rd. Red Lion, PA 17356-9185	Barshinger Crk.	York County CD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Patton Twp. Centre Co.	PAR10F066	Haugh Park Township of Patton 100 Patton Place State College, PA 16803	Unt. Spring Crk.	Centre County Cons. Dist. 414 Holmes Ave. Suite 4 Bellefonte, PA 16823
White Deer Twp. Union Co.	PAR106825	Conway Central Express Zartman Construction Inc. 405 N. 4th St. Sunbury, PA 17801	Susquehanna River	Union County Cons. Dist. 60 Bull Run Crossing Lewisburg, PA 17837
Lackawanna County Archbald Borough	PAR10N063	Vincent Bonaddio PEI Power Corp. One PEI Center Wilkes-Barre, PA 18711-0601	Laurel Run Crk.	Lackawanna CD (717) 281-9495
Luzerne County Avoca Borough and Duryea Borough	PAR10R049-R	DER File No. DGS 184-23 Flood Control Project on Mill Creek	Mill Creek Lackawanna River	Luzerne County (717) 674-7991
Luzerne Co. Wright Township	PAR10R149	K. T. Holdings Warehouse Phase 2 to 5 K. T. Holdings, Inc. 58 Pittston Ave. Pittston, PA 18640	Watering Plan Big Wapwallopen Crk.	Luzerne County (717) 674-7991
Monroe County Smithfield Township	PAR10S022	Milford Commons Milford Commons, Ltd. 1520 Royal Palm Square Blvd. Ft. Myers, FL 33919	Sambo Creek	Monroe County (717) 629-3060
Luzerne County Wilkes-Barre Township	PAR10R150	Luzerne County S. R. 0081 Sec. 393 Inter. No. 46 PENNDOT Dist. 4-0 O'Neill Highway Dunmore, PA 18512	Coal Brook	Luzerne County (717) 674-7991
Elk County Horton/Ridgway Township	PAR102515	National Fuel Gas Supply 1100 State Street Erie, PA 16501	Tributary to Clarion River and S. Branch Island Run	Elk Conservation District Elk County Courthouse P. O. Box 448 Ridgway, PA 15853 (814) 776-5373
Erie County Washington Township	PAR10K109	YMCA of Greater Erie 31 West 10th Street Erie, PA 16501	UNT to Edinboro Lake	Erie Conservation District 12723 Route 19 P. O. Box 801 Waterford, PA 16441 (814) 796-4203

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 or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Zelienople Borough Butler County	PAR208333	Besco Manufacturing Company, Inc. P. O. Box 68 Zelienople, PA 16063-0068	Connoquenessing Crk.	DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942
Washington Township Clarion County	PAR228304	Georgia-Pacific Corp. 133 Peachtree St., N. E. P. O. Box 105605 Atlanta, GA 30348-5605	East Sandy Crk.	DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942
City of Butler Butler County	PAR808320	Trinity Industries, Inc. 601 Hansen Ave. Butler, PA 16001-5696	Connoquenessing Crk.	DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942

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 or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Hempfield Township Mercer County	PAG048518	Susan I. Booth and James E. Leskovac 170 Saint Glory Rd. Greenville, PA 16125	Unnamed Tributary to the Shenango River	DEP Northwest Region Water Management 230 Chestnut St. Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG 5

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Lycoming County Jersey Shore Borough	PAG0054804	Charles Bower Uni-Mart Inc. #04044 477 E. Beaver Ave. State College, PA 16801	Nichols Run	Northcentral 208 W. Third St. Williamsport, PA 17701 (717) 327-3664
Beaver County Independence Township	PAG056120	CNG Transmission Corporation P. O. Box 405 Delmont, PA 15626	Unnamed Tributary to Raccoon Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

General Permit Type—PAG 8

<i>Facility Location County and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Stream or Body of Water (If Applicable)</i>	<i>Contact Office and Telephone No.</i>
Susquehanna County Borough of Susquehanna Depot	GP08-2204	Tri-Boro Municipal Authority 216 E. Main Street Susquehanna, PA 18847-1641	N/A	Northeast Regional Water Management Program 2 Public Square Wilkes-Barre, PA (717) 826-2511

**SEWAGE FACILITIES ACT
PLAN APPROVAL**

The Department of Environment Protection has taken actions on municipal requests for Act 537 Plan Approval.

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514), and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Market Street State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure are also available in Braille or on audio tape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Actions under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20).

Southeast Regional Office, Sewage Planning Specialist Supervisor, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

The Plan Approval is granted for a revision to the **Official Sewage Facilities Plan of Lower Merion Township, Montgomery County** to provide for the installation of a low pressure gravity sewer along Panorama Road to eliminate 2 onlot sewage disposal system malfunctions and to provide public sewerage service to the remaining 13 residences. The 6,000 gpd flows will be conveyed by the Gulf Creek pump station to the City of Philadelphia Southeast Wastewater Treatment Plant.

The Plan Approval is granted for a revision to the **Official Sewage Facilities Plan of Schwenksville Borough, Montgomery County** to provide for the re-rating of the Schwenksville Borough Authority's Wastewater Treatment Plant from .206 MGD to .300 MGD (annual average). This will be accomplished by:

1. Replacing each of the three existing raw sewage pumps with new 440 gpm capacity pumps.

2. Minor piping modifications to divert chlorinated effluent flow from the aeration tank directly to the WWTP outfall.

This planning approval does not relieve the project sponsor of the responsibility to secure a Department permit for the construction and operation of the proposed facility.

Regional Office: Water Management Program Manager, Southcentral Region, 909 Elmerton Ave., Harrisburg, PA 17110-0082.

Union Township, Lebanon County, RR1, Box 1940, Jonestown, PA 17038; **Swatara Township, Lebanon County**, One Supervisors Drive, Jonestown, PA 17038-0916; **Bethel Township, Lebanon County**, 150 South Pine Grove St., Fredericksburg, PA 17026.

This multi-municipal plan, which proposed public sewer service for Monroe Valley located in the northern part of all three Townships, was disapproved because of a failure to address the 13 plan deficiencies identified in our letter dated January 30, 1995. As discussed in our January 29,

1998, failure to respond within specified time frames would result in plan disapproval. The original deficiencies are listed below.

1. The alternate selection is incomplete. Your plan submission identifies a need and indicates that it is technically feasible to provide public sewerage to the Village of Lickdale, Monroe Valley Development and Camp Strause service areas, however, the plan fails to select an alternative that provides for completion of this project. (VIII-A).

2. The alternative selection is incomplete. On page III-5, the plan advises Union, Swatara and Bethel Townships to enact a well drillers ordinance to supplement their onlot management programs. However, the recommendation is ignored in the selected alternatives section. (VIII-A)

3. The alternative selection is incomplete. The plan recommends adoption of an OLDS Management Ordinance but yet no provision is found to either select or reject this alternative. No milestones appear on the implementation schedule for development or adoption. A model ordinance supplied in the plan appears to be a blank copy of an old sample OLDS Ordinance from the Department that does not match the appropriate description beginning on page III-13. (VIII-A)

4. Municipal responses to letters received during the public comment period have not been included. Please include municipal responses to letters received from Glace Associates dated June 28, 1994 concerning wastewater treatment plant needs in the industrial park area, the Lebanon County Planning Department dated June 24, 1994, Derck and Edson Associates dated June 24, 1994 concerning a land developer. (Item 6)

5. The alternatives analysis is incomplete. The plan makes no discussion or provisions for the potential use of SFTF (small flow treatment facilities). Please address. (V-A 10, 13a)

6. The alternative analysis is incomplete. Your plan does not detail or provide cost estimates for each of the alternatives identified on page III-12 of your plan. (VI-D)

7. The implementation schedule does not include milestones for adoption of any of the ordinances proposed in your plan. Please provide an implementation schedule that includes appropriate milestones to implement all ordinances, within 1 year of plan approval. (Item 8)

8. The institutional evaluation is incomplete. In addition to the municipal adoptions from Bethel, Swatara and Union Townships, a letter of approval or an adoption from the Northern Lebanon County Authority is required. Please provide proposed inter-municipal agreements. Both existing North Lebanon County Authority and the Monroe Valley Joint Committee should be consulted to complete this section. (VII-A, B, C, D)

9. Plan consistency with all required programs has not been established. Consistency has not been established with the State Water Plan, Wetlands Protection, and Pennsylvania Historic and Museum Commission (PHMC). PHMC actually indicated further action was required, yet no follow up action was taken. (VI-A 6, 9, 11)

10. The proposed funding sources have changed dramatically since our initial preplanning conference. Your plan now identifies the potential use of State and/or Federal funding vice private/authority funding. For State and Federal funding, all Title II requirements must be satisfied. These requirements are identified on pages I-13

thru I-16 of the Plan Completeness Checklist and were omitted from your plan. These pages are attached to this letter for your convenience.

11. In order to prepare an accurate project priority rating for State or Federal funding, please complete, map and submit the Needs Analysis Chart for OLDS malfunctions and well study results for the entire project area using the data found on page II-4 identifying 307 existing units in the project area and the information found on pages II-15 thru II-21.

12. Page II-1 incorrectly indicates the COWAMP plan is not available. A copy of the applicable COWAMP plan is available at our regional office in Harrisburg. Please contact Mary DiSanto at (717) 540-5018 to arrange an appointment for your COWAMP review. (I, VI)

13. The amount of water sample testing may be insufficient. The sample rate requirement is 15% of the wells in the planning area. The samples that were taken appear to be grouped in clusters. Please review the sample locations to determine if any project areas do not have a representative sample. Fill any data gaps discovered or clearly demonstrate that sampling is representative of the entire planning area. (III-B)

Derry Township, Mifflin County, 15 West Mill Street, P. O. Box M, Yeagertown, PA 17099.

The approved plan provided for construction of five public sewer projects to serve Maitland, North Maitland, South Hills, Jacks Creek, and Vira areas of the Township. Various collection system types will be used. Scheduling is dependent upon obtaining necessary funding. An onlot disposal system (OLDS) management program will be implemented in the entire Township. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Plan Revision Approval Granted June 10, 1998 under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20).

Regional Office: Water Management Program Manager, Southcentral Region, One Ararat Boulevard, Harrisburg, PA 17110.

Shy Beaver RV Park, 76 Campsites, Hopewell Township, **Huntingdon County**.

The approved plan revision provided for approval of a revision to the Official Plan of Hopewell Township, Huntingdon County. Project involves construction of a small flow treatment facility to serve 14 additional proposed campground sites, for combined maximum flows of 1,400 gallons per day. The campground is located 1/2 mile east on State Route 3002 beginning at the junction with State Route 26. Treated effluent is to be discharged into an unnamed tributary of Shy Beaver Creek.

Any required NPDES Permits or Water Management Permits must be obtained in the name of owner.

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

Allegheny Township, Westmoreland County, 136 Community Building Road, Leechburg, PA 15656.

The plan recommends the replacement of the Chartiers Run Sewage Treatment Plant with a pump station and conveyance of sewage flows along Melwood Road to the

existing Kiski Valley Water Pollution Control Authority's Pine Run Interceptor at Route 56 via pump stations, force mains and gravity sewers. It also recommends sewerage the Markle area within 10 years via the construction of gravity collector sewers and a pump station near Northmoreland Park and conveyance of sewage flows through the force main to the Melwood Road Interceptor via Airshaft Road.

The Township and the Municipal Authority propose to use Pennsylvania State revolving funds administered by the Pennsylvania Infrastructure Investment Authority (PENNVEST) for the construction of the sewerage facilities. The Department's review of the Sewage Facilities Update Revisions has not identified any direct significant environmental impacts due to the proposed project, however indirect impacts may occur due to the accessibility of prime agricultural land to the new sewer system.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995, Preamble 3

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 any final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or non-residential exposure factors, a description of the remediation performed, and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning the final report, please contact the Environmental Cleanup Program in the Department of Environmental Protection Regional Office under which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports.

Southcentral Regional Office, Environmental Cleanup Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4705.

Shultz Enterprises Property—Lot 3, Hanover Borough, **York County**. NePo Associates, Inc., 127 Willowbrook Lane, West Chester, PA 19382 has submitted a Final Report concerning remediation of site soils and groundwater contaminated with BTEX, PHCs and PAHs. The report is intended to document remediation of the site to meet the Statewide health standard.

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

Berwick Industries, Inc. Fulton Plant, Borough of Berwick, **Columbia County**. Henry Doherty and

Berwick Industries, Inc. have submitted a Final Report addressing soil contaminated with toluene and groundwater contaminated with solvents. The report is intended to document remediation of the site to meet the Statewide health standard for soils and the site-specific standard for groundwater.

**SOLID AND HAZARDOUS WASTE
OPERATE WASTE PROCESSING OR DISPOSAL
AREA OR SITE**

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

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

Permit ID No. 301310. Tri-State Petroleum Recovery, Inc. Residual Waste Transfer Station, 12 Creek Road, McKees Rocks, PA 15136. Operation of a residual waste transfer station in Kennedy Township, **Allegheny County**. Permit issued in the Regional Office on June 16, 1998.

Northwest Regional Office: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6848.

Permit No. 100585. Waste Management Disposal Services, Inc. (Northwest Sanitary Landfill), 1436 West Sunbury Road, West Sunbury, PA 16061. Major Permit Modification to expand the landfill laterally by 3.64 acres. Northwest Sanitary Landfill is located in Clay Township, **Butler County**. Permit modification issued in the Regional office on June 5, 1998.

**AIR QUALITY
OPERATING PERMITS**

General Plan Approval and Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Northeast Regional Office, Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (717) 826-2531.

48-310-034GP. Keystone Cement Corp. (Route 329, P. O. Box A, Bath, PA 18014) for the construction and operation of portable stone processing equipment in East Allen Township, **Northampton County**.

Southcentral Regional Office, Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.

GP3-05-03007. New Enterprise Stone & Lime Co., Inc. (P. O. Box 77, New Enterprise, PA 16648) issued for Portable Nonmetallic Mineral Processing Plant in Snake Spring Township, **Bedford 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.

46-399-106. Naval Air Station Joint Reserve Base (Naval Air Station, Route 611, Willow Grove, PA 19090) issued for the operation of a Plastic Media Blast Booth in Horsham Township, **Montgomery County**.

OP-23-0016. PQ Corporation (1201 West Front Street, Chester, PA 19013) issued 6/16/98 for the operation of a Facility VOCs/NOx RACT in City of Chester, **Delaware County**.

Southwest Regional Office, Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.

65-00792. Advanced Metallurgy, Inc. (1003 Corporate Drive, Corporate Park, Export, PA 15632) issued April 28, 1998, for the operation of belt and brush sanders at Plant #5 in Murrysville, **Westmoreland County**.

Operating Permits Minor Modification 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.

46-313-093A. SmithKline Beecham Research Co. (1250 South Collegeville Road, Collegeville, PA 19426) issued June 16, 1998, for Chemical Development Facility in Upper Providence Township, **Montgomery County**.

PLAN APPROVALS

Plan Approvals issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Northeast Regional Office, Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (717) 826-2531.

35-322-001B. Keystone Sanitary Landfill, Inc. (P. O. Box 249, Dunham Drive, Dunmore, PA 18512) issued June 8, 1998, for the modification of the landfill gas collection system in Throop Borough, **Lackawanna County**.

54-313-079A. Air Products & Chemical Co. (P. O. Box 351, Tamaqua, PA 18252) issued June 5, 1998, for the modification of a spent cylinder evacuation system in Rush Township, **Schuylkill County**.

35-302-102. PEI Power Corp. (One PEI Center, Wilkes Barre, PA 18711) issued May 22, 1998 for the modification of a boiler in Archbald Borough, **Lackawanna County**.

35-318-080. Scranton Army Ammunition Plant (156 Cedar Avenue, Scranton, PA 18505) issued May 18, 1998, for the modification of a zinc coating operation in Scranton, **Lackawanna County**.

40-303-002B. American Asphalt and Paving Co. (500 Chase Road, Shavertown, PA 18708) issued May 26, 1998, for the modification of a batch asphalt plant in Jackson Township, **Luzerne County**.

48-309-005A. Essroc Cement Corp. (3251 Bath Pike, Nazareth, PA 18604) issued May 19, 1998, for the reactivation of Kiln #4 in Nazareth Borough, **Northampton County**.

48-310-032. Essroc Cement Corp. (3251 Bath Pike, Nazareth, PA 18604) issued May 29, 1998, for the modification of a quarry conveying system in Nazareth Borough, **Northampton County**.

Southcentral Regional Office, Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.

06-3015A. Construction Fasteners, Inc. (P. O. Box 6326, Wyomissing, PA 19610) issued June 15, 1998, for installation of two scrubbers to control an E-coating line in Exeter Township, **Berks County**.

06-319-077C. General Battery Corp. (P. O. Box 13995, Reading, PA 19612-3995) issued June 12, 1998, for the construction of an additional strip casting machine and two lead pots. The strip casting machine will not be exhausted but the two lead pots will be controlled by a wet scrubber at their SLI Plant in Laureldale/Muhlenberg Township, **Berks County**. This source is subject to 40 CFR 60, Subpart KK, Standards of Performance for New Stationary Sources.

07-308-001F. Fry Metals, Inc. (4100 Sixth Avenue, Altoona, PA 16602) issued June 11, 1998, for construction of the soft metal melting area controlled by a fabric filter in City of Altoona, **Blair County**.

36-317-019B. Warner-Lambert Co. (400 West Lincoln Ave., Lititz, PA 17543) issued June 11, 1998, for the installation of the two dry ingredient mixing hoppers controlled by a fabric collector in Lititz Borough, **Lancaster County**.

67-310-009B. Milestone Materials Inc. (P. O. Box 231, Easton, PA 18040-0231) issued June 11, 1998, for modification of the stone crushing and screening operation controlled by wet suppression at their York Quarry in Manchester Township, **York County**. This source is subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

Northwest Regional Office, Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.

PA-37-011B. Dairy Farmers of America, Inc., Farmers Cheese (Route 18 and 208, New Wilmington, PA 16101) issued June 23, 1998, for the installation of a spray dryer in Wilmington Township, **Lawrence County**.

PA-25-974A. Hi Tech Plating Co. (1015 West 18th Street, Erie, PA 16502) issued June 25, 1998, for the installation of a chrome plating operation in Erie, **Erie County**.

PA-10-282A. Butler County Humane Society (1002 Evans City Road, Renfrew, PA 16053) issued June 23, 1998, for the installation of an incinerator in Renfrew, **Butler County**.

PA-42-184E. Keystone Powdered Metal Co. (8 Hanley Drive, Lewis Run, PA 16738) issued June 23, 1998, for the construction of a tempering furnace in Lewis Run, **McKean County**.

PA-42-184F. Keystone Powered Metal Co. (8 Hanley Drive, Lewis Run, PA 16738) issued June 23, 1998, for the construction of a heat treat furnace in Lewis Run, **McKean County**.

Southeast Regional Office, Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.

PA-23-0003. Bayway Refinery Co. (Post Road & Smith Street, Trainer, Pa 19061) issued June 16, 1998, for the operation of a Facility RACT for NOx and VOC in Marcus Hook Borough, **Delaware County**.

23-313-044. Rhone-Poulenc Surfactants Specialties (Blue Ball Avenue & 2nd Street, Marcus Hook, PA 19061) issued June 16, 1998, for the operation of an Surfactants Manufacturing in Marcus Hook Borough, **Delaware County**.

23-312-205. Sun Company, Inc. (R&M) (Delaware Ave. & Green Street, Marcus Hook, PA 19061) issued June 16, 1998, for the operation of an Organic Chemical Production in Marcus Hook Borough, **Delaware County**.

46-322-009. Waste Management Disposal Serv. of PA (1425 Sell Road, Pottstown, PA 19464) issued June 16, 1998, for the operation of a Landfill Gas Combustion in West Pottsgrove Township, **Montgomery County**.

Southcentral Regional Office, Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4702.

01-329-001A. Department of the Army, Commander, USAG Fort Ritchie (1500 Porter St., Fort Detrick, MD 21701) issued June 1, 1998, to authorize temporary operation of six #2 fired diesel engine-generator sets covered by this Plan Approval until September 28, 1998, at Site R, in Liberty Township, **Adams County**.

21-302-113. Masland Industries (P. O. Box 40, Carlisle, PA 17013) issued June 13, 1998, to authorize temporary operation of the Natural Gas No. 5 Boiler and Low NOx Burner for No. 4 Boiler covered by this Plan Approval until October 10, 1998, in Carlisle Borough, **Cumberland County**. This source is subject to 40 CFR 60, Subpart Dc, Standards of Performance for New Stationary Sources.

22-301-058. Pennsylvania Department of Agriculture (2301 North Cameron Street, Harrisburg, PA 17110) issued June 1, 1998, to authorize temporary operation of the Animal Health Laboratory Multi-Chambered Incinerator controlled by a Venture-Wet Scrubber and a Mist Eliminator covered by this Plan Approval until September 28, 1998, in Susquehanna Township, **Dauphin County**.

36-308-005D. Colonial Metals Co. (Second & Linden Streets, P. O. Box 311, Columbia, PA 17512-0311) issued June 15, 1998, to authorize temporary operation of an electric furnace #9 controlled by an existing fugitive system covered by this Plan Approval until October 12, 1998, in Columbia Borough, **Lancaster County**. This source is subject to 40 CFR 60, Subpart M, Standards of Performance for New Stationary Sources.

Southwest Regional Office, Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.

63-307-027. American Iron Oxide Co. (Foster Plaza, #7, 661 Andersen Drive, Pittsburgh, PA 15220) issued June 8, 1998, for the operation of iron oxide production at Allenport Plant in Allenport Borough, **Washington County**.

**REASONABLY AVAILABLE CONTROL
TECHNOLOGY
(RACT)**

Administrative Amendment of Operating Permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations for an Operating Permit to comply with 25 Pa. Code § 127.450 for Reasonably Available Control Technology.

Southeast Regional Office, Air Quality Program, 555 North Lane, Conshohocken, PA 19428, (610) 832-6242.

OP-46-0025. Lonza, Inc. (900 River Road, Conshohocken, PA 19428) issued June 16, 1998, for Facility VOC/NOx RACT in Upper Merion Township, **Montgomery County**.

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 such applications will also address the applicable permitting requirements of the following statutes: the Air Quality Control Act (35 P.S. §§ 4401—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

Ebensburg District Office, 437 South Center Street, P. O. Box 625, Ebensburg, PA 15931-0625.

Coal Applications Issued:

56880107. Permit Renewal. Scurfield Coal, Inc. (228 Main Street, Berlin, PA 15530), commencement, operation and restoration of bituminous strip mine, valid for reclamation only in Paint Township, **Somerset County**, affecting 52.9 acres, receiving stream Seese Run, application received June 12, 1998, permit issued June 12, 1998.

32980103. Alverda Enterprises, Inc. (P. O. Box 87, Alverda, PA 15710), commencement, operation and restoration of a bituminous strip mine in Pine Township, **Indiana County**, affecting 15.2 acres, receiving stream unnamed tributary to Yellow Creek and Yellow Creek, application received March 9, 1998, permit issued June 17, 1998.

56920115. Permit Renewal. Svonavec, Inc. (140 West Union Street, Somerset, PA 15501), commencement, operation and restoration of a bituminous strip-auger mine in Milford Township, **Somerset County**, affecting 68.6 acres, receiving stream unnamed tributaries to South Glade Creek and South Glade Creek, application received May 1, 1998, permit issued June 17, 1998.

Greensburg District Office, R. D. 2, Box 603-C, Greensburg, PA 15601.

26930102R. Pennsylvania Coal Co., Inc. (105 26th Street, Suite 200, Pittsburgh, PA 15232). Renewal issued for continued reclamation only of a bituminous surface mine located in Upper Tyrone Township, **Fayette County**, affecting 90 acres. Receiving streams: unnamed tributary to Jacobs Creek to the Youghiogheny River. Application received March 18, 1998. Renewal issued June 4, 1998.

02980101. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Permit issued for commencement, operation, and reclamation of a bituminous surface mine located in Findlay and North Fayette Townships, **Allegheny County**, affecting 16.1 acres. Receiving streams: Potato Garden Run and unnamed tributary to Little Raccoon Run. Application received January 8, 1998. Permit issued June 9, 1998.

03970106. GLR Mining, Inc. (P. O. Box 105, Clymer, PA 15728). Permit issued for commencement, operation, and reclamation of a bituminous surface/auger mine located in Valley Township, **Armstrong County**, affecting 30 acres. Receiving streams: unnamed tributary to Cowanshannock Creek. Application received June 27, 1997. Permit issued June 11, 1998.

65960103. M. B. Energy, Inc. (P. O. Box 1319, Indiana, PA 15701). Revision issued to add 14.8 acres as an insignificant boundary correction and upgrade 0.4 acre, and add a special condition to the permit, at a bituminous surface mining site located in Derry Township, **Westmoreland County**, now affecting 162.1 acres. Receiving streams: unnamed tributary to Miller Run, Miller Run to Loyalhanna Creek, Loyalhanna Creek to Conemaugh River. Application received April 20, 1998. Revision issued June 18, 1998.

Knox District Office, P. O. Box 669, Knox, PA 16232.

33930109. Cookport Coal Company, Inc. (425 Market Street, Kittanning, PA 16201) Renewal of an existing bituminous strip operation in Oliver and Perry Townships, **Jefferson County** affecting 16.8 acres. Receiving streams: Big Run and Unnamed tributary to McCracken Run. This renewal is issued for reclamation only. Application received April 8, 1998. Permit issued June 9, 1998.

37870102. Ambrosia Coal & Construction Co. (R. D. 1, Edinburg, PA 16116) Renewal of an existing bituminous strip and clay removal operation in North Beaver Township, **Lawrence County** affecting 46.0 acres. This renewal is issued for reclamation only. Receiving streams: Unnamed tributary to the Beaver River, Unnamed tributary to Edwards Run. Application received March 12, 1998. Permit issued June 9, 1998.

33930103. Leonard Yenzi (P. O. Box 62, Anita, PA 15711) Renewal of an existing bituminous strip operation in Knox Township, **Jefferson County** affecting 54.0 acres. This renewal is issued for reclamation only. Receiving streams: Unnamed tributaries of Camp Run and Unnamed tributaries of Fuller Run. Application received April 24, 1998. Permit issued June 10, 1998.

61970102. Rusnak Coal Company (R. D. 1, Box 44, Grove City, PA 16127) commencement, operation and restoration of a bituminous strip and auger operation in Irwin Township, **Venango County** affecting 54.5 acres. Receiving streams: Unnamed tributary to Scrubgrass Creek. Application received December 4, 1997. Permit issued June 12, 1998.

McMurray District Office, 3913 Washington Road, McMurray, PA 15317.

63831301. Victor Dosse Contracting, Inc. (420 Venetia Rd., Venetia, PA 15367), to transfer the permit for the Westland No. 2 Mine in Mt. Pleasant Township, **Washington County**, from Consolidation Coal Co., no additional discharges. Permit issued June 16, 1998.

63831302. Eighty Four Mining Co. (P. O. Box 729, Indiana, PA 15701), to revise the permit for the Mine No. 84 in South Strabane Township, **Washington County**, revision to install McKahan ventilation shaft and associated surface facilities, unnamed tributary to Little Chartiers Creek. Permit issued June 16, 1998.

30841313. Consolidation Coal Co. (P. O. Box 100, Osage, WV 26543), to renew the permit for the Dilworth

Mine in Cumberland Township, **Greene County**, no additional discharges. Permit issued June 18, 1998.

Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

54850202C4. B-D Mining Co. (P. O. Box 423, Gilberton, PA 17934), correction to an existing coal refuse reprocessing operation to include the use of biosolids in Mahanoy Township, Gilberton and Shenandoah Boroughs, **Schuylkill County**, affecting 1,590.0 acres, receiving stream—none. Correction issued June 15, 1998.

Knox District Office, P. O. Box 669, Knox, PA 16232. Noncoal issued

16810330. Glen-Gery Corporation (P. O. Box 7001, Wyomissing, PA 19610) Renewal of NPDES PA0603724, Limestone Township, **Clarion County**. Receiving streams: Pine Creek. Application received April 14, 1998. Permit issued June 9, 1998.

16860310. Glen-Gery Corporation (P. O. Box 7001, Wyomissing, PA 19610) Renewal of NPDES PA0107395, Limestone & Monroe Townships, **Clarion County**. Receiving streams: Piney Creek and Little Piney Creek. Application received April 14, 1998. Permit issued June 9, 1998.

Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

45880301C5. Selig Construction Co., Inc. (P. O. Box 185, Pocono Lake, PA 18347), renewal of NPDES Permit PA0594113 in Tobyhanna Township, **Monroe County**, receiving stream—unnamed creek to Lehigh River. Renewal issued June 19, 1998.

General Small Noncoal Authorizations Granted

64980802. Joseph G. Bunnell (267 Tryon Street, Honesdale, PA 18431), commencement, operation and restoration of a small quarry operation in Texas Township, **Wayne County** affecting 1.0 acre, receiving stream—none. Authorization granted June 18, 1998.

ABANDONED MINE RECLAMATION

Office of Mineral Resources Management, as required by Act 181 approved October 12, 1984.

Bureau of Abandoned Mine Reclamation, P. O. Box 8476, Harrisburg, PA 17105-8476

Bond Forfeiture Contract Awarded: BF 419-101.1. Beccaria Township, **Clearfield County**. AMLR Project, Greenbriar Associates, Beccaria Township, Clearfield County. *Contractor:* Earthmovers Unlimited, Inc., *Amount:* \$86,886.80. *Date of Award:* March 31, 1998.

Bond Forfeiture Contract Awarded: BF 400-101.1. Porter Township, **Clarion County**, AMLR Project, Earnest C. Dean Contractor, Porter Township, Clarion County. *Contractor:* Neiswonger Construction, *Amount:* \$118,656.50. *Date of Award:* April 13, 1998.

Bond Forfeiture Contract Awarded: BF 407-101.1. Shade Township, **Somerset County**, AMLR Project, Brothers Valley Company, Shade Township, Somerset County. *Contractor:* E & A Contracting, Inc. *Amount:* \$85,293.00. *Date of Award:* April 13, 1998.

Bond Forfeiture Contract Awarded: BF 410-101.1. Export Borough, **Westmoreland County**, AMLR Project,

CAC Energy, Inc., Export Borough, Westmoreland County. *Contractor:* Maud Mining Company. *Amount:* \$318,304.00. *Date of Award:* April 13, 1998.

Bond Forfeiture Contract Awarded: BF 398-101.1. Fairfield Township, **Westmoreland County**, AMLR Project, Laurel Coal Co., Fairfield Township, Westmoreland County. *Contractor:* D. T. Construction, Inc., *Amount:* \$168,906.00. *Date of Award:* April 15, 1998.

Bond Forfeiture Contract Awarded: BF 380-101.1. Stewart Township, **Fayette County**, AMLR Project, West Penn Coal & Construction Co., Stewart Township, Fayette County. *Contractor:* Maud Mining Company. *Amount:* \$269,173.00. *Date of Award:* April 15, 1998.

Bond Forfeiture Contract Awarded: BF 396-101.1. Conemaugh Township, **Indiana County**. AMLR Project, Thomas A. Fello Coal Company, Conemaugh Township, Indiana County. *Contractor:* Morgans Excavating. *Amount:* \$109,924.00. *Date of Award:* April 17, 1998.

Bond Forfeiture Contract Awarded: BF 373-101.1. Taylor Borough, **Lackawanna County**, AMLR Project, Dupont Anthracite Inc., Taylor Borough, Lackawanna County. *Contractor:* DeLisa Excavating. *Amount:* \$137,570.00. *Date of Award:* April 17, 1998.

Bond Forfeiture Contract Awarded: BF 374-102.1. Kittanning and Manor Townships, **Armstrong County**, AMLR Project, Bowers Coal, Inc., Kittanning & Manor Twps. Armstrong County. *Contractor:* Traister Construction, Inc. *Amount:* \$241,010.00. *Date of Award:* April 24, 1998.

Bond Forfeiture Contract Awarded: BF 389-102.1. East Franklin Township, **Armstrong County**, AMLR Project, Darmac Coal, Inc., East Franklin Township, Armstrong County. *Contractor:* J & J Snyder, Inc. *Amount:* \$31,762.50. *Date of Award:* June 5, 1998.

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, 1 (800) 654-5984. Appeals must be filed with the Environmental Hearing 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.

Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of The Clean Streams Law (35 P. S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)). (Note: Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.)

Southeast Regional Office, Program Manager, Water Management Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

E15-562. Encroachment Permit. **Tattersall Development Company**, P. O. Box 217, Chester Springs, PA 19425. To perform the following activities associated with the construction of the Tattersall Residential Golf Community Development:

1. Install and maintain a 30-inch RCP culvert along and adjacent to an unnamed tributary to Broad Run (EV) and place fill in 0.14 acre of associated wetlands for the proposed Tattersall Way roadway, which also includes the installation of stormwater, sanitary and water utility lines;

2. Install and maintain an 8-inch PVC sanitary sewer line and an 8-inch DIP water main across Broad Run;

3. Install and maintain 8-inch PVC sanitary sewer lines and 8-inch DIP water mains across three unnamed tributaries to Broad Run and associated wetlands.

This project is located approximately 1,600 feet northwest of the intersection of Broad Run Road and Strasburg Road (SR 162) (Unionville, PA Quadrangle N: 14.3 inches; W: 11.6 inches) in West Bradford Township, **Chester County**. This approval also constitutes an Environmental Assessment approval for a nonscope dam and the modification of the outlet works. The permittee agrees to create 0.28 acre of replacement wetlands at this site.

E15-569. Encroachment Permit. **Caln Township**, 253 Municipality Drive, P. O. Box 149, Thorndale, PA 19372. To realign 65 linear feet of Valley Run Creek stream channel (TSF MF) and provide bank stabilization. Also to place fill in the presently eroded portion of this stream channel. This site is located approximately 1,000 feet east of the intersection of Bailey Road and G. O. Carlson Boulevard (Coatesville, PA Quadrangle N: 22.0-inches; W: 1.25-inches) in Caln Township, **Chester County**.

Southcentral Regional Office: Water Management Program, Soils and Waterways Section, 909 Elmerton Avenue, 2nd Floor, Harrisburg, PA 17110, (717) 705-4707.

E01-191. Encroachment. **Latimore Township**, David Myers, P. O. Box 218, York Springs, PA 17372. To remove a 30-foot long by 10-foot wide gravel bar and place 50 feet of riprap on the south bank and to realign 50 linear feet of an unnamed tributary to Latimore Creek located west of Bonner's Hill Road bridge just south of Mountain Road (Dillsburg, PA Quadrangle N: 5.8 inches; W: 14.5 inches) in Latimore Township, **Adams County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E21-274. Encroachment. **Deluxe Development Corporation**, Donald Meske/Jerry Simpson, P. O. Box 323, 499 W. 3rd Street, Berwick, PA 18603. To fill in a total of 0.12 acre of wetland in order to construct roadways of a proposed housing development called Westwood Hills located on the north side of Valley Street about 0.6 mile

east of its intersection with Salt Road (Harrisburg West, PA Quadrangle: 10.0 inches; W: 9.5 inches) in East Pennsboro Township, **Cumberland County**. The applicant is required to provide 0.12 acre of replacement wetlands. This permit also includes 401 Water Quality Certification.

E22-375. Encroachment. **Triple Crown Corporation**, Mark DiSanto, 5351 Jaycee Avenue, Harrisburg, PA 17112. To construct and maintain a 7-foot, 7-inch by 11-foot, 10-inch pipe arch culvert in the channel of a tributary to Paxton Creek at a point 550 feet upstream of Route 81 (Harrisburg, PA Quadrangle N: 11.0 inches; W: 11.1 inches) in Lower Paxton Township, **Dauphin County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E22-380. Encroachment. **Joseph Rovak**, Rovak Drive, Middletown, PA 17057. To construct and maintain a bridge having a span of 22 feet and an underclearance of 5.6 feet across the channel of Laurel Run for agricultural activities at a point approximately 1,170 feet upstream of Route 283 (Steelton, PA Quadrangle N: 19.3 inches; W: 6.0 inches) in Lower Swatara Township, **Dauphin County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E28-253. Encroachment. **Metal Township Municipal Authority**, Wilmer Lehman, P. O. Box 226, Willow Hill, PA 17271. To construct and maintain an embankment of a proposed waste water lagoon at the authority's treatment plant located along the right bank's 100-year floodplain of the West Branch Conococheague Creek about 250 feet upstream of the SR 4004 Bridge (Fannettsburg Road) (Fannettsburg, PA Quadrangle N: 11.22 inches; W: 9.4 inches) in Metal Township, **Franklin County**. This permit was issued under Chapter 106 Flood Plain Management.

E36-646. Encroachment. **PA Department of Transportation**, Engineering District 8-0, John Rautzahn, 2140 Herr Street, Harrisburg, PA 17103. To remove the existing inadequate and deteriorated bridge, construct and maintain a bridge having a clear span of 70 feet on a 60 degree skew, with an underclearance of 7 feet-3 inches across Little Muddy Run on SR 0897, Section 005, Segment 0420, Offset 2820. The structure will be a prestressed concrete adjacent box beam with a concrete deck and reinforced concrete abutments and wingwalls (Terre Hill, PA Quadrangle N: 18.75 inches; W: 9.25 inches) in East Cocalico and Brecknock Townships, **Lancaster County**. The placement of rock riprap for stabilization along the streamside face of the bridge abutments and wingwalls will impact a de minimis area of wetlands less than or equal to 0.01 acre. This permit also includes 401 Water Quality Certification.

E36-648. Encroachment. **Spring Glen Fresh Foods, Inc.**, Steve Piechockie, 314 Spring Glen Drive, Ephrata, PA 17522. To impact 0.11 acre of wetlands by placing fill for a proposed building expansion and to excavate in and relocate about 90 feet of a tributary to the Conestoga Creek for construction of a stormwater basin. The Spring Glen Fresh Foods facility is located along the south side of Spring Glen Drive (T-668) (Ephrata, PA Quadrangle N: 9.1 inches; W: 2.1 inches) in Ephrata Township, **Lancaster County**. The permittee is required to provide 0.11 acre of replacement wetlands. Issuance of this permit constitutes approval of the Environmental Assessment for

a non-jurisdictional stormwater detention dam at the project site. This permit also includes 401 Water Quality Certification.

Southwest Regional Office, Soils & Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

E03-368. Encroachment. **PA Department of Transportation**, Route 286 South, Box 429, Indiana, PA 15701. To remove the existing structure and to construct and maintain a single span bridge having a normal span of 106.0 feet and an underclearance of 18.0 feet across Buffalo Creek for the purpose of improving transportation safety and roadway alignment. This permit also authorizes the construction and maintenance of two rock lined outfall channels along Buffalo Creek. The project is located on S. R. 3015, Section 150, approximately 3,500 feet south of the Village of West Winfield (Worthington, PA Quadrangle N: 6.2 inches; W: 8.8 inches) in North Buffalo Township, **Armstrong County**.

E63-446. Encroachment. **City of Washington**, 55 West Maiden Street, Washington, PA 15301. To replace the existing deteriorated stream enclosure of a tributary to Catfish Creek (WWF) with a new one consisting of the following: 328 feet of 78 inch diameter culvert, 1,040 feet of 117 inch by 79 inch arch culvert, 118 feet of 128 inch by 82 inch elliptical concrete culvert, 148 feet of dual 10 feet span and 4 feet underclearance box culvert and 394 feet of dual 12 feet span and 4 feet underclearance box culvert. This project also consists of 115 feet of gravel bar removal and stream bank stabilization in Catfish Creek (WWF) at the outlet of the proposed enclosure. The project starts near the intersection of Hall Avenue and North Franklin Street and ends at Catfish Creek approximately 600 feet downstream of the West Chestnut Street over crossing (project starts Washington East, PA Quadrangle N: 9.3 inches; W: 17.2 inches, project ends, Washington West, PA Quadrangle N: 8.6 inches; W: 0.7 inch) in the City of Washington, **Washington County**. This permit was issued under section 105.13(e) "small projects." This permit also includes 401 Water Quality Certification.

E63-447. Encroachment. **Pechin Leasing, Inc.—Clyde Marina**, P. O. Box 340, 1 Pechin Road, Dunbar, PA 15431. To construct and maintain a 1,960.0 foot long x 181.0 foot wide marina in the channel of and along the left bank of the Monongahela River (WWF) to provide more spaces for boats. The project is located at River Mile 64.4 approximately 1,100 feet northeast of the intersection of School Street and S.R. 88 (Carmichaels, PA Quadrangle N: 22.0 inches; W: 16.85 inches) in East Bethlehem Township, **Washington County**.

Northwest Regional Office, Soils and Waterways Section, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.

E10-277. Water Obstruction and Encroachment Permit. **Butler County Commissioners**, P. O. Box 1028, Butler, PA 16003-1208. To remove the existing culvert and to install and maintain a 12-foot-wide by 5-foot, 10-inch-high multi plate low profile arch culvert in a tributary to Buffalo Creek on T-603 (Hilderbrand Road) approximately 1,600 feet southwest of T-830 (Rattigan Road) (Chicora, PA Quadrangle N: 5.1 inches; W: 13.8 inches) located in Donegal Township, **Butler County**.

E42-257. Water Obstruction and Encroachment Permit. **Bradford Township Supervisors**, 136 Hemlock Street, Bradford, PA 16704. To replace the deck and to maintain the existing bridge having two 40-foot spans and a 7-foot underclearance across West Branch Tunungwant Creek on T-499 (Clark's Lane) approximately 1,000 feet east of T-332 (Langmade Lane) (Bradford, PA-NY Quadrangle N: 11.5 inches; W: 7.2 inches) located in Bradford Township, **McKean County**.

ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL ASSESSMENT APPROVALS AND ACTIONS ON 401 CERTIFICATION

Central Office: Bureau of Waterways Engineering, 400 Market Street, 6th Floor, P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.

EA67-011C0. Environmental Assessment. **GCW Properties, Inc.** (96 South George Street, York, PA 17403). To construct and maintain a nonjurisdictional dam across a tributary to Indian Run (WWF) impacting a de minimis area of wetlands (PEM) equal to 0.02 acre for the purpose of stormwater management at the proposed Grandview Heights subdivision located approximately 1,500 feet southwest of the intersection of Grandview Road and Beck Mill Road (Hanover, PA Quadrangle N: 3.2 inches; W: 15.9 inches) in Penn Township, **York County**.

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—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>
98-10-001	Penreco 138 Petrolia St. Karns City, PA 16041	Butler Co. Karns City Borough	AST storing Kerosene Bender Treated 255,776 gallons

SPECIAL NOTICES

Certified Emission Reduction Credits in Pennsylvania's ERC Registry

Emission reduction credits (ERCs) are surplus, permanent, quantified and Federally enforceable emission reductions used to offset emission increases of oxides of nitrogen (NO_x), volatile organic compounds (VOCs) and the following criteria pollutants: carbon monoxide (CO), lead (Pb), oxides of sulfur (SO_x), particulate matter (PM), PM-10 and PM-10 precursors.

The Pennsylvania Department of Environmental Protection (PADEP) maintains an ERC registry in accordance with the requirements of 25 Pa. Code § 127.209. This computerized ERC registry system provides for the tracking of the creation,

transfer and use of ERCs. Prior to registration of the credits, ERC Registry Applications are reviewed and approved by the Department to confirm that the ERCs meet the requirements of 25 Pa. Code §§ 127.206—127.208. Registration of the credits in the ERC registry system constitutes certification that the ERCs satisfy applicable requirements and that the credits are available for use. The following registered, and certified ERCs in the ERC Registry are currently available for use as follows:

- (1) To satisfy new source review (NSR) emission offset ratio requirements;
- (2) To “net-out” of NSR at ERC-generating facilities;
- (3) To sell or trade the ERCs for use as emission offsets at new or modified facilities.

The certified ERCs shown below, expressed in tons per year (tpy), satisfy the applicable ERC requirements contained in 25 Pa. Code §§ 127.206—127.208. ERCs created from the curtailment or shutdown of a source or facility expire for use as offsets 10 years after the emission reduction occurs. ERCs generated by the overcontrol of emissions by an existing facility do not expire for use as offsets. However, credits in the registry which are not used in a plan approval will be discounted if new air quality requirements are adopted by the Department of United States Environmental Protection Agency (EPA).

For additional information concerning this listing of certified ERCs, contact Virendra Trivedi, Bureau of Air Quality, Division of Permits, Department of Environmental Protection, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325.

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
American National Can Company County: Lehigh, PA Nonattainment status: Moderate Contact: R. M. Rivetna Telephone: (312) 399-3392	VOCs	166.7	11/06/2002	Trading
National Fuel Gas Supply Corp. Knox Compressor Station County: Jefferson, PA Nonattainment status: Moderate Contact: Gary A. Young Telephone: (814) 871-8657	NOx	145.7	06/30/2002	Internal Use
National Fuel Gas Supply Corp. Roystone Compressor Station County: Warren, PA Nonattainment status: Moderate Contact: Gary A. Young Telephone: (814) 871-8657	NOx	103.3	12/28/2002	Internal Use
U. S. Naval Hospital County: Philadelphia Nonattainment Status: Severe Contact: Mark Donato Telephone: (215) 897-1809	NOx	30.5	3/31/2005	Trading
United States Steel Group County: Bucks Nonattainment Status: Severe Contact: Roy J. Weiskircher Telephone: (412) 433-5914	NOx VOC	1301.7 18.1	8/01/2001	Trading
Lord Corporation Source: Two coal fired boilers County: Erie Ozone nonattainment status: Moderate Contact: Matthew Comi Telephone: (814) 868-0924	NOx	30.5	12/20/2004	Trading
Julian B. Slevin, Inc. Recipient/Holder: Ronald W. Lockhart Sandra S. Lockhart Source Location: Lansdowne County: Delaware Ozone nonattainment status: Severe Contact: Pamela H. Woldow Telephone: (215) 979-1836	VOCs	85.22	12/20/2005	Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Graphic Controls Corporation Recipient/Holder: RIDC Southwestern Pennsylvania Growth Fund Ozone nonattainment status: Moderate Contact: F. Brooks Robinson Telephone: (412) 471-3939	VOCs	104.0	5/15/2002	Trading
Package Service Co. Inc. Ozone nonattainment status: Moderate Contact: Harry F. Klodowski Telephone: (412) 281-7997	VOCs	39.6	3/31/2002	Trading
R. R. Donnelley & Sons Co. County: Lancaster Ozone nonattainment status: Moderate Contact: David A. York Telephone: (717) 293-2056	VOCs	147		Internal Use
Kurz Hastings Inc. County: Philadelphia Nonattainment Status: Severe Contact: Robert Wallace Telephone: (215) 632-2300	VOCs	388.0		Trading
Pennsylvania Electric Company (Penelec) Source Location: Williamsburg Station County: Blair Ozone nonattainment status: Moderate Contact: Tim McKenzie Telephone: (814) 533-8670	NOx VOCs	452 3.0	1/18/2001	Trading
Pennsylvania Electric Company (Penelec) Recipient: Carpenter Technology Corp. Ozone nonattainment status: Moderate Contact: Sean McGowan Telephone: (610) 208-3018	NOx	15.36	1/18/2001	Internal Use
Caparo Steel Company Source Location: Farrell County: Mercer Ozone nonattainment status: Moderate Contact: Anthony W. Kurley, Jr. Telephone: (412) 983-1919	NOx VOCs	354.6 206.8	11/30/2002	Trading
Sharon Steel Corp. Source Location: Farrell County: Mercer Ozone nonattainment status: Moderate Contact: Robert Trbovich Telephone: (412) 983-6161	NOx VOCs	96.3 10.7	11/30/2002	Trading
Pennsylvania Power Company (PA Power) Source Location: New Castle Plant County: Lawrence Ozone nonattainment status: Moderate Contact: Donald R. Schneider Telephone: (412) 652-5531	NOx	214	4/02/2003	Trading
Pennsylvania Power Company (PA Power) Recipient: General Electric Company Ozone nonattainment status: Moderate Contact: Scott Gowdy Telephone: (814) 875-2427	NOx	14	4/02/2003	Internal Use

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
DMi Furniture Inc. Recipient: Wood Mode Inc. Ozone nonattainment status: Moderate	VOCs	85.2	12/01/2005	
Ford New Holland, Inc. Source Location: Mountville County: Lancaster Ozone nonattainment status: Moderate Contact: William E. Knight Telephone: (717) 355-4903	NOx VOCs	4 78	1/22/2003	Trading
Mercersburg Tanning Company Source Location: Mercersburg County: Franklin Ozone nonattainment status: Moderate Contact: David W. Warne Telephone: (717) 765-0746	VOCs	20	10/1/2004	Trading
I.H.F.P., Inc. Source Location: Milton Borough County: Northumberland Ozone nonattainment status: Moderate Contact: Michael West Telephone: (717) 742-6639	NOx VOCs	24.45 12.88	4/1/2006	Trading
3M Minnesota Mining & Manufacturing Source Name: 1E Coater Source Name: 2E Coater Source Name: 3E Coater Source Name: 4E Coater Source Name: 5E Coater Source Name: 3W Coater Source Name: 4W Coater Plant Location: Bristol, Bucks Ozone nonattainment status: Severe Contact: Belinda Wirth Telephone: (612) 778-6014	VOCs VOCs VOCs VOCs VOCs VOCs VOCs	0.10 0.25 44.80 0.10 17.90 303.65 275.10	5/02/2001 5/06/2001 4/18/2001 4/16/2001 4/26/2001 10/18/2001 5/13/2001	Trading
Leggett & Platt, Inc. Source Location: Harris Hub-Columbia County: Lancaster Ozone nonattainment status: Moderate Contact: Bob Anderson Telephone: (417) 358-8131	VOCs	30	10/01/2004	Trading
Scranton-Altoona Terminal Corporation Source Location: Pittston Township County: Luzerne Ozone nonattainment status: Moderate Contact Person: John M. Arnold Telephone: (717) 939-0466	VOCs	18.36	1/1/2003	Trading
Ball Metal Food Container Corporation Plant Name: Heekin Can Inc. County: Allegheny Ozone nonattainment status: Moderate Contact: John Munsch Telephone: (303) 460-5601	VOCs NOx	64.5 5.4	04/10/2006	Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Metallized Paper Corporation of America Recipient/Holder: PNC Bank, National Association, assignee (by private lien foreclosure) from Metallized Paper Corp. Source Location: McKeesport County: Allegheny Ozone nonattainment status: Moderate Contact: Martin Mueller Telephone: (412) 762-5263	VOCs	41.7	06/30/2006	Trading
PPG Industries, Inc. Source Location: Springdale Complex County: Allegheny Ozone nonattainment status: Moderate Contact: Lori Burgess Telephone: (412) 274-3884	VOCs	171.82		Trading
York International Corporation Sources: Trichloroethylene Vapor Degreaser (151) Trichloroethylene Vapor Degreaser (152) Source Location: Spring Garden Township County: York Ozone nonattainment status: Moderate Contact: Garen Macdonald Telephone: (717) 771-7346	VOCs VOCs	12.2 2.7	06/01/2006 10/01/2005	Trading
Pennzoil Products Company Source Location: Rouseville County: Venango Ozone nonattainment status: Moderate Contact: Lee E. Wilson Telephone: (814) 678-4649	NOx	31.6	04/15/2002	Trading
Mace Security International, Inc. Recipient: Dart Container Corporation Ozone nonattainment status: Moderate	VOCs	22	10/3/2005	
REXAM DSI Source Location: Muhlenberg Township County: Berks Ozone nonattainment status: Moderate Contact: LeRoy H. Hinkle Telephone: (610) 916-4248	VOCs	158.8 tpy with seasonal restrictions or 33.61 tpy without seasonal restrictions	Varies from 2/24/2005 through 4/23/2006	Trading
Avery Dennison Corporation Fasson Roll North America Source Location: Quakertown County: Bucks Ozone nonattainment status: Severe Contact: Roy R. Getz Telephone: (215) 538-6271	NO _x VOCs	9.42 273	11/22/2005	Trading
United States Steel Source Location: Edgar Thomson Works County: Allegheny Ozone nonattainment status: Moderate Contact: Harry F. Klodowski Telephone: (412) 281-7997	NOx VOCs SOx PM	136.6 83.9 46.4 64.7	11/02/2002	Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Baldwin Hardware Corporation Source Location: Reading County: Berks Ozone nonattainment status: Moderate Contact: D. David Hancock, Jr. Telephone: (215) 777-7811	VOCs	18	7/28/2005	Trading
Magee Rieter Automotive Systems Source Location: Bloomsburg County: Columbia Ozone nonattainment status: Moderate Contact: Tim Bergerstock Telephone: (717) 784-4100	NOx VOCs CO PM-10	0.39 0.02 0.08 0.01	4/17/2006	Internal Use
Graphic Controls Corporation County: Allegheny Ozone nonattainment status: Moderate Contact: Harry F. Klodowski Telephone: (412) 281-7997	NOx	5.0	5/15/2002	Trading
White Consolidated Industries Quaker Maid Plant (Division of Schrock Cabinets) Source Location: Ontelaunee Township, Berks Ozone nonattainment status: Moderate Contact: Douglas McWilliams Telephone: (216) 479-8500	VOCs	95.5	7/1/2006	Trading

Summary of ERC Transaction

The following ERC transactions are approved by the Bureau of Air Quality, Department of Environmental Protection, Commonwealth of Pennsylvania. The ERC transaction requirements are specified in 25 Pa. Code § 127.208.

1. ERC GENERATING FACILITY INFORMATION

ERC Generating Facility Name: Mace Security International, Inc.
Location of Source: Federal Laboratories, State Route 3003, Saltsburg, Indiana, PA
Certified ERCs (tpy): 22 tons per year of VOCs
Amount of ERCs traded to Purchaser/Recipient: 22 tons per year of VOCs
Date of ERCs Transfer: May 29, 1998
ERCs available for future use: 0

PURCHASER/RECIPIENT OF ERCs

Purchaser/Recipient of ERCs: Dart Container Corporation
Location of Source: 60 East Main Street, Leola, PA
Plan Approval Number:
NOx credits used: 0
VOCs credits used: 0
NOx credits available for future use: 0
VOC credits available for future use: 22 tons per year of VOCs

2. ERC GENERATING FACILITY INFORMATION

ERC Generating Facility Name: Kem Plastic Playing Cards Inc.
Location of Source: 2 Beck Place, Poughkeepsie, NY
Certified ERCs (tpy): 30 tons per year of VOCs
Amount of ERCs traded to Purchaser/Recipient: 30 tons per year of VOCs
Date of ERCs Transfer: June 2, 1998
ERCs available for future use: 0

PURCHASER/RECIPIENT OF ERCs

Purchaser/Recipient of ERCs: Dart Container Corporation
Location of Source: 60 East Main Street, Leola, PA
Plan Approval Number:
NOx credits used: 0
VOCs credits used: 0
NOx credits available for future use: 0
VOC credits available for future use: 30 tons per year of VOC

3. ERC GENERATING FACILITY INFORMATION

ERC Generating Facility Name: Prestolite Electric Inc.
Location of Source: 400 Main Street, Arcade, NY
Certified ERCs (tpy): 43.5 tons per year of VOCs
Amount of ERCs traded to Purchaser/Recipient: 43.5 tons per year of VOCs
Date of ERCs Transfer: June 2, 1998
ERCs available for future use: 0

Purchaser/Recipient of ERCs: Dart Container Corporation
Location of Source: 60 East Main Street, Leola, PA
Plan Approval Number:
NOx credits used: 0
VOCs credits used: 0
NOx credits available for future use: 0
VOC credits available for future use: 43.5 tons per year of VOC

Availability of Grants for the Remediation of Waste Tire Piles in Pennsylvania Under the Waste Tire Recycling Act (Act 190 of 1996)

The Department of Environmental Protection (Department) hereby announces the availability of grants under the Waste Tire Recycling Act (Act 190) for fiscal year 98/99 for the remediation of waste tire piles in Pennsylvania.

Act 190 provides a grant program, tax credits and enforcement provisions to reduce the stockpiles of waste tires. The Waste Tire Pile Remediation Grant Program is funded through the Used Tire Pile Remediation Restricted Account, which may receive up to \$1 million annually from the Recycling Fund established by Act 101, the Municipal Waste Planning, Recycling and Waste Reduction Act. Grants totaling \$1 million may be awarded annually from this account.

To be considered for a grant, an applicant: 1) must propose to remediate a waste tire pile that is on the Department's list of priority waste tire piles (copies of this list are available from the Division of Municipal and Residual Waste, (717) 787-7381; or may be obtained electronically by means of the Department's Internet site on the world wide web at: <http://www.dep.state.pa.us> under the Municipal and Residual Waste page; 2) must not have contributed, in any manner, to the creation of a noncompliant waste tire pile; and 3) must have an identifiable end-use for the waste tires to be remediated.

Grant funds are intended to be used for activities directly related to the remediation of priority waste tire sites (such as employe wages, operation of equipment, transportation, processing costs, and the like). Grants may not be used for the purchase of equipment and grant recipients shall use funds only for those activities approved by the Department.

All applicants must complete and submit an official two-part application for each proposed tire pile remediation. The Waste Tire Remediation Grant Part A and B Applications include all the materials and instructions necessary for applying for a grant. Copies of these documents are available by contacting the Division of Municipal and Residual Waste at (717) 787-7381 or may be obtained electronically from the Department Internet site on the world wide web at: <http://www.dep.state.pa.us>. Part A and Part B applications must be completed and submitted by 4 p.m. on August 14, 1998 to: Department of Environmental Protection, Division of Municipal and Residual Waste, 14th Floor-Rachel Carson State Office Building, 400 Market Street, P. O. Box 8472, Harrisburg, PA 17105-8472. Applications which are incomplete or arrive after the deadline will not be considered.

At a minimum, all applications must contain: (1) a description of the applicant's experience in waste tire remediation; (2) markets or end-uses for the remediated tires; (3) a schedule for the remediation of tires at the site; (4) proposed cost of the waste tire pile remediation; and (5) any additional information the Department deems necessary. Please follow the instructions in the Part A and B Grant Applications to assure you are submitting all of the necessary information in the correct format.

Persons who have any questions about this grant program should contact the Division of Municipal and Residual Waste (717) 787-7381.

Availability of Grants for the Remediation of Waste Tire Piles in Pennsylvania Under the Waste Tire Remediation Grant Program for Municipalities for Fiscal Year 98/99

The Department of Environmental Protection (Department) hereby announces the availability of grants

through the Waste Tire Recycling Act of 1996 (Act 190) for Fiscal Year 98/99 for the remediation of waste tire piles in Pennsylvania. The Waste Tire Remediation Grant Program for Municipalities for Fiscal Year 98/99 provides a grant program which is funded through the general fund. The grants are limited to only those municipalities having a waste tire pile containing 5,000 or more waste tires.

Only municipalities are eligible to participate and receive funding. In order to be considered for a grant, a municipality must propose to remediate a waste tire pile on the Department's list of priority waste tire piles or piles containing 5,000 or greater waste tires (copies of the list of priority waste tire piles is available from the Division of Municipal and Residual Waste, (717) 787-7381, or may be obtained electronically by means of the Department's Internet site on the world wide web at: <http://www.dep.state.pa.us> under the Municipal and Residual Waste page.) Also to be considered for a grant, an applicant must not have contributed, in any manner, to the creation of a noncompliant waste tire pile and must have an identifiable end-use for the remediated waste tires to be remediated.

Grant funds are intended to be used for activities directly related to the remediation of waste tire piles (such as employe wages, operation of equipment, transportation, processing costs, and the like). Grants may not be used for the purchase of equipment and grant recipients shall use funds only for those activities approved by the Department.

All applicants must complete and submit an official two-part application for each proposed tire pile remediation. The Waste Tire Remediation Grant Part A and B Applications include all the materials and instructions necessary for applying for a grant. Copies of these documents are available by contacting the Division of Municipal and Residual Waste at (717) 787-7381 or may be obtained electronically from the Department's Internet site on the world wide web at: <http://www.dep.state.pa.us>. Part A and B applications must be completed and submitted by 4 p.m. on September 18, 1998 to: Department of Environmental Protection, Division of Municipal and Residual Waste, 14th Floor-Rachel Carson State Office Building, 400 Market Street, P. O. Box 8472, Harrisburg, PA 17105-8472. Applications which are incomplete or arrive after the deadline will not be considered.

At a minimum, all applications must contain: (1) a description of the applicant's or their contractors experience in waste tire remediation; (2) markets or end-uses for the remediated tires; (3) a schedule for the remediation of tires at the site; (4) proposed cost of the waste tire pile remediation; and (5) any additional information the Department deems necessary. Please follow the instructions in the Part A and B Grant Applications to assure you are submitting all of the necessary information in the correct format.

Persons who have any questions about this grant program should contact the Division of Municipal and Residual Waste (717) 787-7381.

[Pa.B. Doc. No. 98-1064. Filed for public inspection July 2, 1998, 9:00 a.m.]

Availability of Final General Plan Approval and General Operating Permit for Sheetfed Offset Lithographic Printing Press; BAQ-GPA/GP-7

The Department of Environmental Protection (Department) finalized the General Plan Approval and General Operating Permit No. BAQ-GPA/GP-7 for sheetfed offset lithographic printing press(es). Notice regarding the availability of the draft general permit was published in the *Pennsylvania Bulletin* on April 4, 1998 (28 Pa.B. 1678).

The Sheetfed Press General Permit was drafted in consultation with the Graphic Arts Association and the Graphic Arts Technical Foundation. The Graphic Arts Technical Foundation has prepared guidance for the industry to determine if plants are subject to the permitting requirements, as well as, recordkeeping and reporting forms for showing compliance with the Sheetfed Press General Permit requirements. This guidance has been made a part of the application package.

A 45-day comment period was provided but no comments were received. Due to internal discussions of Department personnel minor clarifying changes have been made to the second paragraph in Condition 2 of the Sheetfed Press General Permit.

The general permit is now available for use by qualifying applicants. Copies are now available of the final general permit BAQ-GPA/GP-7 and an application form. These documents may be obtained by contacting:

Kimberly Maneval
Bureau of Air Quality
Rachel Carson State Office Building
P. O. Box 8468
Harrisburg, PA 17105-8468
(717) 787-4325

The documents have also been placed on the Department's World Wide Web site on the Internet which can be accessed at <http://www.dep.state.pa.us>, select Bureau of Air Quality, then Division of Permits.

JAMES M. SEIF,
Chairperson

[Pa.B. Doc. No. 98-1065. Filed for public inspection July 2, 1998, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are on DEP's World Wide Web site (<http://www.dep.state.pa.us>) at the Public Participation Center. The "January 1998 Inventory" heading is the Governor's List of Non-regulatory Documents. The "Search the Inventory of Technical Guidance Documents" heading is a database of the Inventory. The "Final Documents" heading is the link to a menu of the various DEP bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to DEP's draft technical guidance documents.

DEP will continue to revise its documents, as necessary, throughout 1998.

Ordering Paper Copies of DEP Technical Guidance

Persons can order a bound paper copy of the latest Inventory or an unbound paper copy of any of the final documents listed on the Inventory by calling DEP at (717) 783-8727.

In addition, bound copies of some of DEP's documents are available as DEP publications. Persons should check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Here is the current list of recent changes. Persons who have any questions or comments about a particular document should call the contact person whose name and phone number is listed with each document. Persons who have questions or comments in general should call Jonathan Brightbill at (717) 783-8727.

Notice of Intent to Develop Technical Guidance

Title: Use of Environmental Management System Requirements in Consent Order and Agreements Description: Guidance ensures the appropriate and consistent use of environmental management system requirements as a systemic means of increasing the environmental performance of companies. Anticipated Effective Date: August 31, 1998 Anticipated Draft Development Date: July 24, 1998 Contact: Kurt Klapkowski at (717) 787-7060

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 98-1066. Filed for public inspection July 2, 1998, 9:00 a.m.]

Radiation Protection Advisory Committee Meeting Cancellation

The July 9, 1998, meeting of the Department of Environmental Protection's Radiation Protection Advisory Committee has been canceled.

Questions should be addressed to Stuart Levin at (717) 787-3720 or e-mail at levin.stuart@a1.dep.state.pa.us.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 98-1067. Filed for public inspection July 2, 1998, 9:00 a.m.]

DEPARTMENT OF HEALTH

Laboratories Approved to Determine Urine Controlled Substance Content under the Clinical Laboratory Act, the Vehicle Code, the Fish and Boat Code and the Game and Wildlife Code

The following laboratories are licensed by the Department of Health under the Clinical Laboratory Act (35 P. S. §§ 2151—2165) and/or the Federal Clinical Laboratory Improvement Act of 1967 (42 U.S.C.A. § 263a) and are currently approved by the Department under 28 Pa. Code § 5.50 (relating to approval to provide special analytical services) to perform analyses of urine for the determination of controlled substances or their biotransformation products. This approval is based on demonstrated proficiency in tests conducted by the Bureau of Laboratories of the Pennsylvania Department of Health. These laboratories are also approved and designated for purposes of the Vehicle Code, 75 Pa.C.S. §§ 1547 and 3755 (relating to chemical testing to determine amount of alcohol or controlled substance; reports by emergency room personnel), the Fish and Boat Code, 30 Pa.C.S. § 5125 (relating to chemical testing to determine amount of alcohol or controlled substance) and the Game and Wildlife Code, 34 Pa.C.S. § 2502 (relating to

hunting or furtaking under the influence of alcohol or controlled substance), as qualified to perform the types of services which will reflect the presence of controlled substances or their biotransformation products in urine.

Depending upon their capability and performance in proficiency surveys, laboratories are approved to perform screening and/or confirmatory urine drug analyses. Laboratories approved to perform screening tests only are designated on the approval list by an "S" after the laboratory's name. Laboratories approved to perform confirmatory testing only are designated by a "C" following the laboratory's name. Those approved to perform both screening and confirmatory analyses are designated by the letters "SC." Screening analyses provide a presumptive indication that a controlled substance is present. Confirmatory testing is used to substantiate screening results.

Persons seeking forensic urine drug analysis services from any of the listed laboratories should determine that the laboratory employs techniques and procedures acceptable for the purpose. They should also determine that the director of the facility is agreeable to performing analyses for that purpose. Persons seeking the analyses are responsible for specifying the extent to which the presence of a controlled substance is to be verified. That specification should be predicated upon the purpose for which the analysis is being sought.

The list of approved laboratories will be revised semiannually and published in the *Pennsylvania Bulletin*. Questions regarding this list should be directed to M. Jeffery Shoemaker, Ph.D., Director, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 363-8500. Persons with a disability, may submit questions to Dr. Shoemaker in alternative formats, such as audio tape, braille or using TDD: (717) 783-6514. Persons with a disability who require an alternative format of this document (for example, large print, audio tape, braille), should contact Dr. Shoemaker so that he may make the necessary arrangements.

Abington Memorial Hospital-S
1200 Old York Road
Abington, PA 19001
215-576-2350

ACT Lab Services, Inc.-SC
270 Commerce Drive
Fort Washington, PA 19034
215-283-6370

Albert Einstein Medical Center North-SC
5500 Old York Road
Philadelphia, PA 19141
215-456-6100

Allegheny County Division of Labs., Toxicology Section-S
10 County Office Building
Pittsburgh, PA 15219
412-355-6873

Allegheny General Hospital Dept. Lab. Med.-S
320 East North Avenue
Pittsburgh, PA 15212
412-359-3521

Allegheny University Hospital-Parkview-S
1331 East Wyoming Avenue
Philadelphia, PA 19124
215-537-7430

Allegheny University STAT-TOX-SC
Broad and Vine Streets, 6th Floor MS 431
Philadelphia, PA 19102
215-762-7828

Allegheny University Hospital-East Falls-S
3300 Henry Avenue
Philadelphia, PA 19129
215-842-6615

Allegheny University Hospital-Center City-S
Broad and Vine Streets, MS 113
Philadelphia, PA 19102
215-448-7154

Allegheny University Hospital-Graduate-S
1 Graduate Plaza-Pepper Pavilion, 4th Floor
Philadelphia, PA 19146
215-893-2240

Allegheny University Hospitals-Bucks County Division-S
225 Newtown Road
Warminster, PA 18974
215-441-6700

Altoona Hospital-S
620 Howard Avenue
Altoona, PA 16601
814-946-2340

American Medical Laboratories-SC
14225 Newbrook Drive
Chantilly, VA 20153
703-802-6900

Analytic Biochemistries, Inc.-SC
1680-D Loretta Avenue
Feasterville, PA 19053
215-322-9210

Associated Clinical Laboratories-SC
1526 Peach Street
Erie, PA 16501
814-453-6621

Associated Regional & Univ. Path.-SC
500 Chipeta Way
Salt Lake City, UT 84108
800-242-2787

Ayer Clinical Lab-Penn Hospital-S
Eighth and Spruce Streets
Philadelphia, PA 19107
215-829-3541

Bendiner & Schlesinger, Inc.-SC
47 Third Avenue
New York, N.Y. 10003
212-254-2300

Bon Secours-Holy Family Reg. Health-S
2500 Seventh Avenue
Altoona, PA 16602
814-949-4495

Braddock Medical Center-S
412 Holland Avenue
Braddock, PA 15104
412-636-5000

Bradford Hospital-S
116-156 Interstate Parkway
Bradford, PA 16701
814-834-8282

Brandywine Hospital and Trauma Center-S
Route 30 Bypass
Coatesville, PA 19320
610-383-8000

Brownsville General Hospital-S
125 Simpson Road
Brownsville, PA 15417
412-785-7200

Canonsburg General Hospital-S
R.D. 1, Box 147, Route 519
Canonsburg, PA 15317
412-745-6100

Carlisle Hospital-S
245 Parker Street
Carlisle, PA 17013
717-249-1212

Cedar Crest Emergicenter-S
1101 South Cedar Crest Blvd.
Allentown, PA 18103
610-433-4260

Centre Community Hospital-S
1800 East Park Avenue
State College, PA 16803
814-234-6117

Chambersburg Hospital-S
112 North Seventh Street
Chambersburg, PA 17201
717-267-7152

Charles Cole Memorial Hospital-S
RD 1, Box 205
Coudersport, PA 16915
814-274-9300

Chester County Hospital-S
701 East Marshall Street
West Chester, PA 19380
610-431-5182

Chestnut Hill Hospital-S
8835 Germantown Avenue
Philadelphia, PA 19118
215-248-8630

Children's Hospital of Philadelphia-S
One Children's Center, 34th & Civic Center Blvd.
Philadelphia, PA 19104
215-590-1000

Clarendon Laboratory-SC
1125 Flatbush Avenue
Brooklyn, NY 11226
718-856-4700

Clarion Hospital-S
1 Hospital Drive
Clarion, PA 16214
814-226-9500

Clinical Science Laboratory, Inc.-S
51 Francis Avenue
Mansfield, MA 02048
508-339-6106

Clintox Laboratories-SC
601 Gay Street
Phoenixville, PA 19460
610-933-6550

Community General Osteopathic Hospital-S
4300 Londonderry Road, P. O. Box 3000
Harrisburg, PA 17109
717-657-7214

Community Hospital of Lancaster-S
1100 East Orange Street
Lancaster, PA 17604
717-397-3711

Community Medical Center-S
1822 Mulberry Street
Scranton, PA 18510
717-969-8000

Conemaugh Valley Memorial Hospital-S
1086 Franklin Street
Johnstown, PA 15905
814-534-9000

Crozer-Chester Medical Center-S
1 Medical Center Blvd.
Upland, PA 19013
610-447-2000

Delaware County Memorial Hospital-S
501 North Lansdowne Avenue
Drexel Hill, PA 19026
610-284-8100

Delaware Valley Medical Center-S
200 Oxford Valley Road
Langhorne, PA 19047
215-949-5275

Department of Pathology & Lab Med-HUP-SC
3400 Spruce Street
Philadelphia, PA 19104
215-662-3435

Divine Providence Hospital-S
1100 Grampian Blvd.
Williamsport, PA 17701
717-326-8167

Doylestown Hospital-S
595 West State Street
Doylestown, PA 18901
215-345-2250

DrugScan, Inc.-SC
1119 Mearns Road, P. O. Box 2969
Warminster, PA 18974
215-674-9310

DrugScan, Inc.-Limerick Division-S
Sanatoga & Evergreen Roads
Sanatoga, PA 19464
610-327-1200

DrugScan, Inc.-Peach Bottom Division-S
1848 Lay Road (Atom Road)
Delta, PA 17314
717-456-3026

Easton Hospital-S
250 South 21st Street
Easton, PA 18042
610-250-4140

Elk County Regional Medical Center-S
94 Hospital Street
Ridgway, PA 15853
814-776-6111

Episcopal Hospital-S
100 East Lehigh Avenue
Philadelphia, PA 19125
215-427-7333

Evangelical Community Hospital-S
1 Hospital Drive
Lewisburg, PA 17837
717-522-2510

Fitness for Duty Center-S
 Pennsylvania Power and Light Company
 P. O. Box 467
 Berwick, PA 18603
 717-542-3336

Forbes Regional Health Center-S
 2570 Haymaker Road
 Monroeville, PA 15146
 412-858-2560

Frankford Hospital-Frankford Division-S
 Frankford Avenue and Wakeling Street
 Philadelphia, PA 19124
 215-831-2068

Frankford Hospital-Torresdale Division-S
 Knights and Red Lion Roads
 Philadelphia, PA 19114
 215-612-4000

Frick Hospital and Community Health Center-S
 508 S. Church Street
 Mount Pleasant, PA 15666
 412-547-1500

Friends Hospital-S
 4641 Roosevelt Blvd.
 Philadelphia, PA 19124
 215-831-4771

Garcia Laboratory-S
 2195 Spring Arbor Road
 Jackson, MI 49203
 517-787-9600

Geisinger Medical Center-SC
 North Academy Road
 Danville, PA 17822
 717-271-6338

Germantown Hospital & Medical Center-S
 One Penn Blvd.
 Philadelphia, PA 19144
 215-951-8800

GHS-City Avenue Hospital-S
 4150 City Avenue, Dept. of Pathology
 Philadelphia, PA 19131
 215-871-1000

Gnaden Huetten Memorial Hospital-S
 11th and Hamilton Streets
 Lehigh, PA 18235
 610-377-1300

Good Samaritan Hospital-S
 4th and Walnut Streets, P. O. Box 1281
 Lebanon, PA 17042
 717-270-7500

Good Samaritan Regional Medical Center-S
 700 East Norwegian Street
 Pottsville, PA 17901
 717-622-3400

GPU Nuclear Corp., TMI Med. Dept.-S
 P. O. Box 480
 Middletown, PA 17057
 717-948-8189

Guthrie Clinic Path Lab-S
 Guthrie Square
 Sayre, PA 18840
 717-888-5858

Harrisburg Hospital-S
 South Front Street
 Harrisburg, PA 17101
 717-782-3131

Hazleton General Hospital-S
 East Broad Street
 Hazleton, PA 18201
 717-454-2441

Health Network Laboratories-SC
 2024 Lehigh Street
 Allentown, PA 18103
 610-402-8150

Health Quest Medical Laboratories, Inc.-S
 1503 Sunset Drive, Suite 4
 Pottstown, PA 19464
 610-327-2520

Holy Redeemer Hospital-S
 1648 Huntingdon Pike
 Meadowbrook, PA 19046
 215-947-3000

Holy Spirit Hospital-SC
 503 North 21st Street
 Camp Hill, PA 17011
 717-763-2206

Horizon Hospital System-Greenville Campus-S
 110 North Main Street
 Greenville, PA 16125
 412-588-2100

Horizon Hospital System-Shenango Campus-S
 2200 Memorial Drive
 Farrell, PA 16121
 412-981-3500

Indiana Hospital Dept. Lab. Med.-S
 P. O. Box 788
 Indiana, PA 15701
 412-357-7166

Jeanes Hospital-S
 7600 Central Avenue
 Philadelphia, PA 19111
 215-728-2347

Jersey Shore Hospital-S
 1020 Thompson Street
 Jersey Shore, PA 17740
 717-398-0100

John F. Kennedy Memorial Hospital-S
 Cheltenham and Langdon Streets
 Philadelphia, PA 19124
 215-831-7203

Kensington Hospital-S
 136 West Diamond Street
 Philadelphia, PA 19122
 215-426-8100

Lab Corp Occupational Testing Services-SC
 4022 Willow Lake Blvd.
 Memphis, TN 38118
 901-795-1515

Lab Corp Occupational Testing Services-SC
 1904 Alexander Drive
 Research Triangle Park, NC 27709
 919-549-8263

Lab Corp of America Holdings-SC
 1447 York Court
 Burlington, NC 27215
 800-334-5161

Lab Corp of America Holdings-SC
 69 First Avenue - P. O. Box 500
 Raritan, NJ 08869
 201-526-2400

LabOne, Inc.-SC
8915 Lenexa Drive
Overland Park, KS 66214
913-888-1770

Lancaster General Hospital-Susquehanna Division-S
306 North Seventh Street
Columbia, PA 17512
717-684-2841

Lancaster General Hospital-S
555 North Duke Street- P. O. Box 3555
Lancaster, PA 17603
717-299-5511

Latrobe Area Hospital-S
West Second Avenue
Latrobe, PA 15650
412-537-1550

Lee Hospital-S
320 Main Street
Johnstown, PA 15901
814-533-0130

Lewistown Hospital-S
Highland Avenue
Lewistown, PA 17044
717-248-5411

Lock Haven Hospital-S
24 Cree Drive
Lock Haven, PA 17745
717-893-5000

Magee Women's Hospital-S
Forbes Avenue and Halket Street
Pittsburgh, PA 15213
412-647-4651

Main Line Clinical Laboratories-Bryn Mawr CP-S
130 Bryn Mawr Avenue
Bryn Mawr, PA 19010
610-526-3554

Main Line Clinical Laboratories-Lankenau CP-S
100 East Lancaster Avenue
Wynnewood, PA 19096
610-645-2615

Main Line Clinical Laboratories-Paoli Memorial CP-S
255 West Lancaster Avenue
Paoli, PA 19301
610-648-1000

Meadville Medical Center-Liberty Street-S
751 Liberty Street
Meadville, PA 16335
814-336-3121

Medlab Clinical Testing, Inc.-SC
212 Cherry Lane
New Castle, DE 19720
800-633-5221

MedTox Laboratories, Inc.-SC
402 West County Road D
New Brighton, MN 55112
612-636-7466

Mercy Health Lab-Mercy Fitzgerald Hospital-S
Lansdowne Avenue and Bailey Road
Darby, PA 19023
610-237-4175

Mercy Health Lab-Mercy Hospital/Phila.-S
5301 Cedar Avenue
Philadelphia, PA 19143
215-748-9170

Mercy Hospital-S
25 Church Street
Wilkes-Barre PA 18765
717-826-3100

Mercy Hospital Laboratory-S
Pride and Locust Streets
Pittsburgh, PA 15219
412-232-7831

Methodist Hospital Div./TJUH, Inc.-S
2301 South Broad Street
Philadelphia, PA 19148
215-952-9059

Miner's Hospital of N. Cambria-S
2205 Crawford Avenue
Spangler, PA 15775
814-948-7171

Monongahela Valley Hospital, Inc.-S
Country Club Road - Route 88
Monongahela, PA 15063
412-258-2000

Montgomery Hospital-S
Powell and Fornance Streets
Norristown, PA 19401
610-270-2173

Nason Hospital-S
Nason Drive
Roaring Spring, PA 16673
814-224-6215

National Medical Services, Inc.-SC
3701 Welsh Road
Willow Grove, PA 19090
215-657-4900

Nazareth Hospital-S
2601 Holme Avenue
Philadelphia, PA 19152
215-335-6245

North Penn Hospital-S
100 Med Campus Drive
Lansdale, PA 19446
215-368-2100

Northwest Medical Center-Oil City Campus-S
174 E. Bissell Avenue
Oil City, PA 16301
814-677-1711

Omega Medical Laboratories, Inc.-SC
2001 State Hill Road, Suite 100
Wyomissing, PA 19610
610-378-1900

Parkway Clinical Laboratory-S
3494-A Progress Drive P. O. Box 467
Bensalem PA 19020
215-245-5112

Penn State Geisinger WVMC-S
1000 E. Mountain Drive
Wilkes-Barre, PA 18711
717-826-7830

Penna. Dept. of Health, Bureau of Labs.-SC
P. O. Box 500
Exton, PA 19341-0500
610-363-8500

Pharmchem Laboratories, Inc.-SC
1505-A O'Brien Drive
Menlo Park, CA 94025
415-328-6200

Phoenixville Hospital-S
140 Nutt Road
Phoenixville, PA 19460
610-933-9281

Pittsburgh Criminalistics-SC
1320 5th Avenue
Pittsburgh, PA 15219
412-391-6118

Pocono Medical Center Lab.-S
206 East Brown Street
East Stroudsburg, PA 18301
717-476-3544

Polyclinic Hospital-S
2601 North Third Avenue
Harrisburg, PA 17110
717-782-4141

Pottstown Memorial Medical Center-S
1600 East High Street
Pottstown, PA 19464
610-327-7111

Pottsville Hospital and Warne Clinic-S
420 South Jackson Street
Pottsville, PA 17901
717-621-5262

Presbyterian Medical Center of Phila.-S
3400 Spruce Street - Dept. of Pathology
Philadelphia, PA 19104
215-662-3435

Princeton Biomedical Laboratories, Inc.-S
2000-B Hartel Complex
Levittown, PA 19057
215-943-0700

Psychomedics Corporation-SC
5832 Uplander Way
Culver City, CA 90230
800-522-7424

Quest Diagnostics-SC
7470-A Mission Valley Road
San Diego, CA 92108-4406
800-446-4728

Quest Diagnostics, Inc.-SC
One Malcolm Avenue
Teterboro, NJ 07608
201-288-0900

Quest Diagnostics, Inc.-S
1901 Sulphur Spring Road
Baltimore, MD 21227
301-247-9100

Quest Diagnostics, Inc.-SC
4444 Giddings Road
Auburn Hills, MI 48326
800-444-0106

Quest Diagnostics of PA, Inc.-S
900 Business Center Drive
Horsham, PA 19044
215-957-9300

Quest Diagnostics of PA, Inc.-SC
875 Greentree Road, 4 Parkway Center
Pittsburgh, PA 15220
412-920-7600

Quintiles Laboratories, Ltd.-SC
5500 Highlands Parkway, Suite 600
Smyrna, GA 30082
770-434-8492

Reading Hospital & Medical Center-S
6th and Spruce Streets
Reading, PA 19603
610-378-6080

Redwood Toxicology Laboratory-SC
3573 Westwind Boulevard
Santa Rosa, CA 95403
707-577-7958

Roxborough Memorial Hospital-S
5800 Ridge Avenue
Philadelphia, PA 19128
215-483-9900

Sacred Heart Hospital-S
Fourth and Chew Streets
Allentown, PA 18102
610-776-4727

Saint Clair Memorial Hospital-S
1000 Bower Hill Road
Pittsburgh, PA 15243
412-561-4900

Saint Francis Hospital of New Castle-S
1000 South Mercer Street
New Castle, PA 16101
412-658-3511

Saint Joseph Hospital-S
250 College Avenue, P. O. Box 3509
Lancaster, PA 17604
717-291-8022

Saint Mary Medical Center-S
Langhorne and Newtown Roads
Langhorne, PA 19047
215-750-2162

Scientific Testing Labs, Inc.-SC
463 Southlake Boulevard
Richmond, VA 23236
800-977-9130

Serenity Hall, Inc.-S
414 West Fifth Street
Erie, PA 16057
814-459-4775

Shadyside Hospital-S
5230 Centre Avenue
Pittsburgh, PA 15232
412-622-2315

Sharon Regional Health System-S
740 East State Street
Sharon, PA 16146
412-983-3911

Sierra Analytical Laboratories-SC
625 East Drinker Street
Dunmore, PA 18512
717-341-2224

Skippack Medical Laboratory-S
3887 Skippack Pike
Skippack, PA 19474
610-584-1669

SmithKline Beecham Clinical Laboratories, Inc.-SC
400 Egypt Road
Norristown, PA 19403
610-631-4200

SmithKline Bio-Science Laboratories-SC
7600 Tyrone Avenue
Van Nuys, CA 91405
818-376-6259

- Somerset Hospital-S
225 South Center Avenue
Somerset, PA 15501
814-443-2626
- South Hills Health System - Jefferson-S
575 Coal Valley Road
Pittsburgh PA 15236
412-469-5723
- Southern Chester County Medical Center-S
1015 West Baltimore Pike
West Grove, PA 19390
610-869-1080
- Specialty Laboratories-S
2211 Michigan Avenue
Santa Monica, CA 90404
310-828-6543
- St. Francis Central Hospital-S
1200 Centre Avenue
Pittsburgh, PA 15219
412-562-3060
- St. Francis Medical Center-S
400-45th Street
Pittsburgh, PA 15201
412-622-4838
- St. Joseph Quality Medical Laboratory-SC
215 North 12th Street, Box 316
Reading, PA 19603
610-378-2200
- St. Joseph's Hospital-Div. NPHS-S
16th Street and Girard Avenue
Philadelphia, PA 19130
215-787-9000
- St. Margaret's Memorial Hospital-S
815 Freeport Road
Pittsburgh, PA 15215
412-784-4000
- St. Mary's Regional Medical Center-S
763 Johnsonburg Road
St. Mary's, PA 15857
814-834-8519
- Suburban General Hospital-S
100 South Jackson Avenue
Bellevue, PA 15202
412-734-6000
- Suburban General Hospital-S
2701 DeKalb Pike
Norristown, PA 19404
610-278-2075
- Taylor Hospital, Div. of CCMC-S
175 E. Chester Pike
Ridley Park, PA 19078
610-595-6450
- TechNow-S
2710 Township Line Road
Havertown, PA 19083
610-449-5039
- Temple Lower Bucks Hospital-S
501 Bath Road
Bristol, PA 19007
215-785-9200
- Temple University Hospital-S
3401 North Broad Street
Philadelphia, PA 19140
215-221-3453
- The Medical Center-Beaver, PA, Inc.-S
1000 Dutch Ridge Road
Beaver, PA 15009
412-728-7000
- Thomas Jefferson University Hospital-S
125 South 11th Street-204 Pavilion
Philadelphia, PA 19107
215-955-6374
- Titusville Area Hospital-S
406 West Oak Street
Titusville, PA 16354
814-827-1851
- Toxi-Con-SC
120 Monahan Avenue-Suite 101
Dunmore, PA 18512
717-963-0722
- University of Pittsburgh Medical Center/Beaver Valley-S
2500 Hospital Drive-Pathology Department
Aliquippa, PA 15001
412-857-1238
- University Hospital-Milton S. Hershey Medical Center-S
500 University Avenue
Hershey, PA 17033
717-531-8353
- University of Pittsburgh Medical Center-CLSI-SC
Room 5929 Main Tower/CLSI
200 Lothrop Street
Pittsburgh, PA 15213
412-647-7813
- Valley Forge Medical Center and Hospital-S
1033 W. Germantown Pike
Norristown, PA 19403
610-539-8500
- Waynesboro Hospital-S
East Main Street
Waynesboro, PA 17268
717-765-3403
- The Western Pennsylvania Hospital-S
4800 Friendship Avenue
Pittsburgh, PA 15224
412-578-5779
- Western Reserve Care System-SC
North Side Medical Center-500 Gypsy Lane
Youngstown, OH 44504
216-740-3794
- Westmoreland Hospital-S
532 W. Pittsburgh Street
Greensburg, PA 15601
412-832-4365
- Wilkes-Barre General Hospital-SC
Corner North River and Auburn Streets
Wilkes-Barre, PA 18764
717-829-8111
- Williamsport Hospital and Medical Center-S
777 Rural Avenue
Williamsport, PA 17701
717-321-2300

6York Hospital-S
1001 South George Street
York, PA 17405
717-771-2696

DANIEL F. HOFFMANN,
Secretary

[Pa.B. Doc. No. 98-1068. Filed for public inspection July 2, 1998, 9:00 a.m.]

Laboratories Approved to Perform Blood Lead and/or Erythrocyte Protoporphyrin Determinations under the Clinical Laboratory Act

The following laboratories are licensed in accordance with the Clinical Laboratory Act (35 P. S. §§ 2151—2165) and/or the Federal Clinical Laboratory Improvement Act of 1967 (42 U.S.C.A. § 263a), and are currently approved under 28 Pa. Code § 5.50 (relating to approval to provide special analytical services) to perform analyses of blood for lead or erythrocyte protoporphyrin content. This approval is based on demonstrated proficiency in periodic evaluations conducted by the Bureau of Laboratories of the Department of Health.

Lead poisoning is a reportable noncommunicable disease. Approved laboratories which offer blood lead or erythrocyte protoporphyrin testing services are required to inform the Department of actual or possible incidents of this condition in accordance with 28 Pa. Code § 27.4 (relating to reportable noncommunicable diseases and conditions). In addition, the Department requests laboratories to submit reports on children under 6 years of age and pregnant women, on whom laboratory tests confirm venous blood lead concentrations of 15 micrograms per deciliter or higher. The Department's collection and review of these latter reports would be consistent with the most recent revision of the guideline titled, *Preventing Lead Poisoning in Young Children*, which was published in 1991 by the United States Department of Health and Human Services, Public Health Service, Centers for Disease Control and Prevention, and is available from them.

All reports must be sent to the Department of Health, Division of Environmental Health, P. O. Box 90, Harrisburg, PA 17108. Report forms are available on request from the Division of Environmental Health.

Erythrocyte protoporphyrin determinations may be performed as an adjunct determination to substantiate blood lead levels of 25 micrograms per deciliter or higher. Since erythrocyte protoporphyrin concentrations may not increase as a result of low level exposures to lead, direct blood lead analysis is the only reliable method for identifying individuals with blood lead concentrations below 25 micrograms per deciliter.

Persons seeking blood lead or erythrocyte protoporphyrin analyses should determine that the laboratory employs techniques and procedures acceptable for the purpose for which the analyses are sought. Laboratories offering blood lead analysis only are designated with the letter "L" following the name of the laboratory. Those offering erythrocyte protoporphyrin analysis only are designated with the letter "P." Laboratories offering both services are designated with the letters "LP."

Blood lead analyses performed for occupational safety and health purposes must be conducted by a laboratory which also meets the requirements of the Occupational

Safety and Health Administration of the United States Department of Labor as specified in 29 CFR 1910.1025(j)(2)(iii).

The list of approved laboratories will be reviewed semiannually and if there are any changes to the list, a notice to that effect will be published in the *Pennsylvania Bulletin* at that time.

The Department's blood lead proficiency testing program is approved by the United States Department of Health and Human Services (HHS) in accordance with the requirements contained in the Clinical Laboratory Improvement Amendments of 1988 (42 CFR 493.901 and 493.937) which are administered by the Health Care Financing Administration (HCFA). Participation in these programs may therefore be used to demonstrate acceptable performance for approval purposes under both Federal and Commonwealth statutes.

Questions regarding this list should be directed to Dr. M. Jeffery Shoemaker, Director, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 363-8500. Persons with a disability, may also submit questions to Dr. Shoemaker in alternative formats, such as by audio tape, braille or using TDD: (717) 783-6514. Persons with a disability who require an alternative format of this document (for example, large print, audio tape, braille), should contact Dr. Shoemaker so that he may make the necessary arrangements.

Allegheny County Coroners Office-L
3441 Forbes Avenue Oakland
Pittsburgh, PA 15213
412-578-8072

Allegheny General Hospital-L
320 East North Avenue
Pittsburgh, PA 15212
412-359-3521

American Medical Laboratories, Inc.-LP
14225 Newbrook Drive
Chantilly, VA 20153
703-802-6900

Angeline Kirby Memorial Health Center-L
71 North Franklin Street
Wilkes-Barre, PA 18701
717-823-5450

Associated Regional & University Pathologists-LP
500 Chipeta Way
Salt Lake City, UT 84108
800-242-2787

Aurora Consolidated Labs-LP
8901 West Lincoln Avenue
West Allis, WI 53227
414-328-7945

Children's Hospital of Philadelphia-P
One Children's Center, 34th and Civic
Philadelphia, PA 19104
215-590-1000

Clarendon Laboratory-L
1125 Flatbush Avenue
Brooklyn, NY 11226
718-856-4700

East Penn Manufacturing Company, Inc.-LP
Deka Road
Lyons Station, PA 19536
610-682-6361

Edison Medical Laboratories, Inc.-LP
1692 Oak Tree Road, Suite 12
Edison, NJ 08820
908-906-7800

Ellwood City General Hospital-LP
724 Pershing Street
Ellwood City, PA 16117
412-752-0081

Exide Corp. Indus. Hygiene Lab.-L
6313 Rising Sun Avenue
Philadelphia, PA 19111
215-342-1414

Geisinger Medical Center-L
North Academy Road
Danville, PA 17822
717-271-6338

Health Network Laboratories-LP
2024 Lehigh Street
Allentown, PA 18103
610-402-8150

Helena Laboratories-P
P. O. Box 752
Beaumont, TX 77704
409-842-3714

LabCorp of America Holdings-LP
6370 Wilcox Road
Dublin, OH 43016
800-282-7300

LabCorp of America Holdings-LP
1447 York Court
Burlington, NC 27215
800-334-5161

LabCorp of America Holdings-LP
69 First Avenue, P. O. Box 500
Raritan, NJ 08869
201-526-2400

Laboratory Corp of America-LP
13900 Park Center Road
Herndon, VA 22071
703-742-3100

LabOne, Inc.-LP
8915 Lenexa Drive
Overland Park, KS 66214
913-888-1770

Lancaster General Hospital-L
555 North Duke Street, P. O. Box 3555
Lancaster, PA 17603
717-299-5511

LeadTech Corporation-L
1 Marine Plaza
N. Bergen, NJ 07047
201-868-7707

Liberty Testing Lab-L
25 Chapel Street
Brooklyn, NY 11201
(718) 647-7080

Main Line Clinical Laboratory-L
Lankenau Hospital
100 East Lancaster Avenue
Wynnewood, PA 19096
610-645-2615

Mayo Clinic-LP
200 First Street, S.W., Hilton 530
Rochester, MN 55905
507-284-8626

Medlab Clinical Testing, Inc.-L
212 Cherry Lane
New Castle, DE 19720
800-633-5221

Mercy Health Lab-Mercy Fitzgerald Hospital-L
Lansdowne Avenue and Bailey Road
Darby, PA 19023
610-237-4175

Mercy Hosptial Lab-L
Pride and Locust Streets
Pittsburgh, PA 15219
412-232-7831

National Medical Services-LP
3701 Welsh Road
Willow Grove, PA 19090
215-657-4900

Omega Medical Laboratories, Inc.-L
2001 State Hill Road, Suite 100
Wyomissing, PA 19610
610-378-1900

Pacific Toxicology Laboratories-LP
1545 Pontius Avenue
Los Angeles, CA 90025
310-479-4911

Pennsylvania Department of Health-LP
Bureau of Laboratories
P. O. Box 500
Exton, PA 19341-0500
610-363-8500

Public Health Laboratory City of Philadelphia-L
500 South Broad Street
Philadelphia, PA 19146
215-685-6811

Quest Diagnostics Incorporated-LP
One Malcolm Avenue
Teterboro, NJ 07608
201-288-0900

Quest Diagnostics of PA, Inc.-LP
875 Greentree Road
Four Parkway Center
Pittsburgh, PA 15220-3610
412-920-7600

Quest Diagnostics of Pa., Inc.-LP
900 Business Center Drive
Horsham, PA 19044
215-957-9300

Quest Diagnostics, Inc.-LP
33608 Ortega Highway
San Juan Capistrano, CA 92690
714-728-4000

Reading Hospital and Medical Center-L
6th and Spruce Streets
Reading, PA 19603
610-378-6080

SmithKline Beecham Clinical Laboratories-LP
400 Egypt Road
Norristown, PA 19403
610-631-4200

SmithKline Bioscience Laboratories-LP
7600 Tyrone Avenue
Van Nuys, CA 91405
818-376-6259

Specialty Laboratories-L
2211 Michigan Avenue
Santa Monica, CA 90404
310-828-6543

St. Joseph Quality Medical Laboratory-L
215 North 12th Street, Box 316
Reading, PA 19603
610-378-2200

Tamarac-LP
7000 South Broadway, Suite 2C
Littleton, CO 80122
303-794-1083

Toxi-Con Laboratories-LP
120 Monahan Avenue, Suite 101
Dunmore, PA 18512
717-963-0722

University of Pittsburgh Medical Center-LP
Room 5929 CLSI MT
200 Lothrop Street
Pittsburgh, PA 15213-2582
412-647-7813

DANIEL F. HOFFMANN,
Secretary

[Pa.B. Doc. No. 98-1069. Filed for public inspection July 2, 1998, 9:00 a.m.]

DEPARTMENT OF REVENUE

Notice of Taxable and Exempt Property

[Correction]

An error occurred in the notice which appeared at 28 Pa.B. 2730, 2733 (June 13, 1998). The term "gardening supplies" was inadvertently printed as NT. Gardening supplies are taxable. Therefore, item (6), Flowers, Seeds, Fertilizers, etc., should read as follows, with ellipses referring to the remaining portions of the list:

* * * * *

(6) Flowers, Seeds, Fertilizers, etc.

The tax is imposed upon the sale of property which is purchased by persons not engaged in the business of farming.

T—Fertilizer, sprays, insecticides

T—Gardening supplies

T—Seeds and bulbs

T—Vegetable plants, flowers and trees

NT—Vegetable seeds, vegetables plants and fruit trees purchased with food stamps

* * * * *

[Pa.B. Doc. No. 98-932. Filed for public inspection June 12, 1998, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Finding

Montgomery County

Pursuant to the provisions of 71 P. S. Section 2002(b), the Secretary of Transportation makes the following written finding:

The Department of Transportation plans to replace the existing McLeans Station Road Bridge over Macoby Creek in Marlborough Township, Montgomery County. The project consists of replacing a two span pony truss with a two span steel arch structure on the existing alignment shifted slightly to the south. The existing Pratt pony truss is eligible for listing on the National Register of Historic Places. The effect of this project on the McLeans Station Road Bridge will be mitigated by the following measures to minimize harm to the resources.

1. A bridge recordation report will be prepared as required by Section 110(b) of the National Historic Preservation Act so that there will be a permanent record of its existence.

2. Every effort will be made to find a location where the existing trusses could be preserved and adaptively reused. Montgomery County will store the truss members upon their removal. If the County has no use for the trusses, they will be made available to the Pennsylvania Department of Conservation and Natural Resources for use in state parks.

I have considered the environmental, economic, social, and other effects of the proposed project as enumerated in Section 2002 of the Administrative Code, and have concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize such effect.

No adverse environmental effect is likely to result from the replacement of this bridge.

BRADLEY L. MALLORY
Secretary

[Pa.B. Doc. No. 98-1070. Filed for public inspection July 2, 1998, 9:00 a.m.]

Retention of Engineering Firms

Bucks County

Project Reference No. 08430AG2208

The Department of Transportation will retain an engineering firm to perform environmental studies, preliminary engineering, final design, and construction consultation for S.R. 2025, Section 001, Bristol Road in Bensalem Township, Bucks County. This project involves roadway widening to accommodate a center left turn lane, new signalized and interconnected intersections, and drainage improvements. The limit of work is from Segment 0020 Offset 1586 to Segment 0070 Offset 0859. The estimated project construction cost is \$2.25 million.

The selected firm will be required to provide the following engineering and design services: surveys; roadway design; pavement design; preparation of cross sections; soils and geological investigations; erosion and

sedimentation control design; right-of-way investigation and plan; structure design; environmental documentation; hydrologic and hydraulic analysis; preparation of traffic control, pavement marking, and signing plans; utility coordination and design; coordination with PennDEP, municipal officials, and the public; preparation of final plans, specifications, and estimates; shop drawing review; and consultation during construction.

Firms that are currently serving, or are being considered for selection, as the municipal engineer in the municipalities listed in the project description will not be considered for this assignment. Also, firms that are under contract, or are being considered, to provide engineering services to a land developer for a site located along the project will likewise not be considered for this assignment. Firms should state in the letter of interest that they are not serving in either capacity as a municipal engineer or as a representative of a site developer. Any questions concerning this requirement should be directed to Mr. Timothy R. O'Brien, P.E., at the telephone number listed below.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen (15%) percent 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).

We encourage small firms to submit a letter of interest for this assignment.

Letters of interest will be evaluated at the Engineering District 6-0 office with emphasis on the following factors:

- a. Specialized experience and technical competence of the firm including the firm's experience with similar type projects and their ability to provide innovative solutions to complex technical problems.
- b. Experience of employees to be associated with this project. Particularly important are the key people assigned to the project including their experience and past record of performance with similar projects.
- c. Overall current workload of the firm.
- d. Past performance record.

The District will announce the firms that have been shortlisted at an open public meeting scheduled for August 7, 1998 at 10:00 A.M. at Engineering District 6-0's Large Conference Room.

The District's copy of the Letter of Interest and required forms (see general requirements and information section) shall be sent to: Mr. Andrew Warren, District Administrator, District 6-0, 200 Radnor-Chester Road, St. Davids, PA 19087.

Any technical questions concerning the requirements for this project should be directed to: Mr. Timothy R. O'Brien, P.E., District 6-0, at (610) 964-6526, or Mr. Lawrence J. Link, P.E., District 6-0, at (610) 964-6536.

Any questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

**Centre County
Project Reference No. 08430AG2209**

The Department of Transportation will retain an engineering firm to provide preliminary engineering and the preparation of an environmental assessment for S.R. 0080, Section B18 (Bellefonte Interchange) in the Marion, Spring, and Boggs Townships of Centre County.

The preliminary engineering will consist of field surveys and the development and analysis of a maximum of three (3) interchange limited schemes in addition to the No Build Alternative. Each will be developed taking into consideration general environmental impacts. Roadways to be included in the development and evaluation of each alternative will be Interstate 80, Proposed Interstate 99, S.R. 0026, S.R. 1005, S.R. 1008, and Musser Lane (T-425). Movements between Interstate 80 and Proposed Interstate 99 shall be high-speed movements.

The project's Environmental Scope of Work will include all cultural resources work required for the Determination of Eligibility Report and an MOA, if required; Phase II Archaeological investigations and report if required; Impact Analysis for various alignments; underground storage tank investigations to determine the presence or extent of contamination prior to acquisition; Aquatic Resources; Wetland Jurisdictional Determination and Report Preparation; Farm Lands Report; Hazardous and/or Residual Waste Investigations; Section 4(f) if required; Threatened and/or Endangered Species Habitat; Groundwater Recharge; Air Quality Analysis; Noise Studies; Point of Access Study; Necessary Permits; and Public Meetings and Hearings.

The preliminary engineering and environmental studies will be used to aid in the evaluation of a maximum of three (3) alternatives in addition to the No Build Alternative and will provide the basis for the determination of the preferred alternative and the preparation of an Environmental Assessment/Section 4(f) Evaluation. Public Meetings, Section 4(f) document if required and the appropriate NEPA documentation for an Environmental Assessment will be prepared. The Department will provide base mapping, preliminary historic structures survey/ determination of eligibility report, environmental inventory, Phase I Archaeological, wetland identification, initial site assessment report.

The letters of interest, at a minimum, will indicate the following: How the selected firm will accomplish the tasks outlined or provide the services as detailed; and the names and resumes of individuals and firms intended to be utilized to fulfil the services. The Department will establish an order of ranking of a minimum of three firms. The following factors, listed in order of importance, will be considered by the Consultant Selection Committee during the evaluation of the firms submitting letters of interest:

- a. Ability to package and present the letter of interest in accordance with the "General Requirements and Information" section.
- b. Specialized experience and technical competence of firm in environmental studies.
- c. Specialized experience and technical competence of firm for preliminary design projects.
- d. Specialized experience and technical competence of firm in the design of high speed interchanges.
- e. Specialized experience, previous experience, technical competence of individuals who constitute the firm.
- f. The understanding of this assignment.
- g. Current workload and capacity of firm to perform work.
- h. Past record of performance with respect to cost control, work quality, and ability to meet schedules.

The shortlisting for this project will be done at the District. All firms submitting letters of interest will be notified by the District of the shortlisting date.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen (15%) percent 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).

The District's copy of the Letter of Interest and required forms (see general requirements and information section) shall be sent to: Mr. George M. Khoury, P.E., District Engineer, District 2-0, 1924-30 Daisy Street, P. O. Box 342, Clearfield, PA 16830.

Any technical questions concerning the requirements for this project should be directed to: Mr. Vasco A. Ordenez, P.E., District 2-0, at (814) 765-0439.

Any questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

**Statewide
Project Reference No. 08430AG2210**

The Department of Transportation will retain two (2) engineering firms for two (2) separate Open-End Contracts to perform underwater bridge safety inspections throughout the Commonwealth. These Contracts will be for a period of sixty (60) months from the date of execution with projects assigned on an as needed basis. The maximum amount of these Open-End Contracts will be \$1.0 million each.

The selected firms will be required to provide all necessary professional and non-professional services, work, material, and equipment necessary to: perform underwater bridge inspections; collect, analyze, and organize data; assess impacts; provide remediation recommendations; and prepare engineering reports. Mostly hard hat diving is anticipated.

The engineering reports and other written and graphic materials to be prepared may include, but are not limited to the assessment of the following: structural components, substructure foundation condition, rock and subsurface conditions, turbulence, aggradation and degradation of the channel bed of banks, past repairs, debris, historical records and recommended remediation work. The inspections must meet applicable State and Federal regulations relating to diving.

Firms responding to this solicitation shall provide the following additional information in their Letter of Interest:

- a. Indicate the lead person or sub-consultant on each of the expert service elements and indicate the qualifications and experience of the lead person or sub-consultant specifically related to each expert service area.
- b. Indicate how the firm will provide "on demand" response for urgent problems.
- c. Indicate internal procedures for cost containment and quality assurances.

The Department will establish an order of ranking of a minimum of five (5) firms for the purpose of negotiating based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

a. Specialized technical expertise and experience of the individuals committed to this project.

b. Capabilities of the proposed team to address the underwater inspection, diving, engineering evaluations and recommendations, and related aspects identified in the advertisement.

c. Prior technical successes and timeliness in performing work with the Department.

d. Available staffing and "on demand" response capabilities in the event of emergencies.

e. Location, current workload, cost containment and quality assurance program.

The engineering services studies identified above are the general work activities that can be expected under these contracts.

The District's copy of the Letter of Interest and required forms (see general requirements and information section) shall be sent to: Mr. R. Scott Christie, Chief Bridge Engineer, 7th Floor Forum Place, 555 Walnut Street, Harrisburg, PA 17101-1900.

Any technical questions concerning the requirements for this project should be directed to: Mr. Suresh Dadhanian, P.E., at (717) 787-3590.

Any questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

**Centre County
Project Reference No. 08430AG2211**

The Department of Transportation will retain an engineering firm to provide supplementary construction inspection staff of approximately seventeen (17) inspectors, under the Department's Inspector-in-Charge, for construction inspection and documentation services for S.R. 0026, Section C03, Centre County, Route 26 Relocation, the construction of a four lane limited access highway on new alignment approximately 4.1 miles in length with thirteen (13) bridges.

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 ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Ability to package and present the letter of interest in accordance with the "General Requirements and Information" section.
- b. Review of inspectors' resumes with emphasis on construction inspection capabilities and specialized experience in the Maintenance and Protection of Traffic, soils, structures, concrete, asphalt paving, and drainage.
- c. Past Performance.
- d. Understanding of Department's requirements, policies, and specifications.
- e. Number of available inspectors in each payroll classification.
- f. Number of NICET certified inspectors in each payroll classification.

The qualifications and experience required of the firm's inspectors will be established by the Department, and the qualifications of the firm's proposed employees will be reviewed and approved by the Department.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Manager 1 (TCM-1) (NICET Highway Construction Level 4 or equivalent)	2 (2)
Transportation Construction Ins. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	2 (2)
Transportation Construction Inspector—Materials (TCI-Materials) (NICET Highway Materials Level 2 or equivalent)	1 (1)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	10 (6) *
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	2 (0)

* One TCI must be CDS certified, and another one must be bituminous field certified.

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 1998:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour Of Inspection</i>
(TCM-1)	\$44.93
(TCIS)	\$39.36

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour Of Inspection</i>
(TCI-Materials)	\$35.51
(TCI)	\$34.43
(TA)	\$23.67

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)
- 5 Cellular Phones

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	3
TCIS	3
TCI-M	2
TCI	12

No resumes are required for the TA Classification.

The second copy of the letter of interest and required forms, (see general requirements and information section shall be sent to: Mr. George M. Khoury, P.E., District Engineer, District 2-0, 1924-30 Daisy Street, P. O. Box 342, Clearfield, PA 16830.

Any technical questions concerning the requirements for this project should be directed to: Mr. Vasco A. Ordonez, P.E., District 2-0, at (814) 765-0439.

Any questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

**Blair and Centre Counties
Project Reference No. 08430AG2212**

The Department of Transportation will retain an engineering firm to provide an Environmental Monitor for

both the final design and construction phase of S.R. 0220 in Blair and Centre Counties. S.R. 0220 is an eighteen (18) mile, 4 lane limited access highway on new location from Bald Eagle in Blair County to the Mount Nittany Expressway in Centre County. Also included is a Natural Resource Compensation Plan which includes the creation/restoration, enhancement, and preservation of wetlands; forest preservation/enhancement; and a Terrestrial Habitat Management Plan.

The final design activities will consist of the monitoring of the baseline data on wetlands, ground water and streams as developed by the preliminary engineering team using the same frequency and protocol or as required by EP and the Section 401 Water Quality Certification. Additional ground water, well monitoring with automatic recorders, permanent flumes with automatic monitoring devices, stream cross-sections for gaging, water quality testing sites and sampling may be required.

During the construction phase, the Environmental Monitor will review construction activities to ensure compliance to the ROD, Mitigation Plan, permit requirements and final design consideration; monitor access road and other off site construction areas; delineate environmental features as required; review off site locations for approval (borrow, waste, staging, etc); review shop drawing, work orders, and plan changes for environmental compliance; monitor existing wetlands during and after construction; continue monitoring ground water activities established during final design; monitor newly created wetlands; monitor stream improvements; monitor all commitments of the Natural Resources Compensation Plan; monitor water supplies selected during final design; monitor water quality as required by DEP; continue the use of the Mitigation/Compensation tracking matrix; provide monthly reports to PennDOT, FHWA, COE, DEP, and EPA; and attend SAGM's, CAC, Executive Committee, and Township Meetings.

The Environmental Monitor will be required to provide a field office in the project area which will be shared with the resource agencies; compatible hardware and software to download, analyze, and report on shallow wells and flow measuring devices for ground water, and select small stream flow; and provide batteries and maintain all existing auto recording devices.

The Environmental Monitor will participate in conducting training sessions for the construction contractor's supervisory staff; attend meetings as required; produce a quarterly newsletter; and provide an experienced person for the Centre County Conservation District.

The Environmental Monitor will work closely with the Construction Manager, Project Manager, and Department's Construction Staff. The Environmental Monitor will be independent to this staff and report directly to the District Environmental Manager.

It is anticipated that as many as eight (8) full time staff will be required for S.R. 0220 and three (3) full time staff will be required for the Compensation/Mitigation Plan. One additional full time staff will be required to work directly for the Centre County Conservation District. Additional staff will be needed for monitoring activities, analysis of data, reports, and other activities as required. The letter of interest must identify the overall project manager, a minimum of twelve (12) field personnel that can be assigned to the project as well as the additional staff that will be assigned on an as needed basis.

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. Ability to package and present the letter of interest in accordance with the "General Requirements and Information" section.
- b. Experience of staff as Environmental Monitors.
- c. Experience in ground water and surface water monitoring.
- d. Experience in wetland creation, enhancement and restoration.
- e. Experience in stream rehabilitation, including experience in fluvial geomorphology.
- f. Experience in stormwater water management.
- g. Experience in erosion and sedimentation control.
- h. Experience in highway construction on new location.
- i. Experience in hydrology and hydrogeology.
- j. Experience with ACM.
- k. Experience in preparation of 404 Permits, NPDES Permits, 105 Permit, and erosion and sedimentation plans.

The District's copy of the Letter of Interest and required forms (see general requirements and information section) shall be sent to: Mr. George M. Khoury, P.E., District Engineer, District 2-0, 1924-30 Daisy Street, Clearfield, PA 16830.

Any technical questions concerning the requirements for this project should be directed to: Mr. James Bathurst, P.E., District 2-0, at (814) 765-0437.

Any questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

**Blair and Centre Counties
Project Reference No. 08430AG2213**

The Department of Transportation will retain an engineering firm to prepare right of way and construction plans for the Natural Resource Compensation/Mitigation for S.R. 0220, Section E10 in Blair and Centre Counties. The mitigation involves the creation, restoration, enhancement or preservation of 160 acres of wetland; the improvement to 18,170 feet of streams; and the enhancement/preservation of 597 acres of terrestrial habitat. All work will be within the context of a watershed approach.

The required services include site evaluation; core boring; ground water monitoring; conceptual plans; planting details; site hydraulic and hydrological studies; resource agency meetings; archaeological studies; hazardous waste surveys; intent to enter notice; field surveys; preparation of right of way and construction plans in accordance with current design manual and policies; plan, specifications and estimate; and necessary permit applications.

The wetland component of the Mitigation/Compensation plan involves creation/enhancement by providing biotic and abiotic functions similar to those of the natural wetlands in the valley. Creation will be accomplished by using excavation and dike design with constricted, fixed elevation outlet structures, and infiltration trenches. Enhancement of existing wetlands will include the creation of vernal pools, revegetation, supplement plantings and the installation of habitat structures. Preservation will be

accomplished by property easements or agreements. The stream compensation component consists of total stream improvements, in-stream improvement and stream-side improvements. In-stream improvements include bank stabilization, stream channel restoration and aquatic habitat structures. Stream-side improvements include streambank fencing and riparian vegetative plantings. Total stream improvements include both the in-stream and stream-side improvements. The terrestrial habitat component consists of forest preservation/enhancement, woodcock habitat preservation/enhancement, wildlife enhancement on remnant parcels and buffer areas, wildlife corridors, shrub land/mixed shrub land creation/enhancement, and preservation/enhancement to State Game Land Number 278, and the development of a Habitat Management Plan for the matted spike rush on State Game Land Number 278.

The creation of the Mitigation/Compensation Plan will require meetings with the Environmental Resource Agencies, an Executive Committee, the Centre Regional Metropolitan Planning Organization, a Citizen Advisory Committee, Townships, and Planners. Meetings will be held with Permitting Agencies on the Corps Section 404 Permit, DEP 105 Permit, and DEP 401 Water Quality Certification. During final design additional mitigation may be required due to changes in final design. These changes may require addendums or modification to the issued permits.

The Department's selection factors in order of importance are:

- a. Ability to package and present the letters of interest in accordance with the "General Requirements and Information" section.
- b. Past experience in wetland creation/enhancement and preservation; stream improvements; creation/enhancement of terrestrial habitat; hydraulic and hydrological studies of wetlands; fluvial geomorphology; conceptual wetland plans; ACM presentations, wetland permit applications and approvals.
- c. Preparation of right-of-way plans.
- d. Preparation of construction plans.
- e. PS&E packages.
- f. Current Workload.
- g. Quality of past wetland creation/enhancement, stream improvements and habitat enhancement (supply contact name, firm, address and phone number).
- h. Surveying equipment.
- i. CADD capabilities.
- j. Dedicated staffing to project.
- k. Experience of staffing.

Any firms that are part of the current final design management contract for U.S. Route 220 are ineligible for this assignment.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen (15%) percent 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).

The District's copy of the Letter of Interest and required forms (see general requirements and information

section) shall be sent to: Mr. George M. Khoury, P.E., District Engineer, District 2-0, 1924-30 Daisy Street, Clearfield, PA 16830.

Any technical questions concerning the requirements for this project should be directed to: Mr. James R. Bathurst, P.E., District 2-0 at (814) 765-0437.

Any questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

**Engineering Districts 2-0 and 8-0
Project Reference No. 08430AG2214**

The Department of Transportation will retain a firm for a Regional Open-End Contract to provide supplemental Right-of-Way Acquisition and Appraisal Services for Engineering District 2-0, that is Cameron, Centre, Clearfield, Clinton, Elk, Juniata, McKean, Mifflin, and Potter Counties and Engineering District 8-0, that is Adams, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, Perry and York Counties. The acquisition and appraisal services will encompass all activities required to obtain right-of-way for the Department's highway and bridge program. The Contract will be for a period of sixty (60) months with a maximum cost of \$1.0 million dollars.

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 ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Ability to package and present the letter of interest in accordance with the "General Requirements and Information" section.
- b. Experience in acquiring right-of-way for highway projects.
- c. Experience in evaluating entitlements for all types of relocation assistance payments to residential and business relocatees.
- d. Experience in conducting Pre-acquisition Survey and preparing Pre-acquisition Reports.
- e. Experience in preparation of forms and documents for Declaration of Taking and Petition for Writ of Possession.
- f. Experience in performing appraisals in accordance with Department policy and procedures.
- g. Experience in machinery and equipment appraisals.

The firm may be required to perform any or all of the following services: appraisal planning; problem identification; appraisals; obtain services of fee appraisers; conduct bid opening for fee appraisers; conduct pre-acquisition surveys; prepare pre-acquisition report; negotiate with property owners; recommend administrative settlements; prepare documents and form for Declaration of Takings; prepare forms and documents for estimated just compensation; provide title services; provide relocation assistance and payment services; prepare replacement housing and rent supplemental offers; assist relocatees in obtaining moving estimates; perform property management services; and other services such as data entry and clerical duties.

The District's copy of the Letter of Interest and required forms (see general requirements and information section) shall be sent to: Mr. George M. Khoury, P.E., District Engineer, District 2-0, 1924-30 Daisy Street, P. O. Box 342, Clearfield, PA 16830.

The Contract will be administered by Mr. James R. Bathurst, P.E., Design Services Engineer, Engineering District 2-0.

Any technical questions concerning the requirements for this project should be directed to: Mr. Michael Hnat, District 2-0 at (814) 765-0444.

Any questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

**Centre and Blair Counties
Project Reference No. 08430AG2215**

The Department of Transportation will retain an engineering firm to prepare final design plans for S.R. 0220, Section C10 in Snyder, Taylor, and Worth Townships in Blair and Centre Counties beginning at the Village of Bald Eagle and ending one mile southwest of Port Matilda. The project includes the design of nine (9) miles of S.R. 0220 consisting of a four lane divided, limited access highway with one interchange (diamond type). This project includes the design of thirteen (13) single or multi-span structures.

The project includes the preparation of one right-of-way plan with an anticipated submission being four (4) months from the notice to proceed. Four (4) construction plans are anticipated with an assumed ten (10) month submission schedule. Electronic files will be provided from all previous completed preliminary plans. This project will have an accelerated schedule.

The required services will include field surveys, Step 9 submissions, traffic control plans, hydraulic reports, 105 submissions, TS&L studies, foundation studies, final bridge design, final geotechnical studies, bidding of core borings, incident management, signing and sign lighting plans, E&S plans, contour grading and drainage plan, roadside development plans, right-of-way plans and final construction plans, specifications and estimates.

The Department will establish an order of ranking of a minimum of three (3) firms. The following factors, listed in order of importance, will be considered by the Consultant Selection Committee during the evaluation of the firms submitting letters of interest:

- a. Ability to package and present the letter of interest in accordance with the "General Requirements and Information" section.
- b. How the required work tasks will be accomplished and how the required services will be provided.
- c. Specialized experience and technical competence of firm.
- d. Specialized experience, previous experience, technical competence of individuals who constitute the firm.
- e. Special requirements of this final design assignment.
- f. Current workload and capacity of firm to perform work.
- g. Past record of performance with respect to cost control, work quality, and ability to meet schedules.

The shortlisting for this project(s) will be done at Engineering District 2-0. All firms submitting letters of interest will be notified by the District of the shortlisting date.

The goal for Disadvantaged Business Enterprise (DBE) participation in this Agreement shall be fifteen (15%) percent 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).

The District's copy of the Letter of Interest and required forms (see general requirements and information section) shall be sent to: Mr. George Khoury, P.E., District Engineer, District 2-0, 1924-30 Daisy Street, P. O. Box 342, Clearfield, PA 16830.

Any technical questions concerning the requirements for this project should be directed to: Mr. Vasco A. Ordonez, P.E., District 2-0, at (814) 765-0439.

Any questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

**Fayette, Greene, Washington,
and Westmoreland Counties
Project Reference No. 08430AG2216**

The Department of Transportation will retain an engineering firm for an Open-End Contract for various engineering and/or environmental services on various projects located in Engineering District 12-0, that is Fayette, Greene, Washington and Westmoreland Counties. The Contract will be for a sixty (60) month period with projects assigned on an as-needed basis. The maximum amount of the Open-End Contract will be \$1.0 million.

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 letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

- a. Ability to package and present the Letter of Interest in accordance with the "General Requirements and Information" section.
- b. Specialized experience and technical competence of firm.
- c. Past record of performance with respect to cost control, work quality, ability to meet schedules, and previous experience on Open-End Contracts. The specific experience of individuals employed by the firm shall be considered.
- d. Location of Consultant in respect to the District.
- e. Available staffing for this assignment and the ability to meet the Department's needs.
- f. Projected Workload for the next two (2) calendar years.

The work and services required under this Contract may encompass a wide range of environmental studies and engineering efforts with the possibility of several different types of projects with short completion schedules being assigned concurrently. The anticipated types of projects include, but not limited to, bridge replacements or bridge rehabilitation with minor approach work, environmental studies, roadway betterments (3R type,) minor capital improvement projects (bridges or roadway), railroad grade crossing projects, and minor location studies, etc.

The engineering work and services which may be required under this Contract include, but are not limited to, perform field surveys; plot topography and cross sections; prepare submission for utility verification and relocations engineering; prepare all pertinent submissions and materials necessary for the Department to prepare the application to PUC and for the PUC field conference; attend and supply any required information for all PUC meetings and hearings during the design of the project; develop erosion control details and narrative; prepare right of way plans; complete structure designs including type, size and location reports, core boring layouts and foundation designs and reports; develop traffic control plans with narratives; conduct soils investigations and prepare soils reports; investigate utility involvement on projects; provide material for and participate in value engineering reviews; coordinate contacts with railroad officials and procure railroad related costs, permits, and insurance; collect signal timing, accident data and other traffic flow data; document engineering study findings and activities; alternative analysis to assess impacts and mitigation; and prepare construction plans, specifications, and estimates.

The areas of environmental study required under the Contract may include, but are not limited to: air quality; noise; energy; vibration; hazardous waste; surface water and ground water quality; surface water and ground water hydrology; terrestrial ecology including threatened and endangered species; wetlands; soils; geology; farmlands; visual quality; socio-economic resources; cultural resources; Section 4(f) Evaluations; early coordination and; scoping correspondence; meeting minutes; public meeting and hearing presentations; visualization materials, handouts and displays; technical basis reports (TBRs) and/or technical files; NEPA environmental documents; Section 106 documents; mitigation plans and reports; wetland and floodplain findings; and preliminary engineering plans, and remote sensing/mapping innovations. The format and content of all documents will be consistent with applicable State and Federal regulations, policies and guidelines.

The engineering services and environmental studies identified above are the general work activities that can be expected under this Open-End Contract. A more specific and project-related Scope of Work will be outlined for each individual Work Order developed under this Open-End Contract.

The second copy of the letter of interest and required forms (see "General Requirements and Information" section) shall be sent to: Mr. Michael H. Dufalla, P.E. District Engineer, District 12-0, P. O. Box 459, Uniontown, PA 15401.

Any technical questions concerning the requirements for this project should be directed to: Mr. William Oshnack, District 12-0, at (724) 439-7321.

Any questions concerning the submittal of the letter of interest for this Open-End Contract can be directed to the Consultant Agreement Division at (717) 783-9309.

**Fayette, Greene, Washington,
and Westmoreland Counties
Project Reference No. 08430AG2217**

The Department of Transportation will retain two (2) engineering firms for two (2) Open-End Contracts for various engineering and/or environmental services on various projects located in Engineering District 12-0, that is Fayette, Greene, Washington and Westmoreland Counties. Each Contract will be for a sixty (60) month period

with projects assigned on an as-needed basis. The maximum amount of each Open-End Contract will be \$500,000.00 thousand dollars.

The Department will establish an order of ranking of a minimum of five (5) firms for the purpose of negotiating the two (2) separate Open-End Contracts based on the Department's evaluation of the letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

The following factors, listed in order of importance, will be considered by the Department during the evaluation of the firms submitting letters of interest:

a. Ability to package and present the Letter of Interest in accordance with the "General Requirements and Information" section.

b. Specialized experience and technical competence of firm.

c. Past record of performance with respect to cost control, work quality, ability to meet schedules, and previous experience on Open-End Contracts. The specific experience of individuals employed by the firm shall be considered.

d. Location of Consultant in respect to the District.

e. Available staffing for this assignment and the ability to meet the Department's needs.

f. Projected Workload for the next two (2) calendar years.

The work and services required under these Contracts may encompass a wide range of environmental studies and engineering efforts with the possibility of several different types of projects with short completion schedules being assigned concurrently. The anticipated types of projects include, but not limited to, bridge replacements or bridge rehabilitation with minor approach work, environmental studies, roadway betterments (3R type,) minor capital improvement projects (bridges or roadway), railroad grade crossing projects, and minor location studies, etc.

The engineering work and services which may be required under these Contracts include, but are not limited to, perform field surveys; plot topography and cross sections; prepare submission for utility verification and relocations engineering; prepare all pertinent submissions and materials necessary for the Department to prepare the application to PUC and for the PUC field conference; attend and supply any required information for all PUC meetings and hearings during the design of the project; develop erosion control details and narrative; prepare right of way plans; complete structure designs including type, size and location reports, core boring layouts and foundation designs and reports; develop traffic control plans with narratives; conduct soils investigations and prepare soils reports; investigate utility involvement on projects; provide material for and participate in value engineering reviews; coordinate contacts with railroad officials and procure railroad related costs, permits, and insurance; collect signal timing, accident data and other traffic flow data; document engineering study findings and activities; alternative analysis to assess impacts and mitigation; and prepare construction plans, specifications, and estimates.

The areas of environmental study required under these Contracts may include, but are not limited to: air quality;

noise; energy; vibration; hazardous waste; surface water and ground water quality; surface water and ground water hydrology; terrestrial ecology including threatened and endangered species; wetlands; soils; geology; farmlands; visual quality; socio-economic resources; cultural resources; Section 4(f) Evaluations; early coordination and; scoping correspondence; meeting minutes; public meeting and hearing presentations; visualization materials, handouts and displays; technical basis reports (TBRs) and/or technical files; NEPA environmental documents; Section 106 documents; mitigation plans and reports; wetland and floodplain findings; and preliminary engineering plans, and remote sensing/mapping innovations. The format and content of all documents will be consistent with applicable State and Federal regulations, policies and guidelines.

The engineering services and environmental studies identified above are the general work activities that can be expected under these Open-End Contracts. A more specific and project-related Scope of Work will be outlined for each individual Work Order developed under these Open-End Contracts.

The second copy of the letter of interest and required forms (see "General Requirements and Information" section) shall be sent to: Mr. Michael H. Dufalla, P.E. District Engineer, District 12-0, P. O. Box 459, Uniontown, PA 15401.

Any technical questions concerning the requirements for this project should be directed to: Mr. William Oshnack, District 12-0, at (724) 439-7321.

Any questions concerning the submittal of the letter of interest for this Open-End Contract can be directed to the Consultant Agreement Division at (717) 783-9309.

General Requirements and Information

Firms interested in providing the above work and services are invited to submit two copies of a Letter of Interest are required information for each Project Reference Number for which the applicant wishes to be considered.

The first copy of the Letter of Interest and required information must be submitted to: Mr. Charles W. Allwein, P.E., Chief, Consultant Selection Committee, 7th Floor, Forum Place, 555 Walnut Street, P. O. Box 3060, Harrisburg, Pennsylvania 17105-3060. Note: The Zip Code for express Mailing is 17101-1900.

The Letter of Interest and required information must be received within twenty (20) calendar days of this Notice. The Deadline for receipt of a Letter of Interest at the above address is 4:30 P.M. prevailing time of the twentieth day.

The second copy of the letter of interest and required information must be submitted to the appropriate District Engineer/Administrator or the Bureau Director as indicated in the individual advertisement. This copy must be postmarked or delivered on or before the deadline indicated above.

If an individual, firm, or corporation not authorized to engage in the practice of engineering desires to submit a Letter of Interest, said individual, firm, or corporation may do so as part of a Joint Venture with an individual, firm, or corporate which is permitted under the state law to engage in the practice of engineering.

If a Joint Venture responds to a project advertisement, the Department of Transportation will not accept separate Letters of Interest from the Joint Venture constitu-

ents. A firm will not be permitted to submit 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 Intermodal Surface Transportation Efficiency Act of 1991 and currently certified by the Department of Transportation shall have the maximum opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The Act requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of Disadvantaged Business Enterprise (DBE). The goal for DBE participation shall be as stated in the individual project advertisement. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they were defined prior to the act, WBEs or combinations thereof).

Proposing DBE firms must be certified at the time of submission of the Letter of Interest. If the selected firm fails to meet the established DBE participation goal, it shall be required to demonstrate its good faith efforts to attain the goal.

Responses are encouraged by small firms, Disadvantaged Business Enterprise (DBE) firms, and other firms who have not previously performed work for the Department of Transportation.

Each Letter of Interest must include the following information and the information must be packaged and presented in the following order:

1. Transmittal Letter (Maximum of two (2) 8 1/2" x 11" typed pages, one side)

The subject heading of the transmittal letter must include the project reference number for which the applicant wishes to be considered, the firm's legal name, fictitious name (if applicable), and the firm's federal identification number. If the project advertisement indicated the Department will retain an engineering firm for the project, the applicant must indicate in the body of their transmittal letter the names and Professional Engineer License Number of individuals who are directing heads or employees of the firm who have responsible charge of the firm's engineering activities, and whose names and seals shall be stamped on all plans, specifications, plats, and reports issued by the firm.

2. Project Organizational Chart (one page, one side, maximum size 11" x 17")

This Chart must show key staff from the prime and each subconsultant and their area of responsibility.

3. Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project" (one Form 255 for the project team)

The Standard Form 255 must be signed, dated, and filled out in its entirety, including Item No. 6 listing the proposed subconsultants and the type of work or service they will perform on the project.

Under Item 4 of this form, Column A must specify only the number of subconsultant personnel and Column B must specify only the number of prime consultant personnel to be assigned to work on this project reference number. Do not include the total personnel for either the subconsultant or prime consultant under Item 4 unless the total personnel are necessary to provide the required work and services.

The prime and each subconsultant may include no more than one page each for Items 10 and 11.

If a Disadvantaged Business Enterprise (DBE) goal is specified for the project, the DBE must be currently certified by the Department of Transportation, and the name of the DBE and the work to be performed must be indicated in Item No. 6. If a Woman Business Enterprise (WBE) firm is substituted for the DBE, the WBE firm must also be presently certified by the Department of Transportation and indicated in Item 6.

4. Standard Form 254, "Architect-Engineer for Related Services Questionnaire"

A Standard Form 254, not more than one (1) year old as of the date of this advertisement, must accompany each Letter of Interest for the firm, each party to a Joint Venture, and for each subconsultant the firm or Joint Venture is proposing to use for the performance of professional services regardless of whether the subconsultant is an individual, a college professor, or a Company, unless an acceptable Standard Form 254 for the prime and each subconsultant/subcontractor is on file in both the Bureau of Design and the Engineering District Office or Central Office Bureau identified in the individual project advertisement.

If the Standard Form 254 is not submitted with the Letter of Interest, the transmittal letter shall indicate the dates that the Standard Forms 254 were submitted to the Bureau of Design and appropriate Engineering District/Central Office Bureau.

These Forms must be assembled with the prime's form first, followed by the form for each subconsultant in the same order as the subconsultants appear in Item 6 of Form 255.

5. Workload Projection Graph (Not required for Construction Inspection Services)

Separate Workload Projection Graphs for the prime and each subconsultant shown in Item 6 of the Form 255 must be included and must indicate the firm's current and anticipated workload compared to the anticipated capacity available for the next two-year time frame. The Workload Projection Graphs must be submitted for the

office(s) where the work would be performed and must only include the personnel classifications required for providing the advertised services and work.

6. Authorization Letters (For Construction Inspections Services, if required) If the advertisement requires a letter signed by individuals giving their approval to use their name in the Letter of Interest, the letters from proposed prime employees must be first, followed by subconsultant employees, in the same order as shown in Item 6 of Form 255.

7. Registration To Do Business

Firms with out-of-state headquarters or corporations not incorporated in Pennsylvania must include, with each Letter of Interest, a copy of their registration to do business in the Commonwealth as provided by the Department of State. Firms who are not registered to do business in Pennsylvania at the time of this advertisement must document that they have applied for registration to the Department of State, Corporation Bureau. The telephone number for the Corporation Bureau is (717) 787-1057 or (717) 787-2004.

8. Overhead Rates (one page)

A single page summary must indicate the latest audited overhead rate developed in accordance with Federal Acquisition Regulations (FAR) for the prime consultant and each subconsultant. If a FAR rate is not available, the latest rate available from a Certified Public Accountant must be indicated. New firms should indicate how long the firm has been in existence and when an audited overhead rate would be available.

9. Additional Information

Additional information, not to exceed ten (10) one sided 8 1/2" x 11" pages or five (5) double sided 8 1/2" x 11" pages may be included at the discretion of the submitting firm.

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. 98-1071. Filed for public inspection July 2, 1998, 9:00 a.m.]

GOVERNOR'S OFFICE

Regulatory Review

Executive Order 1996-1, which was signed by Governor Ridge on February 6, 1996, requires all agencies under the jurisdiction of the Governor to submit for publication an agenda of regulations under development or consideration. The following is the fifth publication of the Administration's regulatory agenda, grouped by agency. Subsequent agendas will be published on the first Saturdays in February and July.

The agendas are compiled to provide members of the regulated community advanced notice of regulatory activity. It is the intention of the Administration that these agendas will serve to increase public participation in the regulatory process.

Agency contacts should be contacted for more information regarding the regulation and the procedure for submitting comments.

This Agenda represents the Administration's present intentions regarding future regulations. The nature and complexity of an individual regulation obviously will determine whether and when any particular regulation listed below

(as well as any considered subsequent to publication of this Agenda) is published.

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
ADMINISTRATION			
No regulations being developed or considered at this date.			
AGING			
Older Adult Daily Living Centers PA Code Title VI Chapter 11	June 1998, as proposed.	This regulation is in the process of revision to conform to the requirements of Acts 169-96 and 13-97 and has received final review by stakeholders. Review is occurring as a result of these Acts and of Executive Order 1996-1.	Robert Hussar 717-783-6207
Protective Services For Older Adults PA Code Title VI Chapter 15	July 1998, as proposed.	This regulation is being reviewed as a result of Executive Order 1996-1 and of Acts 169-96 and 13-97; it received initial review by stakeholders in May, 1998, and is being amended to incorporate stakeholder comments.	Robert Hussar 717-783-6207
Domiciliary Care Services for Adults PA Code Title VI Chapter 21	September 1998, as proposed.	This regulation is in the process of review by interested parties. Review is occurring as a result of Executive Order 1996-1.	Robert Hussar 717-783-6207
Fair Hearings and Appeals PA Code Title VI Chapter 3	August 1998, as proposed.	This regulation has been sent for initial review by stakeholders. Review is occurring as a result of Executive Order 1996-1.	Robert Hussar 717-783-6207
AGRICULTURE			
Agricultural Land Conservation Assistance Grant Program 7 Pa. Code Chapter 138h	September 1998, as proposed.	This regulation will amend current regulations to refine the criteria pursuant to which the Department awards grants for farmland protection projects of Statewide scope.	Raymond Pickering (717)783-3167
"Clean and Green" Regulations 7 Pa. Code Chapter 137	December 1998, as proposed.	County Assessors have primary enforcement authority under the "Clean and Green" Act (72 P. S. Section 5490.1—5490.13), and favor a revision of current regulations to promote uniform and consistent interpretation and enforcement of the Act statewide. The current regulations have not been revised in 15 years. A statutory amendment may be forthcoming, and would affect the promulgation date of the regulations.	Raymond Pickering (717) 783-3167
Consolidation/Update of Retail Food Store Regulations	December 1998, as proposed.	This regulation would provide the retail food industry needed and requested guidance for the safe handling of food. The Food Act (31 P. S. Section 20.1—20.18) is the statutory basis for this regulation.	Charles Radle (717) 772-3234
Food Employee Certification 7 Pa. Code Chapter 83	August 1998, as final.	This regulation is required by the Food Employee Certification Act (3 Pa.C.S. §§ 6501—6510), and will establish standards for training of certain food industry personnel.	Martha Melton (717) 782-8354
Maple Products	December 1998, as proposed.	This regulation is required by the Maple Products Act (3 Pa.C.S. Section 6101—6112). This regulation would establish standards, product quality practices and facility requirements relating to the production of maple syrup and maple products.	Charles Radle (717) 772-3234

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Harness racing commission	September 1998, as proposed.	This regulation is necessary to update current regulations, make them more user-friendly and address conditions which exist in harness racing that did not exist when the current regulations were originally promulgated. This regulation is a long-term project and would amend 58 Pa. Code Chapters 181, 183, 185 and 186—190, including the general authority of the Commission and provisions relating to associations licensed to conduct pari-mutuel wagering, individual licensing, licensing of officials, rules of the conduct of races, veterinary practices, equine health and medication, wagering, due process and disciplinary action.	Richard Sharbaugh (717) 787-5196
Bureau of Market Development Standards for Grading Veal Calves	September 1998, as proposed.	The regulation would bring the Commonwealth's standards for grading veal calves into conformity with USDA standards. The regulation would amend current regulatory authority at 7 Pa. Code Chapter 101 by deleting standards for grading veal calves and adopting USDA standards by reference.	Richard McDonald (717) 787-5319
Land application of soil and groundwater contaminated with agricultural chemicals	June 1999, as proposed.	This regulation is required under the Land Recycling and Environmental Remediation Standards Act, at 35 P. S. 6026.101 et seq. This regulation would allow soil and groundwater contaminated with agricultural chemicals to be treated and re-applied upon agricultural lands.	David Bingaman (717) 787-4843
Farm Safety and Occupational Health Grant Program	September 1998, as proposed.	This regulation is needed to replace an existing statement of policy published in the March 16, 1996 <i>Pa. Bulletin</i> . This regulation would formalize the statement of policy by which the Farm Safety and Occupational Health Grant Program operates. The Program awards grants to fund projects to increase the knowledge and awareness of farm safety measures and occupational health issues among the Commonwealth's rural youth.	John Tacelosky (717) 787-4843
Fruit Tree Improvement Program	December 1998, as proposed.	This regulation would facilitate interstate and international export of Pennsylvania-grown fruit tree nursery stock. This regulation would amend 7 Pa. Code Chapter 120, which provides testing and inspection standards and procedures pursuant to which fruit tree nursery stock can be certified as to quality, consistency and disease/insect-free status. The regulation would be a technical update of current provisions, would bring this program into greater conformity with programs in other states and would provide more practical assistance to participating growers.	Ruth Welliver (717) 787-5609

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Certification of Virus-Tested Geraniums	September 1999, as proposed.	This regulation would amend the current regulatory authority to update the voluntary program pursuant to which geranium producers may obtain the Department's certification of virus-tested geraniums. This amendment would establish an inspection fee to help cover the Department's costs in inspecting and testing geraniums offered for certification. This regulation would amend 7 Pa.Code Chapter 122 to: 1) expand the certification of virus-tested geraniums to include Culture-Indexed Geraniums, which are free from certain economically-important bacterial and fungal pathogens; and 2) establish a reasonable fee for the Department's inspection and certification services.	Ruth Welliver (717) 787-5609
Swimming Pool Certification	October 1998, as final-proposed omitted.	This regulation will address the EPA's recent reclassification of chlorine as an "anti-microbial" rather than a pesticide. Since the substance is no longer considered a pesticide the Department will no longer regulate persons who apply it.	John Tacelosky (717) 787-4843
Dog Law	November 1998, as proposed.	House Bill 397 of 1996 accomplished revisions of the Dog Law that will necessitate regulatory revisions. This regulation is a long-term project and would amend 7 Pa. Code Chapters 21, 23, 25 and 27 to bring them into greater conformity with statutory revisions. The Dog Law (3 P. S. § 459-10 et seq.) is the statutory basis for this regulation.	Richard Hess (717) 787-4833
Weights, Measures and Standards	July 1998, as proposed.	Senate Bill 509 of 1996 was enacted into law as the Consolidated Weights and Measures Act at 3 Pa.C.S. §§ 4101—4193. This statute will necessitate regulatory revisions. This regulation is a long-term project intended to update regulatory authority. The Consolidated Weights and Measures Act (3 Pa.C.S. §§ 4101—4193) is the statutory basis for the regulation. The proposed regulation is currently under review at the Office of General Counsel.	Charles Bruckner (717) 787-6772
BANKING			
Secondary Mortgage Loan Act regulations.	Winter 1998, as proposed.	The Secondary Mortgage Loan Act ("SMLA"), 7 P. S. § 6601 et seq., was passed in 1980 and most recently amended by Act 15 of 1995. The Department has evaluated the need for regulatory guidance to be provided to second mortgage residential lenders, brokers sponsoring brokers, and broker's agents under the SMLA.	Laurie S. Kennedy (717) 787-1471

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Amendments to the Leeway Investments regulations for Pennsylvania state-chartered banking institutions.	Winter 1998, as proposed.	The existing leeway investments regulations are located at 10 Pa. Code §§ 27.1—27.4 and have been effective since March 9, 1974. These regulations were promulgated pursuant to authority stated in sections 103(a), 307, 311(d)(vi), and 504(b)(x) of the Banking Code of 1965, as amended, 7 P. S. §§ 103(a), 307, 311(d)(vi), and 504(b)(x), and can be amended pursuant to the same statutory authority. Leeway investments are made by Pennsylvania state-chartered banks in stock, bonds, notes, or debentures of corporations formed to promote the public welfare and community development, expand the economy, or provide for social reform. The Department has evaluated the need for additional regulatory guidance in the context of modernizing leeway investment authority for Pennsylvania state-chartered banking institutions, including amending the parameters for Pennsylvania state-chartered banking institutions to make leeway investments.	David H. Bleicken (717) 787-1471
“Other investments” regulations for Pennsylvania state-chartered banking institutions.	Winter 1998, as proposed.	Sections 103(a) and 315(g) of the Banking Code of 1965, as amended, 7 P. S. §§ 103(a) and 315(g), provide authority for the Department to promulgate regulations to allow Pennsylvania state-chartered banking institutions to make investments not otherwise authorized by the Banking Code. The Department has evaluated the need for such regulatory guidance and authority in the context of modernizing investment authority for Pennsylvania state-chartered banking institutions.	Reginald S. Evans (717) 787-1471
BUDGET			
No regulations being developed or considered at this date.			
COMMUNITY & ECONOMIC DEVELOPMENT			
Certified Provider	Fall 1998, as proposed.	In accordance with the Job Enhancement Act of 1996, the regulation will establish professional and organizational standards that must be met in order for providers to continue packaging loans on behalf of the department.	Russell C. Bellavance (717) 783-8452
Pennsylvania Industrial Development Authority 12 Pa. Code Chapter 73 (review for amending and deleting)	Fall 1998, as proposed.	The regulation will delete those portions of the existing regulation of the Pennsylvania Industrial Development Authority Board which ought to be in policies or guidelines rather than in regulation and, if any portion of the regulation remains, it will be brought current to comport with actual administration of the PIDA program.	Gerald W. Kapp, Jr. (717) 787-6245
Commercial Motion Picture Sales; Tax Exemption Certificate 12 Pa. Code Chapter 33	Fall 1998, as final.	The regulation will prescribe a Pennsylvania Exemption Certificate (FORM REV-1220) as the form to be used by producers of commercial motion pictures, who are qualified to take advantage of the PA Sales and Use Tax exclusion provided by Section 204(54) of the Tax Reform Code of 1971.	Jill B. Busch (717) 783-8452
COMMISSION ON CRIME AND DELINQUENCY			
No regulations being developed or considered at this date.			

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
CONSERVATION & NATURAL RESOURCES			
Conservation of Native Wild Plants	March 1998, as proposed.	This proposal is being developed to update existing native wild plant regulations. The legal basis for these regulations is the Wild Resource Conservation Act of 1982. This update is necessary to change the status of various plants to reflect field work completed during the last three years. Recommendations of the Rare Plant Committee and the Vascular Plant Technical Committee will be considered during the development of this proposed rulemaking.	Daniel A. Devlin (717) 787-3444
State Forest Rules and Regulations	June 1998, as final.	This proposal is an update of existing regulations regarding conduct on State Forest land. The legal basis for these regulations is Section 301 of Act 18 of 1995. This update also includes changes to improve compliance where roads are closed to vehicular access, to provide for better protection of designated hiking trails, and to establish special activity agreements for commercial use of state forest roads.	Warren A. Ely (717) 787-2014
State Forest Picnic Areas Rules and Regulations	April 1999, as proposed.	This proposal is an update of existing regulations regarding conduct in State Forest Picnic Areas. The legal basis for these regulations is Section 301 of Act 18 of 1995.	Warren A. Ely (717) 787-2014
CORRECTIONS			
Motivational Boot Camp Act 61 P. S. Section 1221 et seq.	June 1998, as proposed	The regulations will address boot camp administration, establishment of selection committees, inmate selection criteria, programming and supervision, inmate discipline and staff training.	Victoria S. Freimuth (717) 975-4860
Revisions to the existing regulations governing county correctional facilities 37 Pa. Code Chapter 95.	June 1998, as proposed.	The regulation will be revised to eliminate unnecessary regulations and modernize necessary regulations, particularly those affecting the transfer of inmates between state and county correctional facilities.	William M. Reznor (717) 975-4876
Amendment of Media Relations regulations	June 1998, as final.	The regulations will be amended to enable members of the news media to communicate and visit with inmates under the same visitation policies which govern inmate communications with other members of the public	Michael Lukins (717) 975-4862
EDUCATION			
Pupil Personnel Services Pupil Attendance Students 22 Pa. Code, Chapters 7, 11, 12	September 1998, as proposed.	These proposed revisions to existing chapters of regulations are necessary to align provisions of Chapter 12 in compliance with recently-enacted legislation and court decisions; to accurately reflect current practices; delete nonregulatory language; and eliminate nonregulatory provisions. These regulations are promulgated under authority of the Public School Code of 1949 (P. L. 30, No. 14) Article XXVI-B, §§ 26-2601-B—26-2606-B.	Peter Garland (717) 787-3787

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Special Education Services and Programs 22 Pa. Code, Chapter 14	November 1998, as proposed.	These regulations are necessary to establish procedures for the identification of students who are in need of special education services and programs and to set forth requirements and procedures for the delivery of those services and programs. The review of these current regulations will focus on current federal and state law regarding special education services and programs to ensure compliance, consistent and accurate terminology and application of existing provisions.	Peter Garland (717) 787-3787
School Buildings 22 Pa. Code, Chapter 21	November 1998, as proposed.	These regulations are necessary to provide uniform standards and procedures for seeking Departmental approval in school building projects. The proposed revisions are necessary to provide clarification and to reflect current practice. These revisions are proposed under authority of the Public School Code of 1949 (P. L. 30, No.14) Article XXVI-B, §§ 26-2601-B—26-2606-B.	Peter Garland (717) 787-3787
Higher Education General Provisions, Foreign Corporation Standards, Institutional Approval, Program Approval 22 Pa. Code, Chapters 31, 36, 40, 42	July 1998, as proposed.	These regulations are necessary to establish procedures for the approval and operation of institutions of higher education in the Commonwealth. Specific revisions are necessary to clarify the intent of the chapters, modify the time frame during which new institutions must achieve accreditation, update provisions for library and learning resources, and amend regulations to accommodate for-profit baccalaureate and higher education. These regulations are promulgated under authority of the Public School Code of 1949 (P. L. 30, No.14), Article XXVI-B, §§ 26-2601-B—26-2606-B.	Peter Garland (717) 787-3787
Branch Campuses for State-supported Institutions 22 Pa. Code, Chapters 34	August 1998, as proposed.	These regulations are necessary to establish procedures for the approval of branch campuses. Review and revision are necessary to ensure that the regulations are consistent with current practice and terminology. These regulations are promulgated under authority of the Public School Code of 1949 (P. L. 30, No. 14), Article XXVI-B, §§ 26-2601-B—26-2606-B.	Peter Garland (717) 787-3787
Academic Standards and Assessment 22 Pa. Code, Chapter 4	July 1998, as proposed.	These regulations are proposed to establish rigorous academic standards and assessments for the public schools of the Commonwealth. These proposed regulations are designed to replace current Chapters 3 (School Profiles), 5 (Curriculum) and 6 (Vocational Education). These regulations are promulgated under authority of the Public School Code of 1949 (P. L. 30, No. 14), Article XXVI-B, §§ 26-2601-B—26-2606-B.	Peter Garland (717) 787-3787

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Gifted Education 22 Pa. Code, Chapter 16	July 1998, as proposed.	These regulations are proposed to establish separate rules for programs and services for gifted students apart from those established for other special needs students. Current special education regulations (Chapters 14 and 342) are largely driven by federal action. Gifted education is a state program. Separation of enabling regulations will permit greater efficiency and effectiveness in program operations. These regulations are promulgated under authority of the Public School Code of 1949 (P. L. 30, No. 14), Article XXVI-B, §§ 26-2601-B—26-2606-B.	Peter Garland (717) 787-3787
Certification of Professional Personnel 22 Pa. Code, Chapter 49	August 1998, as final.	These regulations and revisions are necessary to ensure that those individuals preparing to be teachers receive a quality education and are competent to teach in the disciplines and areas for which they are certified. These regulations are promulgated under authority of the Public School Code of 1949 (P. L. 30, No. 14) Article XXVI-B, §§ 26-2601-B—26-2606-B.	Peter Garland (717) 787-3787
General Standards for Preparation of Professional Educators 22 Pa. Code, Chapter 354	November 1998, as proposed.	These standards will provide general requirements for programs which prepare professional educators in the Commonwealth. Pennsylvania colleges and universities must meet these standards to obtain or retain Pennsylvania Department of Education approval to conduct professional educator programs leading to Pennsylvania certification. These regulations are being promulgated under authority of 22 Pa. Code, Chapter 49.	Samuel Marcus (717) 783-6794
College and University Security 22 Pa. Code, Chapter 33	August 1998, as proposed.	These regulations govern the responsibility of institutions of higher education for the provisions of college and university security information and the collection and reporting of crime statistics. Revisions are necessary to incorporate provisions for the establishment of and access to daily campus crime logs. These regulations are promulgated under authority of the College and University Security Information Act (P. L. 443, No. 73)(24 P. S. § 2502-1 to 2502-5).	Peter Garland (717) 787-3787
Program Standards and Eligibility Criteria for the Higher Education Opportunity Act 22 Pa. Code, Chapter 44	September 1998, as final.	These regulations establish program requirements and eligibility criteria for Act 101 programs in colleges and universities. Revisions are necessary to update eligibility criteria to reflect current income levels. These regulations are promulgated under authority of (P. L. 423, No. 101 § 3 and 4)(24 P. S. § 2510-303, § 2510-304).	Peter Garland (717) 787-3787
Community Colleges 22 Pa. Code, Chapter 35	September 1998, as proposed.	These regulations govern the establishment and operation of community colleges and technical institutes. Revisions to reflect current practice are made in the formula calculating Full-Time Equivalent (FTE) Enrollments for reimbursement purposes.	Peter Garland (717) 787-3787
EMERGENCY MANAGEMENT AGENCY			
Radiation Emergency Response Fund 4 Pa. Code Chapter 116	September, 1998, as proposed.	Needed to simplify grant program.	Mark Goodwin (717) 651-2010

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Radiation Transportation Emergency Response Fund 4 Pa. Code Chapter 117	September, 1998, as proposed.	Needed to simplify grant program.	Mark Goodwin (717) 651-2010
ENVIRONMENTAL HEARING BOARD			
25 PA Code §§ 1021	Proposed will be in final form by the summer of 1998.	The regulations are being reviewed and revised on an ongoing basis. The revisions and additions to Chapter 1021 are meant to improve the practice and procedure before the Board and to provide the regulated community, the Department of Environmental Protection, and other potential litigants with more specific guidance on how to represent their interests before the Board. The legal basis for the regulation is § 5 of the Environmental Hearing Board Act (35 P. S. § 7515).	Kimberly Hafner 717-787-3483
ENVIRONMENTAL PROTECTION			
Special Protection Waters (Antidegradation) Program Clean Streams Law	December 1998, as final to the EQB.	This proposal has been developed to streamline and improve the existing program and to address EPA disapproval issues. EPA promulgated regulations for Pennsylvania in December 1996. The EQB received over 1,700 comments on its proposed rulemaking which was published March 22, 1997. The Department has considered and responded to comments and published an Advance Notice of Final Rulemaking (ANFR) in July 1998. The Water Resources Advisory Committee (WRAC) was briefed on the ANFR and will review the final rulemaking.	Carol Young, 717-787-4686
Stream Redesignations French Creek, et al. (Part B) Clean Streams Law	March 1999, as final to the EQB.	This package contains recommendations for Browns Run (Warren County) and Trout Run (York County) which were evaluated as a result of petitions submitted to the EQB. Initially proposed in January 1997, there was considerable controversy surrounding the proposed redesignations. As a result of public comments, the streams will be restudied by the EQB and considered in March 1999. Also included in this package are recommendations for the lower segment of Cove Creek (T-433 Bridge to Mouth) (Bedford County) and Grimes Run (Clearfield County). These streams were removed from the original Part A package for further consideration at the request of the EQB. The EQB will reconsider them in March 1999.	Tom Barron, 717-787-9637

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Chapters 91, 97 & 101 Wastewater Management Clean Streams Law	Date undetermined.	This proposal has been developed as a result of the Regulatory Basics Initiative (RBI) and Executive Order 1996-1 and consolidates references to related water pollution control requirements into a single source, Chapter 91. The proposal will provide the regulated community and DEP greater flexibility in implementing pollution prevention measures and will provide authority for DEP to issue general water quality management permits. The Water Resources Advisory Committee (WRAC) approved this proposal in February 1997. The proposal was discussed with the Agricultural Advisory Board (AAB) in October 1997. Several sections of this rulemaking pertain to animal manure (manure storage and land application). DEP is in the midst of discussions with stakeholders and EPA regarding manure issues related to Concentrated Animal Feeding Operations (CAFOs). A draft strategy will be announced in the near future. DEP doesn't plan to finalize this rulemaking until the CAFO strategy is finalized.	Milt Lauch, 717-787-8184
Chapter 94—Municipal Wasteload Management Clean Streams Law	June 1998, as final to the EQB.	This proposal was developed as a result of the RBI and Executive Order 1996-1 and deletes regulations related to implementation of the federal pretreatment program. These references are unnecessary because DEP has not accepted delegation of this EPA program, nor does it plan to seek delegation in the foreseeable future. The proposal also provides clarity with respect to annual reporting requirements for municipal wastewater facility permittees. WRAC approved the draft final rulemaking in May 1998.	Milt Lauch, 717-787-8184
Chapters 92, 93, 95, 96 & 97 Water Quality Amendments Clean Streams Law	June 1998, as proposed to the EQB.	These revisions will address several of the principles of the RBI and Executive Order 1996-1. The revisions will reorganize these chapters into permitting, water quality standards and implementation chapters respectively and will make several modifications to the programs. The WRAC reviewed drafts of the proposed rulemaking. The draft proposal was discussed with the AAB in December 1997.	Carol Young, 717-787-4686
Chapter 102, Erosion Control Clean Streams Law	December 1998, as final to the EQB.	This proposal includes minor revisions such as eliminating obsolete terms, simplifying technical requirements for control facilities, updating and clarifying permit requirements to reflect current Federal NPDES permit requirements for construction activities, revising requirements that may be interpreted as more restrictive than Federal requirements, and establishing a minimum area of disturbance to require the development of an erosion and sedimentation control plan. The WRAC and the AAB will review drafts of the final rulemaking.	Ken Murin, 717-787-6827

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Chapter 105, Dam Safety and Waterway Management Clean Streams Law, Dam Safety and Encroachment Act	December 1998, as proposed to the EQB.	Revisions will be proposed to simplify and clarify the regulations, streamline the process for minor wetland encroachments, establish discretion to issue expedited permit decisions during site visits, simplify the application fee schedule, and clarify the Chapters 105 and 106 programs by consolidating rules and procedures for stream channels, floodways and floodplains into one regulation. The Wetlands Protection Advisory Committee (WetPAC) and the AAB are reviewing drafts of the proposal.	Ken Reisinger, 717-787-6827
Chapter 171, Schools Administrative Code of 1929	Date undetermined.	The Department proposes to eliminate these regulations concerning general sanitation at private and public schools because of the transfers of the Eating and Drinking Program to the Department of Agriculture and the Bathing Place Program to the Department of Health. The Department is working with these agencies to ensure that all regulatory programs continue to be administered in schools. Most basic sanitation requirements such as adequate sewage disposal, safe drinking water and proper solid waste disposal are provided by existing programs in DEP.	Joseph Hoffman, 717-787-5017
Bottled Water Systems Permit by Rule Safe Drinking Water Act	January 1999, as final to the EQB.	These amendments to Chapter 109 incorporate a permit by rule for bottled water systems meeting specified criteria to streamline the permitting process. DEP formed a working group of stakeholders and other interested parties to assist in identifying and selecting implementation options. The amendments also include some changes pertaining to streamlining approval of new labels and clarifying reporting requirements as well as changes resulting from the RBI and Executive Order 1996-1. The Technical Assistance Center for Small Water Systems and WRAC will review the draft final amendments.	John Wroblewski, 717-787-9037
Chapters 260-270 Comprehensive Hazardous Waste Amendments Solid Waste Management Act	September 1998, as final to the EQB.	The amendments are a major initiative to update Pennsylvania's hazardous waste regulations and to bring the state program into conformance with the federal RCRA program by adopting large portions of the federal regulations by reference. The Solid Waste Advisory Committee (SWAC) will review the draft final amendments.	Rick Shipman, 717-787-6239

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Municipal Waste Revisions Solid Waste Management Act	June 1998, as proposed to the EQB.	This proposal changes the environmental assessment requirements to evaluate known and potential environmental harms vs. social and economic benefits; includes revisions to ICW permit by rule and general permit requirements; includes standards for nuisance minimization and control; modifies the closure requirements and assessment and abatement standards to be consistent with the Act 2 regulations and federal Subtitle D criteria; revises the planning and grant procedures; revises isolation distances; changes the equivalency review procedure for municipal waste permits so that once approval is given, it may be applicable statewide; revises the facility design and operating standards for composting facilities to be more performance based; revises leachate sampling requirements to delete parameters from quarterly sampling if groundwater protection will not be compromised; and allows for leachate holding tanks and trucking for some processing facilities in lieu of connection to sewer systems or building treatment plants. The draft proposal was approved by SWAC.	Bill Pounds, 717-787-7564
Residual Waste Revisions Solid Waste Management Act	June 1998, as proposed to the EQB.	This proposal changes the definition of waste and related terms to be similar to the solid waste definitions in RCRA Subtitle C; revises definitions and final closure standards to be consistent with the Act 2 regulations; allows for industry wide coproduct determinations and recycling of scrap metal; revises performance standards for odor, noise and other nuisance control; revises isolation distances; modifies the environmental assessment requirements; revises the permit application fee and simplifies the approval process for demonstration facilities; revises the facility design and operating standards for composting facilities to be more performance based; revises leachate sampling requirements to delete parameters from quarterly sampling if groundwater protection will not be compromised; allows for leachate holding tanks and trucking for some processing facilities in lieu of connection to sewer systems or building treatment plants; and modifies the attenuating soil requirements at landfills to allow for equivalency modeling based upon site specific conditions. The draft proposal was approved by SWAC.	Bill Pounds, 717-787-7564
Waste Oil Amendments Solid Waste Management Act	August 1998, as proposed to the EQB.	This proposal consolidates the requirements for the management of used oil into one chapter. The SWAC approved the draft amendments.	Bill Pounds, 717-787-7564

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Aerospace Manufacturing and Rework—VOC Emission Limitations Air Pollution Control Act	October 1998, as final to the EQB.	This proposal establishes surface coating, adhesive, solvent cleaning, and housekeeping requirements specific to the aerospace manufacturing and rework industry. Presently, these operations are regulated, where applicable, by the general surface coating limitations contained in Section 129.52. The proposal is based on the provisions of an EPA draft Control Techniques Guidance (CTG) which specifies minimum performance levels. The proposal also deletes the requirement from Section 129.51 which requires that all equivalencies be submitted to EPA as revisions to the State Implementation Plan (SIP). The Air Quality Technical Advisory Committee (AQTAC) will review the draft final amendments.	Terry Black, 717-787-4310
New Motor Vehicle Emissions Control Program Air Pollution Control Act	August 1998, as final to the EQB.	This proposal establishes the mechanism for Pennsylvania to opt into the National Low Emission Vehicle (NLEV) program. It allows NLEV to be a fully acceptable compliance alternative to state emission limitations established for certain new vehicles sold after a specified model year. Should the state program be implemented, the applicable model year will be determined based on the time of adoption of the final rule; however, the model year cannot be earlier than the second model year following final adoption. The AQTAC approved the draft final amendments.	Arleen Shulman, 717-787-4310
Control of VOCs from Gasoline Dispensing Facilities (Stage II) Air Pollution Control Act	December 1998, as final to the EQB.	DEP formed stakeholder groups to assist the Department in selecting air quality control strategies to address ozone nonattainment in the Pittsburgh and Philadelphia areas. The stakeholders evaluated control strategies to address and resolve the problem. The Pittsburgh area strategies resulted in regulatory amendments regarding Stage II, which will result in a revision to the SIP. The AQTAC was briefed in the development of the final rulemaking.	Terry Black, 717-787-4310
Air Quality Amendments—RBI #2 Air Pollution Control Act	June 1998, as final to the EQB.	These amendments are the second in a series of regulatory proposals implementing changes to DEP's air resource regulations resulting from the RBI. The proposal deletes portions of Chapter 128 which established alternative emission reduction limitations for certain air contamination sources; allows 45 days in Section 129.56 for repairs of defective seals on floating roof storage tanks of 40,000 gallons or more; revises Section 129.67(b)(2) to insert the term "less water" which was inadvertently deleted in a previous rulemaking; deletes the perchloroethylene (perc) requirements for dry cleaning facilities in Section 129.70 since EPA no longer considers perc a volatile organic compound (VOC); and deletes the Pennsylvania ambient air quality standards for sulfates and hydrogen sulfide in Chapters 131 and 139 because they are not required under the Clean Air Act. The AQTAC approved the draft final amendments.	Terry Black, 717-787-4310

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Malodors—RBI #3 Air Pollution Control Act	November 1998, as final to the EQB.	The malodor regulations will be modified to clarify the definition of “malodor,” add a definition for “odor investigation” and add a technology limitation to resolve malodor problems. Drafts of the final rulemaking will be reviewed by AQTAC.	Terry Black, 717-787-4310
New Source Review Air Pollution Control Act	Contingent on EPA action.	The Department’s existing new source review regulations will be reorganized and reformatted to make the requirements clear to the regulated community and to facilitate the creation and use of emission reduction credits. The Department will incorporate proposed changes in the Federal new source review requirements as necessary. Drafts of the proposal will be reviewed by the AQTAC. EPA has proposed in its draft new source review (NSR) regulations a number of mechanisms related to generation and use of Emission Reduction Credits (ERC’s), and the use of an “area wide” plantwide applicability limit (PAL) to address trading issues. The proposed rules were issued in July 1996, and EPA indicates that final rules are to be issued in mid 1998. With the uncertainty of the nature of the final rules, the Department cannot proceed with revisions of the existing trading regulations until the final EPA rule is promulgated.	Terry Black, 717-787-4310
Gasoline Volatility Requirements—Low RVP Air Pollution Control Act	July 1998, as proposed to the EQB.	The Commonwealth is required to implement control strategies to demonstrate that the Pittsburgh-Beaver Valley Area will achieve the national ambient air quality standards (NAAQS) for ozone. The Department proposes to delete the term “federal reformulated gasoline or RFG” and eliminate RFG from the term “compliant fuel.” The proposed regulation will limit the volatility of gasoline sold in the Pittsburgh-Beaver Valley Area each year between May 1 and September 15. The proposal requires the sale of 7.8 Reid vapor pressure (RVP) gasoline. In addition, the Department proposes to clarify the records retention requirements in Section 126.302(c) that records to be kept on site. The AQTAC approved a draft of the proposal.	Terry Black 717-787-4310
Surface Coating Processes Air Pollution Control Act	August 1998, as proposed to the EQB.	This regulation will simplify the calculation procedure for determining compliance with Chapter 129 and consider small source exemptions to the extent possible without degrading air quality. The AQTAC approved the draft regulations.	Terry Black, 717-787-4310

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Mobile Equipment Repair and Refinishing Air Pollution Control Act	December 1998, as final to the EQB.	The Southwest and Southeast Ozone Stakeholder Working Groups recommended that DEP adopt programs to reduce VOC emissions from automobile refinishing. The proposed regulations establish maximum VOC content levels for automobile refinish materials used in the Commonwealth. The proposed regulation also establishes permitting requirements, pollution prevention and work practice standards. DEP is developing public information materials to inform the regulated industry of the proposed requirements. DEP will publish the proposal in August 1998 and conduct statewide public information meetings and hearings during the public comment period. The AQTAC approved the draft proposed regulations.	Terry Black, 717-787-4310
Degreasing Operations Air Pollution Control Act	November 1998, as proposed to the EQB.	The Southwest and Southeast Ozone Stakeholder Working Groups recommended that DEP adopt programs to reduce VOC emissions from degreasing operations. The proposed regulations will establish requirements for solvent cleaning operations not presently regulated by the provisions of Section 129.63. A stakeholder group consisting of degreaser manufacturers and operators, solvent suppliers and environmental groups met several times over an eight-month period to develop a draft regulation. The AQTAC will review the draft proposed rulemaking.	Terry Black, 717-787-4310
Chapter 240 Radon Certification Radon Certification Act	December 1998, as proposed to the EQB.	DEP conducted workshops attended by selected individuals from the Pennsylvania certified radon community to discuss possible amendments to the current regulations which appear to be of concern to the regulated community and which do not fully address new technologies that were developed since the effective date of the 1991 radon certification regulations in Chapter 240. Draft regulations are anticipated to be developed by July 31, 1998.	Michael Pyles, 717-783-3594
Radiological Health (Chapters 216, 218, 221, 223, 227, 228) Radiation Protection Act	July 1998, as final to the EQB.	The Department is amending its radiological health regulations which were last revised in 1983. The amendments address technological advances such as new diagnosis and treatment methods and particle accelerators which have changed in design and function. The amendments offer increased protection to both employees and patients for medical diagnosis and treatment applications and address health and safety concerns, including the reduction in unnecessary exposure to patients and employees/operators. The Radiation Protection Advisory Committee (RPAC) approved the final regulations in April 1998.	Stuart Levin, 717-787-3720

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Radiological Health (Chapters 215, 217, 219, 220, 224, 225, 226, 230 and 232) Radiation Protection Act	October 1998, as final to the EQB.	The Department is updating its regulations for the control of radioactive material in preparation for becoming an Agreement State with the U.S. Nuclear Regulatory Commission (NRC). One of the NRC requirements for the agreement is to have and maintain compatible regulations with the NRC. The proposed regulations address industrial radiography, well logging, irradiators, medical uses, transportation and packaging, protection standards and licensing. The Department consulted with RPAC in developing these regulations.	Stuart Levin, 717-787-3720
Chapter 86, Subchapters A and D—General Provisions and Areas Unsuited for Mining Surface Mining Conservation and Reclamation Act, Clean Streams Law, Coal Refuse Disposal Control Act	October 1998, as final to the EQB.	The amendments address regulations which are more stringent than federal requirements, lack clarity, and which are inconsistent with language used in federal regulations. This proposal will be reviewed by the Mining and Reclamation Advisory Board (MRAB) in July.	David Hogeman, 717-787-4761
GENERAL SERVICES			
Surplus State Property 4 Pa. Code, Chapter 41	Fall 1998, as proposed.	With the enactment of the Commonwealth Procurement Code (Act 57 of 1998) this Chapter must be substantially amended. Further, there is a need for review and revision of these regulations to implement improvements in the transfer and disposition of state surplus property.	Barbara L. Shelton (717) 787-5295
Instructions to Bidders 4 Pa. Code, Chapter 61	Summer 1998, as proposed.	This Chapter has been superseded and should be repealed because such instructions should not be set out in regulatory form. There is a need for flexibility which can be of benefit to the Department as well as bidders.	Merle H. Ryan (717) 787-7095
General Conditions of the Construction Contract 4 Pa. Code, Chapter 63	Summer 1998, as proposed.	See comment for Chapter 61.	Merle H. Ryan (717) 787-7095
State Art Commission 4 Pa. Code, Chapter 65	Summer 1998, as proposed.	The legislation creating the State Art Commission was sunsetted.	Merle H. Ryan (717) 787-7095
Emergency Construction Repairs 4 Pa. Code, Chapter 67	Fall 1998, as proposed.	The regulation should be amended to more accurately reflect present practice and to delete contract provisions. Such provisions should not be in regulatory form and their deletion will serve the same purpose as noted for Chapter 61.	Merle H. Ryan (717) 787-7095
Contract Compliance 4 Pa. Code, Chapter 68	Summer 1998, as proposed.	Executive Order 1996-8 transferred the contract compliance responsibilities to the Department of General Services	John R. McCarty (717) 783-8720
Methods of Awarding Contracts 4 Pa. Code, Chapter 69	Fall 1998, as proposed.	With the enactment of the Commonwealth Procurement Code (Act 57) it is necessary to conform this Chapter with the changes in the law and to address other procurement areas affected by Act 57.	Barbara L. Shelton (717) 787-5295
Commonwealth Parking Facilities 4 Pa. Code, Chapter 71	Winter 1998, as proposed.	Amendments are required because parking locations have been changed.	Ronald L. Coy (717) 783-5028

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Commonwealth Automotive Fleet 4 Pa. Code, Chapter 73	Winter 1998, as proposed.	The regulation will be amended to eliminate the requirement for a Pennsylvania license to drive a state vehicle and will permit out-of-state licenses.	Gary F. Ankabrandt (717) 783-1982
Processing Subscriptions and Sales of Pennsylvania Code and Related Publications 4 Pa. Code, Chapter 81	Winter 1998, as proposed.	These regulations should be repealed since the Department of General Services' Bureau of Management Services no longer has responsibility for the processing of subscriptions and orders for the Pennsylvania Code. The Pennsylvania Code contractor is now responsible for Pennsylvania Code subscriptions. New regulations will be developed to address sales of Commonwealth publications in general.	John R. McCarty (717) 783-8720
First Amendment Rights 4 Pa. Code, Chapter 86	Fall 1998, as proposed.	The amendment will extend coverage of the statement of policy to the Philadelphia State Office Building, Pittsburgh State Office Building, Scranton State Office Building, and Reading State Office Building.	Gregory C. Santoro (717) 787-5599
Death Benefits for Survivors of Firemen and Law Enforcement Officers 4 Pa. Code, Chapter 89	Fall 1998, as proposed.	Since Act 101 of June 24, 1976 (P. L. 424) was amended by Act 161 of 1994 (P. L. 1373), the regulations must be amended to reflect the legislative changes.	Ronald L. Coy (717) 783-5028
HEALTH			
Emergency Medical Services 28 Pa. Code § 1001.1 et seq.	August 1998, as proposed.	Amendments to regulations to enhance the operation of the Emergency Medical Services System in the Commonwealth, pursuant to the Emergency Medical Services Act, 35 P. S. §§ 6921-6938.	Kenneth Brody 717-783-2500
Communicable Diseases 28 Pa. Code § 27.1 et seq.	November 1998, as proposed.	The amendments to existing regulations to make them consistent with current public health practices for the control of communicable and other reportable conditions. The Advisory Health Board met in April to review the draft regulations.	Suzanne Craig 717-783-2500
Personnel Administration in County Health Departments 28 Pa. Code § 13.1 et seq. State Aid to Local health Departments 28 Pa. Code § 15.1 et seq.	No publication anticipated in the next six months.	The amendments to existing regulations to make them consistent with current local health administration practices. Currently under review by the Bureau of Community Health.	Suzanne Craig 717-783-2500
Drug and Alcohol Confidentiality 4 Pa. Code § 255.1 et seq. and § 257.1 et seq.	November 1998, as proposed.	These regulations are being updated and to address concerns regarding availability of records of patients being treated for drug and alcohol related problems.	Keith Fickel 717-783-2500
Newborn Screening 28 Pa. Code § 28.1 et seq.	No publication anticipated in the next six months.	These regulations are to address amendments to the Newborn Child Testing Act regarding procedures and time frames for the drawing of blood and filing of reports and the addition of two reportable diseases. Authority for these regulations is set forth in the Newborn Child Testing Act, 35 P. S. § 621.1 et seq.	Yvette Kostelac 717-783-2500

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Amendments to the List of Drugs Which Optometrists May Use in the Course of Their Practice 28 Pa. Code Ch. 6	August 1998, as final.	These amendments are intended to facilitate the expanded practice of optometry pursuant to an amendment to the definition of "practice of optometry" in the Optometric Practice and Licensure Act, 63 P. S. § 244.1 et seq. That act was amended on October 30, 1996, to permit the administration and prescription of legend and nonlegend drugs as approved by the Secretary of Health for treatment of certain areas of the visual system, and under certain conditions. The regulations include an expanded list of drugs approved by the Secretary for use by optometrists in the course of their practice.	Yvette Kostelac 717-783-2500
Environmental Health Assessment 28 Pa. Code § 17.1 et seq.	No publication anticipated in the next six months.	These amendments are necessitated by the transfer of authority for certain environmental regulations from the Department of Environment Protection to the Department of Health. The Department has met with consumer groups to obtain stakeholder input.	Nan Lipton 717-783-2500
Dental Laboratories 28 Pa. Code § 25.301 et seq.	September 1998, as proposed.	These new regulations are needed to establish standards for the operation of laboratories in dental offices, as required by the Controlled Substances, Drug Device and Cosmetic Act at 35 P. S. § 780-101 et seq.	Laurie McGowan 717-783-2500
Long Term Care Nursing Facilities 28 Pa. Code § 201.1 et seq.	November 1998, as final.	These regulations are needed to update current regulations regulating long term nursing care facilities, and will incorporate many of the federal long term care certification regulations.	Laurie McGowan 717-783-2500
Head Injury Program	September 1998, as proposed.	These regulations will facilitate the implementation of this program under the Emergency Medical Services Act, 35 P. S. § 6934(e).	Lawrence Otter 717-783-2500
Health Facility Licensure—Ambulatory Surgical Facilities 28 Pa. Code § 551.1 et seq.	October 1998, as final.	Amendment and update of regulations for ambulatory surgical facilities. Review occurred due to sunset of Certificate of Need.	James T. Steele, Jr. 717-783-2500
Health Facility Licensure—Long Term Care Facilities 28 Pa. Code § 201.1 et seq.	October 1998, as final.	Amendment and update of regulations for long term care facilities. Review occurred due to sunset of Certificate of Need.	Laurie McGowan 717-783-2500
Health Facility Licensure—General & Special Hospitals & Health Planning 28 Pa. Code § 301.1 et seq. 28 Pa. Code § 401.1 et seq.	August 1998, as final-omitted.	Chapters on health planning (federal program and certificate of need) will be repealed, as statutory authority for both regulations has terminated.	James T. Steele, Jr. 717-783-2500
Health Facility Licensure—General Administrative Chapter & General and Special Hospitals 28 Pa. Code § 101.1 et seq.	No publication anticipated in the next six months.	Amendment to update the licensure regulations for general and special hospitals.	James T. Steele, Jr. 717-783-2500
HOUSING FINANCE AGENCY			
No regulations being developed or considered at this date.			

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
INFRASTRUCTURE INVESTMENT AUTHORITY			
Pennsylvania Infrastructure Investment Authority Financial Assistance, (relating generally to Letters of No Prejudice). 25 Pa Code Chapter 963.17(b)	Fall 1998, as proposed.	These amendments to Chapter 963 will notify the public of certain less onerous regulatory requirements for obtaining a Letter of No Prejudice. The Letter of No Prejudice is an exception to PENNVEST's refinancing limitation allowing the applicant or potential applicant to proceed to construction provided a satisfactory financial plan to interim fund the project is approved and the construction is necessary to accomplish an objective delineated in Section 963.17(b)(2) of PENNVEST's regulations. The grant of authority to issue amendments to 25 Pa. Code § 963.17(b) is set forth in Section 6(4)(i) of the Pennsylvania Infrastructure Investment Authority Act, 35 P. S. § 751.6(4)(i).	Brion Johnson (717) 783-6798 Jayne B. Blake (717) 783- 6776
INSPECTOR GENERAL			
No regulations being developed or considered at this date.			
INSURANCE			
Uniform Classification of Expenses, 31 Pa. Code, Chapters 1, 5, 7 and 9	July 1998, as final.	Repeal pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Definitions and Logistics, 31 Pa. Code, Chapter 2 (NEW)	August 1998, as proposed.	Common definitions used by the Department will allow elimination of repetitive terms throughout the Insurance Department's regulations.	Peter J. Salvatore, 717-787-4429
Allocation of Joint Expenses, 31 Pa. Code, Chapter 3, §§ 3.1-3.6	July 1999, as proposed.	Amend to be consistent with current NAIC accounting instructions and to expand the scope of the regulations to include life and health insurers in holding company systems.	Peter J. Salvatore, 717-787-4429
Miscellaneous (Relating to Uniform Classification of Expenses), 31 Pa. Code, Chapter 11, §§ 11.1-11.7	July 1999, as proposed.	Repeal §§ 11.2 and 11.5-7 to eliminate outdated unnecessary regulations and amend § 11.4 to clarify current NAIC accounting instructions for electronic data processing expenses.	Peter J. Salvatore, 717-787-4429
Costs of Examinations (EDP Expenses), 31 Pa. Code, Chapter 12, §§ 12.1-12.7	July 1999, as proposed.	Amend to clarify the various types of costs incurred in the conduct of department examinations.	Peter J. Salvatore, 717-787-4429
Stock Ownership Statements, 31 Pa. Code, Chapter 21, §§ 21.1-21.103	July 1999, as proposed.	Amend to update requirements relating to Stock Ownership Statements consistent with NAIC model language.	Peter J. Salvatore, 717-787-4429
Proxies, Consents and Authorizations, 31 Pa. Code, Chapter 23, §§ 23.1- 23.96	July 1999, as proposed.	Amend to update requirements relating to Proxies, Consents and Authorizations consistent with NAIC model language.	Peter J. Salvatore, 717-787-4429
Acquisitions of Capital Stock (Insurance Company Holding Law), 31 Pa. Code, Chapter 25, §§ 25.1- 25.23	August 1998, as proposed.	Amend to be consistent with 1993 amendments to the authorizing statute and to eliminate unnecessary filing requirements	Peter J. Salvatore, 717-787-4429
Advances to Mutual, Stock and Life Companies (NEW)	January 1999, as proposed.	New regulation to address surplus notes issued by mutual stock and life companies consistent with authorizing statute adopted in 1992.	Peter J. Salvatore, 717-787-4429

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Assigned Risk Plan, 31 Pa. Code, Chapter 33, § 33.29	July 1998, as proposed.	Repeal current regulation and replace regulation with new chapter (31 Pa.Code, Chapter 67a) to be consistent with Pennsylvania Assigned Risk Plan	Peter J. Salvatore, 717-787-4429
Surplus Lines, Chapter 35, §§ 35.1- 35.22	July 1998, as proposed.	Repeal current regulations, 31 Pa. Code, Chapters 35 (and Chapter 123) and replace with one updated regulation relating to surplus lines insurance consistent with 1992 statutory amendments.	Peter J. Salvatore, 717-787-4429
Producer Licensing, 31 Pa. Code, Chapter 37, §§ 37.1-37.84	September 1998, as proposed.	Amend 31 Pa. Code, Chapter 37, Agent Certificates of Qualification and Broker Licenses, consistent with statutory amendments in Act 72 of 1996 and 40 of 1997.	Peter J. Salvatore, 717-787-4429
Producer Licensing, 31 Pa. Code, Chapter 38, §§ 38.1-38.5	September 1998, as proposed.	Amend Statement of Policy regarding procedures for National and State Chartered Banks to sell insurance and annuities.	Peter J. Salvatore, 717-787-4429
Producer Licensing, 31 Pa. Code, Chapter 39, §§ 39.1-39.22	September 1998, as proposed.	Amend Chapter 39 relating to continuing education for agents and brokers consistent with statutory amendments in Act 72 of 1996.	Peter J. Salvatore, 717-787-4429
Fraternal Benefits Societies Administration, 31 Pa. Code, Chapter 41, § 41.1	August 1998, as final.	Repeal pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Reserves of Beneficial Societies, 31 Pa. Code, Chapter 43, §§ 43.1-43.2	December 1998, as proposed.	Repeal pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Special Rules of Administrative, Practice and Procedure, 31 Pa. Code, Chapter 56, §§ 56.1-56.3	July 1998, as final omitted.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Publication of Citations and Notice of Hearings, 31 Pa. Code, Chapter 57, § 57.1	July 1998, as final omitted.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Objections and Procedure for Hearings on Reports of Examination, 31 Pa. Code, Chapter 58, §§ 58.1-58.3	July 1999, as proposed.	Repeal to eliminate outdated, unnecessary requirements consistent with the new examination law adopted in 1992 (40 P. S. §§ 323.1-323.8) .	Peter J. Salvatore, 717-787-4429
Cancellations and Refusal to Renew Homeowners Insurance, 31 Pa. Code, Chapter 59, §§ 59.1-59.13	July 1999, as proposed.	Amended language to regulation and statute is being drafted pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Notices for and Appeals of Cancellations and Refusals to Renew Automobile Insurance Policies, 31 Pa. Code, Chapter 61, §§ 61.1-61.14	August 1998, as proposed.	Modify regulation consistent with the statute (40 P. S. §§ 1008.1 et seq.). The regulations provide guidance to automobile insurers relating to cancellations and nonrenewals of certain automobile insurance policies, and the available administrative process to secure an administrative review of such terminations.	Peter J. Salvatore, 717-787-4429
Physical Damage Appraisers, 31 Pa. Code, Chapter 62, §§ 62.1-62.4	September 1998, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Uninsured Motorist Coverage, 31 Pa. Code, Chapter 63, §§ 63.1-63.3	August 1999, as proposed.	Amend pursuant to Executive Order 1996-1 and pending filing before the Department.	Peter J. Salvatore, 717-787-4429

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Private Passenger Automobile Policy Forms, 31 Pa. Code, Chapter 64, §§ 64.1-64.14	August 1998, as proposed.	Repeal pursuant to Executive order 1996-1.	Peter J. Salvatore, 717-787-4429
Collision Loss Settlements, 31 Pa. Code, Chapter 65, §§ 65.11-14	March 1999, as final.	Repeal pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Catastrophic Loss Trust Fund, 31 Pa. Code, Chapter 67, §§ 67.1-16	August 1998, as final.	Amend obsolete regulation for the automobile insurance Catastrophic Loss Trust Fund. The Fund was abolished and replaced with the Catastrophic Loss Benefits Continuation Fund.	Peter J. Salvatore, 717-787-4429
Motor Vehicle Financial Responsibility Law - Evidence of Financial Responsibility, 31 Pa. Code, Chapter 67, §§ 67.21-28	August 1998, as final.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Pennsylvania Assigned Risk Consumer Protections, Chapter 67a, (NEW)	July 1998, as proposed.	Amend pursuant to Executive Order 1996-1. This will replace 31 Pa. Code § 33.29.	Peter J. Salvatore, 717-787-4429
Motor Vehicle Financial Responsibility Law Consumer Protections Statement of Policy, 31 Pa. Code, Chapter 68, §§ 68.101- 68.402	June 1999, as proposed.	Repeal pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Life Insurance Illustrations (New)	November 1998, as proposed.	Act 154 of 1996 provides for life insurance illustration requirements for life insurance policies. The statute sunsets when a life insurance illustration regulation becomes effective. A life insurance illustration regulation will eliminate misleading illustrations, make illustrations more understandable, and standardize terms and illustration formats for the entire life insurance industry. Further, it is more appropriate that technical requirements, such as these, appear in a regulation rather than in statutory form.	Peter J. Salvatore, 717-787-4429
Replace Life Insurance Annuities, 31 Pa. Code, Chapter 81, §§ 81.1-9	October 1998, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Disclosure in Solicitation of Life Insurance, 31 Pa. Code, Chapter 83, §§ 83.1-57	September 1998, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Mortality Tables Used in Determining Nonforfeiture Standards, 31 Pa. Code, Chapter 84, §§ 84.1-6	August 1998, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Minimum Reserve Standards, 31 Pa. Code, Chapter 84a, §§ 84a.1-84a.8	October 1998, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Actuarial Opinion & Accumulation Contracts, 31 Pa. Code, Chapter 84b, §§ 84b.1-84b.11	December 1998, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Variable Annuity & Accumulation Contracts, 31 Pa. Code, Chapter 85, §§ 85.1-85.40	March 1999, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Premium & Retirement Deposit Fund, 31 Pa. Code, Chapter 86, §§ 86.1-86.12	December 1998, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Requirements for Life Policies and Sales Practices, 31 Pa. Code, Chapter 87, §§ 87.1-87.42	December 1998, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Individual Accident & Sickness Minimum Standards, 31 Pa. Code, Chapter 88, §§ 88.1-88.195	December 1998, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Accident and Health Insurance Regulation, 31 Pa. Code, Chapter 89, §§ 89.1-89.11 and § 89.17	September 1998, as proposed.	Changes will be promulgated regarding the deregulation of rates and forms filings for accident and health insurance, as a result of Act 159 of 1996. Changes will be made pursuant to the health care provisions of the Federal Health Insurance Portability and Accountability Act of 1996.	Peter J. Salvatore, 717-787-4429
Preparation of Forms, etc., 31 Pa. Code, Chapter 89, §§ 89.12-16, 89.18-89.62 and 89.101	December 1998, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Medicare Supplement, 31 Pa. Code, Chapter 89, §§ 89.770-89.789	November 1998, as proposed.	Amend regulation to add Medicare Select provisions.	Peter J. Salvatore, 717-787-4429
Separate Accounts for Principle and Interest Guarantees, 31 Pa. Code, Chapter 90a, §§ 90a.1-90a.31	March 1999, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Various Individual Death/Life/Annuity Benefits, 31 Pa. Code, Chapters 90c-90h, §§ 90c.1- 90h.11	December 1998, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Uniform Bylaws for Mutual Fire Companies, 31 Pa. Code, Chapter 103, § 103.1 and Exhibit A	July 1998, as final.	Repeal pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Cash Advances to Insurance Companies 31 Pa. Code, Chapter 105, §§ 105.1-105.2	January 1999, as proposed.	Amend to reflect statutory amendments adopted in 1992 and 1995 and to eliminate outdated, unnecessary provisions relating to cash advancements to insurance companies pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Policies Covering Personal Property Pledged as Collateral, 31 Pa. Code, Chapter 112, §§ 112.1-112.12	August 1998, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Consent to Rate Filings, 31 Pa. Code, Chapter 113, §§ 113.1-113.9	December 1998, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Public Adjusters, 31 Pa. Code, Chapter 115, §§ 115.1—115.8	August 1998, as proposed.	The regulation was initially promulgated to clarify the requirements of public adjuster contracts. The authorizing statute, Act 72, was amended in 1983 (63 P. S. §§ 1601—1608), and the Insurance Department seeks to modify Chapter 115 to be consistent with the revised statutory language. Additionally, three sections have been proposed for deletion since they mirror the Act.	Peter J. Salvatore, 717-787-4429
Discounting Workers' Compensation Loss Reserves, 31 Pa. Code, Chapter 116, §§ 116.1—116.9	October 1998, as proposed.	Blend regulations on discounting of loss reserves into one regulation consistent with Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Anti Arson Application, 31 Pa. Code, Chapter 117, §§ 117.1—117.8	July 1998, as final.	Repeal pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Discounting Medical Malpractice Loss Reserve, 31 Pa. Code, Chapter 118, §§ 118.1—118.6	October 1998, as proposed.	Blend regulations on discounting of loss reserves into one regulation consistent with Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Fees for Out of State Companies, 31 Pa. Code, Chapter 121, §§ 121.1—121.4	July 1998, as proposed.	Repeal pursuant to Executive Order 1996-1.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Surplus Lines, 31 Pa. Code, Chapter 123, §§ 123.1—123.63	July 1998, as proposed.	Repeal current regulations, 31 Pa. Code, Chapters 123 (and Chapter 35) and replace with one updated regulation relating to surplus lines insurance consistent with 1992 statutory amendments.	Peter J. Salvatore, 717-787-4429
Surplus Lines, 31 Pa. Code, Chapter 124, (NEW)	July 1998, as proposed.	Repeal two current regulations, 31 Pa. Code, Chapters 35 and 123 and replace with one updated regulation relating to surplus lines insurance consistent with 1992 statutory amendments.	Peter J. Salvatore, 717-787-4429
Title Insurance, 31 Pa. Code, Chapter 125, §§ 125.1—125.9	July 1998, as proposed.	Amend pursuant to Executive Order 1196-1.	Peter J. Salvatore, 717-787-4429
Preparation of Filing of Property and Casualty Forms for Approval, 31 Pa. Code, Chapter 133, §§ 133.1—133.12	March 1999, as proposed.	Repeal pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Qualifications of Persons Signing Annual Financial Statements, 31 Pa. Code, Chapter 135, §§ 135.1—135.2	July 1998, as final.	Repeal pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Description of Reserves Prohibited Phrases, 31 Pa. Code, Chapter 139, §§ 139.1—139.3	December 1998, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Unfair Insurance Practices; Unfair Claims Settlement Practices, 31 Pa. Code, Chapter 146, §§ 146.1—146.10	August 1998, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Securities Held Under Custodial Agreements, 31 Pa. Code, Chapter 148, §§ 148.1—148.4	December 1998, as proposed.	Amend to eliminate unnecessary forms, add uniform requirements relating to custodial agreements and duties of custodians and update provisions relating to permissible custodians.	Peter J. Salvatore, 717-787-4429
Continuing Care Providers, 31 Pa. Code, Chapter 151, §§ 151.1—151.14	July 1999, as proposed.	Amend to be consistent with 1996 statutory amendments relating to the order of distribution of assets in insolvencies and to provide for the voluntary surrender of a certificate of authority.	Peter J. Salvatore, 717-787-4429
Contractual Agreements with Integrated Delivery Systems, 31 Pa. Code, Chapter 152, §§ 152.1—152.25	December 1998, as proposed.	Amend pursuant to Executive Order 1996-1.	Peter J. Salvatore, 717-787-4429
Health Maintenance Organizations, 31 Pa. Code, Chapters 301—303, §§ 301.1—303.3	October 1998, as proposed.	Amend pursuant to Executive order 1996-1.	Peter J. Salvatore, 717-787-4429
Underground Storage Tank Indemnification Fund - Fee Regulation, 25 Pa. Code, Chapter 971, §§ 971.1— 971.4	October 1998, as final.	Amend the existing fee regulation for the Underground Storage Tank Indemnification Fund (USTIF) to comport with the USTIF Board's decision to reduce fees of the USTIF.	Peter J. Salvatore, 717-787-4429
Underground Storage Tank Indemnification Fund—Fee Collections Regulation, Chapter 973, §§ 973.1—973.12	October 1998, as final.	Amend the existing regulation for the Underground Storage Tank Indemnification Fund (USTIF) to comport with the USTIF Board's decision to reduce fees of the USTIF.	Peter J. Salvatore, 717-787-4429
Underground Storage Tank Indemnification Fund—Claims Regulation, 25 Pa. Code, Chapter 977, (NEW)	October 1998, as proposed.	Requires underground storage tank owners be in compliance with certain leak detection standards in order to obtain claims coverage from the Underground Storage Tank Indemnification Fund. The proposed regulation establishes requirements for owners to file such claims.	Peter J. Salvatore, 717-787-4429
LABOR AND INDUSTRY			
Workers' Compensation Bureau; Workers' Compensation Judges and Workers' Compensation Appeal Board 34 Pa. Code Chapters 131 and 111	Fall 1998, as proposed.	These rules have not been updated in many years; they need to reflect the changes in the law and practice of workers' compensation. Draft (tentatively) to be prepared by September 1998, but not into approval process until late 1998.	Thomas J. Kuzma (717) 783-4467
Work-place Safety Committee Certification; Evaluation of Accident/Illness Prevention Services & Programs of Insurers and Self-insureds; Qualifications of Accident/Illness Prevention Service Providers 34 Pa. Code Chapter 129	August 1998, as proposed.	The rulemaking implements the health and safety provisions of Article X of the Workers' Compensation Act. The proposed rulemaking specifies the safety committee certification application and renewal processes and establishes the necessary program components and evaluation criteria for accident and illness prevention programs maintained or provided by licensed insurers and self-insured employers. In addition, the regulation ensures the uniform application of the provisions of Article X.	Len Negley (717) 772-1917
Group Self Insurance Funds 34 Pa. Code Chapter 125	July 1998, as final.	These regulations will bring Chapter 125 into compliance with certain amendments (Sections 30582, 802 (b)(11), 819) which resulted from Act 57.	George Knehr (717) 783-4476

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Workers' Compensation Assessment Regulations	July 1998, as proposed.	These regulations are required to define new assessments on employers as specified in Act 57 of 1997.	Thomas J. Kuzma (717) 783-4467
Underground Storage Facilities	January 1999, as proposed.	This regulation will address requirements for natural or man-made caverns used for LPG storage.	James Varhola (717) 787-3329
Dry Cleaning	October 1998, as proposed.	Dry Cleaning Law, Act of December 19, 1990, P. L. 1387, No. 214, 35 P. S. § 1270.1 et seq. This regulation is to regulate the construction, operation and maintenance of dry cleaning plants.	Edward Leister (717) 787-3323
Personal Care Homes Housing Immobile Residents 34 Pa. Code Chapters 49, 55 & 56.	October 1998, as proposed.	The regulation is a result of the Act of December 21, 1988, P. L. 1883, No. 185, which permitted the housing of immobile persons in personal care homes. The current Fire and Panic Regulations for personal care homes require personal care home occupants to be both physically and mentally capable of taking appropriate measures for self preservation with minimal supervision in the event of a fire. They are not designed to provide a fire safe environment for immobile persons. The proposed regulations will require the installation of an automatic sprinkler system in personal care homes which house immobile residents.	Edward L. Leister, (717) 787-3323
Asbestos Occupations Accreditation and Certification	June 1998, as proposed.	Act of December 19, 1990, P. L. 05, No. 194, 63 P. S. §§ 2101—2112. This regulation established the Department's worker certification and training provider accreditation program. It also sets up training course requirements. It is based on the Environmental Protection Agency's model plan.	Sharon Lawson (717) 772-3396
MEDICAL PROFESSIONAL LIABILITY CATASTROPHE LOSS FUND			
Payment and Collection of Fund Surcharge 31 PA.Code §§ 242.1 et. seq.	January 1999, as proposed.	This regulation will further clarify the basis upon which the Medical Professional Liability Catastrophe Loss Fund's surcharge is to be paid. The regulation will be consistent with the statute as it relates to the procedure for levying, payment and collection of the surcharge, and the date on which it is to be remitted to the Fund. Statutory authority 40 P. S. §§ 1301.701 et. seq.	Arthur McNulty 717-783-3770
MILITARY AND VETERANS AFFAIRS			
State Veterans Home 43 Pa.Code Section 7.1 et. seq.	July 1999, as proposed.	This regulation is necessary to update current regulations, make them more user-friendly. This regulation is a long-term project and would amend 43 Pa. Code Chapter 7.	Eclemus Wright, Jr. 717-861-8503
PARDONS			
No regulations being developed or considered at this date.			
PENNSYLVANIA MUNICIPAL RETIREMENT SYSTEM			
16 Pa. Code Chapters 81, 83, 85, 87 and 91	No publication anticipated in next six months	These regulations are in the process of review as a result of Executive Order 1996-1.	James B. Allen (717) 787-2065

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
PROBATION AND PAROLE			
Definitions 37 PA. Code, Chapter 61.1	September 1998, as proposed.	Definitions amended pursuant to Executive Order 1996-1 and to conform to statutory changes.	Vicki Wilken 717-787-6208
Confidentiality of records 37 Pa. Code, Chapter 61.2	September 1998, as proposed.	Amend pursuant to Executive Order 1996-1.	Vicki Wilken 717-787-6208
37 Pa. Code Chapter 63.1, 63.2 and 63.3	September 1998, as proposed.	Amend pursuant to Executive Order 1996-1 and to update terms to conform to statutory changes..	Vicki Wilken 717-787-6208
General conditions of parole 37 PA. Code, Chapter 63.4	September 1998, as proposed.	Amend pursuant to Executive Order 1996-1 and to conform to statutory changes.	Vicki Wilken 717-787-6208
Special conditions of parole 37 Pa. Code, Chapter 63.5	September 1998, as proposed.	Amend pursuant to Executive Order 1996-1 and to conform to statutory changes.	Vicki Wilken 717-787-6208
General conditions of special probation or parole 37 Pa. Code, Chapter 65.4	September 1998, as proposed.	These regulations are being reviewed pursuant to Executive Order 1996-1.	Vicki Wilken 717-787-6208
37 Pa. Code Chapter 65.5, 65.6, 65.7, 67.1, 67.2 and 67.3	September 1998, as proposed.	Amend pursuant to Executive Order 1996-1 and to update terms to conform to statutory changes.	Vicki Wilken 717-787-6208
General 37 Pa. Code, Chapter 69.1	September 1998, as proposed.	Amend pursuant to Executive Order 1996-1.	Vicki Wilken 717-787-6208
37 Pa. Code Chapter 69.2 and 69.3	September 1998, as proposed.	Repeal pursuant to Executive Order 1996-1.	Vicki Wilken 717-787-6208
37 Pa. Code Chapter 71.1, 71.2, 71.3, 71.4, 71.5, 73.1, 75.1, 75.2 and 75.3	September 1998, as proposed.	Amend pursuant to Executive Order 1996-1 and to update terms to conform to statutory changes.	Vicki Wilken 717-787-6208
Presumptive ranges for technical parole violators. 37 Pa. Code, Chapter 75.4	September 1998, as proposed.	Amend pursuant to Executive Order 1996-1 and to conform to statutory changes.	Vicki Wilken 717-787-6208
PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM			
Change in Benefit Payment Plan 22 Pa. Code § 213.45	June 1998, as final.	Under the current regulations, a benefit payment plan becomes irrevocable upon filing of the application for annuity. The member, however, does not receive a final audit of the retirement account until after the application has been filed and benefits have commenced. The proposed regulation seeks to correct the unfairness of having the member make irrevocable retirement elections before receiving final account information by making the benefit payment plan irrevocable only after the required account audit is performed. The regulations are promulgated under the authority of the Public School Employees' Retirement Code (Act of October 2, 1975, P. L. 298, No. 96, as amended), 24 Pa.C.S. §§ 8101-8535.	Frank Ryder (717) 720-4733

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
PUBLIC WELFARE			
Subsidized child day care	September 1998, as final	The final regulation will provide policy changes needed to implement an integrated child care system as required by the Federal Child Care and Development Block Grant. The final regulation includes the requirements for a family to be eligible for the subsidized child care program and the benefit available through the subsidized child care system.	Tom Vracarich (717) 783-2209
Child Protective Services Law	November 1998, as final	This regulation incorporates the amendments to the child protective services law as a result of Act 151 of 1994 and Act 10 (Special Services No. 1) of 1995. The major changes are: provisions for investigating reports of suspected sexual abuse or exploitation or serious bodily injury by a school employee against a student; screening applicants for employment in schools against childline files to determine whether or not their names are on file as an abuser; and reports of neglect.	Tom Vracarich (717) 783-2209
Child Residential and Day Treatment Facility	January 1999, as final	This regulation consolidates eight chapters of existing chapters, or portions of chapters, into one chapter of health and safety protections. The regulations address contemporary changes in the fields of residential care and day treatment. The emphasis is on protecting the health, safety and well-being of children served. The Department's legal basis for the regulations is Article IX and X of the Public Welfare Code, Act of June 13, 1967 (P. L. 31, No. 21) (62 P. S. § 901—922 and 1001 and 1080).	Tom Vracarich (717) 783-2209
Medical assistance estate recovery	September 1998, as proposed	This regulation will codify the department's collection practices to recover correctly paid Medical Assistance from the estates of certain deceased recipients age 55 or older who receive Medical Assistance for nursing facility care (includes Intermediate Care Facilities/Mental Retardation and Intermediate Care Facilities/Other Related Conditions), home and community based services, and related hospital prescription drug services. Changes effective August 15, 1994 and are the result of OBRA' 93 and Act 1994-49.	Tom Vracarich (717) 783-2209
Disclosure of social security number	December 1998, as final	This regulation incorporates federal requirements that applicants for and recipients of benefits administered by the Department of Public Welfare be required to disclose or apply for a social security number as a condition of eligibility. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Continuation of Medical Assistance throughout pregnancy.	June 1999, as final omitted	This regulation codifies the provision that Medical Assistance coverage will be continued for pregnant women throughout their pregnancy and postpartum period, regardless of changes in family income that occur after the authorization of MA or cash assistance. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Lump sum payments	March 1999, as final	This proposed regulation will require that any balance remaining of a lump sum that has been treated as income in the calendar month of receipt for the Medical Assistance eligibility determination is treated as a resource in subsequent months. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Veterans Affairs Aid and Attendance	June 1998, as final omitted	This regulation codifies the provision that the VA aid and attendance benefit received by an MA recipient in a nursing facility is not counted as income when determining the amount of income an individual is expected to pay toward the cost of care. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Emergency Assistance Program	November 1998, as final	This regulation eliminates the allocation of emergency assistance for housing under the cash grant line. Funding for this purpose will be transferred to the Office of Social Programs. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Exclusion of Resources—Medical Assistance children	October 1998, as final omitted	This regulation codifies the provision that resources are excluded in the Medical Assistance eligibility determination process for supplemental security income (SSI) related, general assistance (GA) related, and TANF-related persons under 21 years of age and for SSI-related, TANF-related, and GA-related families with children under 21 years of age. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Workfare/Community Service	January 1999, as proposed	The revisions clarify who may be assigned and the priority and factors to be considered in making Workfare program assignments, define responsibilities of county assistance offices and project operators regarding participation expenses and program requirements, and provide for grievance rights for Workfare recipients and regular employees. Provisions of Act 1995-20 will also be incorporated into this regulation package. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
General Assistance Restructure—Act 1994-49	August 1998, as final omitted	This regulation incorporates provisions of Act 1994-49 including acceptance of written verification of medical disability for chronically needy non-financial eligibility determination; 60-day residency requirement; savings designated for educational purposes; and certain medical services which are no longer compensable expenses. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Elimination of transitionally needy component of general assistance program	August 1998, as final omitted	This regulation codifies the elimination of cash assistance payments to persons in the GA-Transitional Needy (“TN”) category. References to both the TN and chronically needy (CN) components are deleted since there is no longer a need to differentiate between GA program requirements. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Act 1996-35—General eligibility changes	August 1998, as final omitted	This regulation codifies statutory changes to eligibility conditions for General Assistance benefits, including the following: expanding the eligibility determination period to 30 days; establishing a period of residency; imposing ineligibility periods based on welfare fraud convictions; limiting Medically Needy Only/Medical Assistance (“MNO/MA”) eligibility to certain groups; and revising the methodology used to determine eligibility for retroactive MNO/MA. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Elimination of PACE requirement	June 1999, as final omitted	This regulation codifies the elimination of the deduction from income for the PACE program and the mandate to enroll in the PACE program as required by Title XIX. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Minor parent	July 1998, as final omitted	This regulation incorporates Act 1995-20 revisions to the Temporary Assistance for Needy Families and General Assistance general eligibility requirements by adding a condition that, to receive cash assistance, certain minor parents who are applicants or recipients and the dependent children in the minor parent's care, must reside in the home of a parent, legal guardian, other adult relative, or in an adult-supervised supportive living arrangement, unless one of several exceptions is met. Act 35 expanded this provision to include the TANF-related category of categorically needy-nonmoney payment medical assistance. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Real property liens	October 1998, as proposed	This regulation codifies the elimination of the requirement that applicants who own real property, including mobile homes, which are used as their primary residence, will no longer be required to sign a lien encumbering their residence as a condition of eligibility for cash assistance. In addition, the regulation would address other policy issues and a general restructure of the existing chapter. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Criminal history	September 1998, as final omitted	This regulation incorporates the Act 1995-20 provision that prohibits the granting of assistance to any person sentenced for a felony or misdemeanor who has not satisfied the penalty imposed by law by having completed the period of incarceration and by paying all fines, costs, and restitution. Act 1996-35 expands the satisfied penalty requirement to include compliance with an approved payment plan. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Act 1996-35—Provisions Effective March 3, 1997	August 1998, as final omitted	This regulation incorporates provisions of the TANF program implemented 3/3/97 by NORC including establishing RESET; requiring applicants and recipients to enter into an agreement of mutual responsibility with the department; and further defining Title IV-D cooperation requirements and procedures for TANF and GA applicants and recipients. Act 1996-35 provisions applicable to the TANF program may not be implemented until federal approval is received. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Act 1996-35—Community Service	April 1999, as final	This proposed regulation would provide that a person who verifies they are actively engaged in volunteer community services for 100 hours per month can qualify for MNO-MA benefits if otherwise eligible. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Medical support rights	June 1999, as proposed	This regulation will require Medical Assistance applicants/ recipients to assign their medical support rights to the Commonwealth and apply for Title IV-D support services as conditions of eligibility. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Annuity rule	October 1999, as final omitted	This regulation codifies the provision that in addition to the current provision permitting the institutionalized spouse to provide part of his monthly income to the community spouse whose income is below the minimum monthly maintenance needs allowance, either the institutionalized spouse or their representative may file an appeal and seek an administrative order permitting the protection of additional resources to enable the community spouse to purchase an annuity that will generate sufficient income to bring her income up to the minimum monthly maintenance needs allowance. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client advocacy groups.	Tom Vracarich (717) 783-2209
Intentional Program Violations	November 1998, as final omitted	This regulation incorporates federal mandates by the U.S. Department of Agriculture and the U.S. Department of Health and Human Services that individuals found to have committed an intentional program violation be subject to an immediate disqualification penalty regardless of the individual's current eligibility status for benefits. This regulation will be reviewed by representatives of community legal service agencies, the welfare rights organization, and other similar client groups.	Tom Vracarich (717) 783-2209
Early and Periodic Screening Diagnosis Treatment (EPSDT)	July 1999, as final omitted	This regulation relating to services provided as a follow-up to an EPSDT visit or encounter that are not currently recognized under the approved Medical Assistance (Medical Assistance) State Plan. This regulation will be reviewed by the medical assistance advisory committee (MAAC) which includes representatives of professional provider associations, providers, the health law project, the welfare rights organization, consumers, and client advocacy groups.	Tom Vracarich (717) 783-2209
Clozapine support services	December 1998, as final omitted	This regulation codifies coverage for psychiatrists, outpatient psychiatric clinics and psychiatric partial hospital facilities for support services provided to MA recipients receiving clozapine. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Medical Assistance case management services	May 1999, as final omitted	This final regulation codifies payment for medically necessary case management services as mandated by Omnibus Budget Reconciliation Act '89 to Medical Assistance recipients under the age of 21. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
General Assistance Restructure—Act 1994-49	December 1998, as final omitted	This final regulation codifies Act 1994-49 provisions that affect the medical benefits of General Assistance recipients over the age of 21 when these services are solely state funded. These recipients are no longer eligible for (1) dental services unless their medical condition or handicap requires services to be provided in an ambulatory surgical center, short procedures unit or inpatient hospital; (2) medical supplies and equipment except as prescribed for family planning or with home health agency service; and (3) prescription drugs except legend birth control drugs. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
Prior authorization	December 1998, as final omitted	This final regulation adds a prior authorization requirement for home health services, psychiatric partial hospitalization and multisource brand name drugs identified by the department as having equivalent generic drug products available for substitution. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
Discontinue coverage—infertility	December 1998, as final omitted	This final regulation codifies Act 1994-49 provisions that discontinues payment for all drugs, devices, products, services and procedures that are used or related to treating infertility, including surrogacy services, effective September 1, 1994. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
Residential Treatment Facilities (RTF) for mental health services	May 1999, as final omitted	This regulation codifies coverage for mental health services to children under 21 years of age that are provided in a residential treatment facility. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
Pharmaceutical services drug coverage	December 1998, as final omitted	This regulation provides that the medical assistance program provides drug coverage to medically needy only recipients receiving nursing facility services. This includes medically needy only recipients who reside in nursing facilities and intermediate care facilities/mental retardation (ICF/MR). This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
\$150 deductible for General Assistance recipients	December 1998, as final omitted	This regulation implements Act 1996-35 provisions imposing a \$150 deductible on inpatient and outpatient hospital services and ambulatory surgical center services, except laboratory and x-ray services for General Assistance and General Assistance-related Medical Assistance recipients. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
Minimum Data Set	December 1998, as final omitted	This final regulation replaces the Department's current minimum data set forth for long term care providers. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Early Intervention Services	September 1998, as proposed	This regulation will establish program regulations for early intervention services in keeping with the Federal regulations under the Individuals with Disabilities Education Act (IDEA) and Act 212 of 1990. Early intervention services regulations are called for by the Legislative Budget and Financing Committee Report on early intervention services.	Tom Vracarich (717) 783-2209
MH Wraparound	July 1999, as final omitted	This final regulation codifies requirements necessary to receive reimbursement for medically necessary outpatient wraparound mental health services for individuals under 21 years of age with a diagnosis of mental illness or emotional disturbance. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
Family Planning	December 1998, as final omitted	This final regulation removes family planning clinics from the list of providers limited under the General Assistance Basic Health Care Package to 18 practitioner's office and clinic visits per year. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
Physician Assistant/Midwife	December 1998, as final omitted	This final regulation codifies revised supervision requirements for physician assistants and midwives. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
Discontinuance of the Mandatory Second Opinion Program	December 1998, as final omitted	This final regulation removes the mandatory second opinion program requirement for certain surgical procedures. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
D&A Clinics	December 1998, as final omitted	This final regulation revises the enrollment policy for outpatient drug and alcohol clinics. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
Capital Component Payment for Replacement Beds	September 1998, as final	This regulation takes the policy as set forth in the Statement of Policy and promulgates it into the regulations. This regulation will be reviewed by the MAAC.	Tom Vracarich (717) 783-2209
Intergovernmental Transfer	September 1998, as final omitted	This regulation will allow the funds from the Intergovernmental Transfer to be disbursed according to the signed agreement. This regulation will be reviewed by the MAAC.	Tom Vracarich (717) 783-2209
REVENUE			
Books, Publications and Advertising Materials 61 Pa. Code § 31.29	December 1998, as final.	The Department is amending § 31.29 (relating to books, printed matter and advertising materials) in response to statutory changes and inquiries from the public.	Douglas A. Berguson 717-787-1382
Calculation of Title Insurance Company Gross Premiums 61 Pa. Code § 162.11	September 1998, as final.	The Department is proposing a change in the method of calculating the gross premiums tax on title insurance policies for which the issuer charges the insured an all-inclusive fee pursuant to the rate schedule approved by the Pennsylvania Insurance Department.	Douglas A. Berguson 717-787-1382

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Compensation; Allowable Deductions From Gross Compensation and Deferred Compensation Arrangements 61 Pa. Code §§ 101.6, 101.6a and 101.6b	September 1998, as proposed.	The Department is amending §§ 101.6 and adding 101.6a and 101.6b to set forth its interpretation of current case law and current policy in the areas of compensation; commonly recognized old age or retirement benefits; reimbursements of business expenses; and guaranteed payments.	Douglas A. Berguson 717-787-1382
Credits Against Tax; Estimated Tax 61 Pa. Code §§ 111.2—111.5, 115.1—115.5, 115.8, 115.9 and 115.11—115.12	September 1998, as proposed.	This regulation sets forth the Department's policy relating to taxes for which credit is not allowed; other conditions for allowance of the credit for taxes paid to other states; limitations on the amount of the credit for taxes paid to other states; proof requirements; jointly paid estimated tax; and application of overpayments of estimated tax. This regulation is necessary to delete obsolete text; add language consistent with statutory changes; and provide additional guidance in areas that have been subject to questions from the public.	Douglas A. Berguson 717-787-1382
Commercial Motion Pictures 61 Pa. Code § 32.38	December 1998, as final.	The Department is setting forth its interpretation of section 2 of Act 7-1997, section 204(54) (72 P. S. § 7204(54)) regarding the sales and use tax exclusion for the sale at retail to or use by a producer of commercial motion pictures of any tangible personal property directly used in the production of a feature-length commercial motion picture distributed to a national audience.	Douglas A. Berguson 717-787-1382
Computer Software and Related Transactions 61 Pa. Code § 31.33	September 1998, as proposed.	Pursuant to Act 7-1997, various types of computer services are no longer subject to sales and use tax on or after July 1, 1997. However, certain computer related transactions remain subject to tax. This regulation provides guidance concerning these transactions.	Douglas A. Berguson 717-787-1382
Corporate Net Income Tax Taxpayers and Capital Stock and Foreign Franchise Tax Taxpayers 61 Pa. Code §§ 153.1 and 155.1	September 1998, as proposed.	Act 7-1997 substantially revised the entities that are subject to the corporate net income tax and capital stock franchise tax effective for tax years beginning after December 31, 1997. The purpose of the regulation is to revise the lists of taxable entities that are subject to these taxes consistent with Act 7.	Douglas A. Berguson 717-787-1382
Definitions; Net Profits and Regulated Investment Companies 61 Pa. Code §§ 101.1, 103.12 and 155.30	December 1998, as final.	Section 101.1 (relating to definitions) is being amended by replacing the existing definitions of "employee" and "employer" with new definitions consistent with the requirements of 72 P. S. § 7301(g) and (h). The definition of "income" is being expanded to implement the provisions of 72 P. S. § 7602(f)(2)(A) and reflect recent holdings in <i>Morgan v. Commonwealth</i> , 42 Pa. Commonwealth Ct. 557, 400 A.2d 1384 (1979) and <i>Wettach v. Commonwealth</i> , 153 Pa. Commonwealth Ct. 293, 620 A.2d 730 (1993). Section 103.12 (relating to net profits) is also being amended to reflect <i>Morgan</i> and <i>Wettach</i> . The definition of "personal income tax income" set forth in § 155.30(b)(4) (relating to regulated investment companies) is being amended to provide that the term means income computed in the same manner and on the same basis as the income of an individual under Article V. Personal Income Tax.	Douglas A. Berguson 717-787-1382

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Disclaimers of Nonprobate Taxable Assets 61 Pa. Code § 93.81	September 1998, as final.	The regulation sets forth specific conditions that must be met in order for a disclaimer executed in regard to nonprobate taxable assets and nontrust assets of resident decedents to be valid for Pennsylvania inheritance tax purposes. Based on the decision and order received from the Commonwealth Court <i>In Re Estate of Bernecker</i> , 654 A.2d 246 (Pa. Commonwealth 1995), the Department is revising its policy on the effectiveness of disclaimers of nonprobate taxable assets for Pennsylvania inheritance tax purposes.	Douglas A. Berguson 717-787-1382
File-by-phone (TeleFile) System and Federal and State Electronic Tax Filing Program 61 Pa. Code §§ 117.19—117.21	August 1998, as proposed.	The file-by-phone (TeleFile) program involves the filing of a Pennsylvania personal income tax return by phone. The Federal and State electronic tax filing program involves the filing of a Pennsylvania personal income tax return as part of the Federal and State Electronic Filing Program.	Douglas A. Berguson 717-787-1382
Gain or Loss From Sale of Principal Residence 61 Pa. Code § 103.13	November 1998, as final.	Regulation implements provisions of Act 45-1998.	Douglas A. Berguson 717-787-1382
Local Tax 61 Pa. Code §§ 60.16, and 95.1—95.303	September 1998, as proposed.	This regulation sets forth the Department's interpretation of sections 501-509 of the Pennsylvania Intergovernmental Cooperation Authority Act for Cities of the First Class (53 P. S. §§ 12720.501—12720.509), sections 3150-B—3157-B of the Second Class County Code (16 P. S. §§ 6150-B—6157-B) and section 201-A of the Tax Reform Code of 1971 (72 P. S. § 7201-A). Currently the Department's interpretation is set forth as a pronouncement and codified at 61 Pa. Code § 60.16 (relating to local sales, use and hotel occupancy tax). The Department has concluded that its policy relating to local sales, use and hotel occupancy tax should be set forth as a regulation. Therefore, in addition to proposing to add Chapter 95. Local Tax, the Department is also proposing to delete the pronouncement set forth at § 60.16.	Douglas A. Berguson 717-787-1382
Payments for Employee Welfare Benefit Plans and Cafeteria Plans 61 Pa. Code §§ 101.1, 101.6 and 101.7	December 1998, as final.	The amendments to §§ 101.1, 101.6, and 101.7 are being added to explain how employee welfare benefit programs and other wage and salary supplemental programs are taxed and to implement amendments to section 301(d) of the Tax Reform Code of 1971 (72 P. S. § 7306(d)) under Act 7-1997.	Douglas A. Berguson 717-787-1382
Public Transportation Assistance Fund Taxes and Fees 61 Pa. Code §§ 9.4 and 47.19	June 1998, as final.	This regulation sets forth the Department's interpretation of 72 P. S. § 9301 relating to public transportation assistance fund taxes and fees. Currently the Department's interpretation is set forth as a pronouncement and codified at § 9.4 (relating to public transportation assistance fund taxes and fees). The Department has concluded that its policy relating to public transportation assistance fund taxes and fees should be set forth as a regulation. Therefore, in addition to proposing to add § 47.19 (relating to public transportation assistance fund taxes and fees), the Department is also proposing to delete the pronouncement set forth at § 9.4.	Douglas A. Berguson 717-787-1382

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Return of Information as to Payment In Excess of \$10 61 Pa. Code § 117.18	July 1998, as final.	This regulation amends § 117.18 (relating to return of information as to payment in excess of \$10) to clarify how a Pennsylvania information return may be made by a regulated investment company. In March, 1996, the Department adopted a final-form regulation that amended § 117.18 in addition to other personal income tax regulatory sections. During the final stages of the adoption process, a comment was made regarding the information return made by a regulated investment company. To avoid delay in adoption of the entire regulatory package, the Department agreed to amend the section in a separate regulation.	Douglas A. Berguson 717-787-1382
Single Factor Apportionment 61 Pa. Code § 155.10	September 1998, as final.	Regulation provides that it is the policy of the Department that for tax years beginning on or after January 1, 1998, student loan assets set forth in § 155.10(d)(4)(vi) that are owned or held by a trust or other entity created or formed for the securitization of student loans, or by a trustee on its behalf, are exempt by reason of public policy from taxation for purposes of the taxable assets fraction under § 155.10.	Douglas A. Berguson 717-787-1382
Telecommunications Service 61 Pa. Code §§ 31.1, 31.24, 48.1 and 55.8	December 1998, as final.	This regulation sets forth the Department's interpretation of the 1991 statutory changes set forth in section 201(m), 202(c) and 204(5) of the Tax Reform Code of 1971 (72 P. S. §§ 7201(m), 7202(c) and 7204(5)) regarding telephone, telegraph and telecommunications services.	Douglas A. Berguson 717-787-1382
Sales and Use Tax Amendments 61 Pa. Code §§ 7.3, 7.6, 31.4, 31.5, 31.7, 31.26, 32.1-32.5, 32.21, 32.22, 32.31-32.37, 33.1, 33.2, 33.4, 42.1, 42.3, 44.2, 45.1, 46.9, 47.18 and 58.13	December 1998, as final.	The Department is proposing numerous amendments to the Pennsylvania Code, Title 61. This regulatory package is the result, in part, of a comprehensive review of sales and use tax regulations in light of legislative changes from 1991 to the present.	Douglas A. Berguson 717-787-1382
Vehicle Rental Tax 61 Pa. Code §§ 9.14 and 47.20	August 1998, as final.	This regulation sets forth the Department's interpretation of Article XVI-A Vehicle Rental Tax (72 P. S. §§ 8601-A—8604-A). Currently the Department's interpretation is set forth as a pronouncement and codified at § 9.14 (relating to passenger car rental tax). The Department has concluded that its policy relating to Article XVI-A should be set forth as a regulation. Therefore, in addition to proposing to add § 47.20 (relating to vehicle rental tax), the Department is also proposing to delete the pronouncement set forth at § 9.14.	Douglas A. Berguson 717-787-1382
Utility Gross Receipts Tax 61 Pa. Code §§ 160.21—160.43	September 1998, as proposed	The Department is proposing this regulation to clarify the changes to the utility gross receipts tax brought about by utility deregulation (Act 138-1996) codified in Title 15 and Title 66. This regulation will also provide guidance and clarity to out-of-state businesses and the emerging industry.	Douglas A. Berguson 717-787-1382

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
SECURITIES COMMISSION			
Licensing Regulation 64 Pa. Code § 302-404	July 1998 as proposed.	The Commission plans to amend this regulation to conform its requirements to the state preemption provisions of the federal National Securities Markets Improvement Act of 1996.	G. Philip Rutledge (717) 783-5130
"Notice to Purchasers under Section 207(m)" 64 Pa. Code § 207.130	Proposed Rulemaking November 1998	This amendment would implement provisions of Act 126 of 1994. Act 126 of 1994 amended Section 207(m) and deleted its application to transactions under Sections 203(e) and (r) of the 1972 Act while also making the furnishing of a notice reciting the withdrawal rights under Section 207(m) a condition of the exemption in Section 203(d). Act 126 also gave the Commission explicit authority to adopt a regulation specifying the form and manner in which a 207(m) notice has to be given.	G. Philip Rutledge (717) 783-5130
Accounting Regulations 64 Pa. Code § 202.092	Spring 1999, as final.	Commission proposes to amend regulation to include updated accounting terminology related to securities offerings.	G. Philip Rutledge (717) 783-5130
"Delegation and substitution" 64 Pa. Code § 606.041	Spring 1999, as final.	Commission proposes minor changes in internal delegation of authority to Commission staff.	G. Philip Rutledge (717) 783-5130
"Destruction of documents and records" 64 Pa. Code § 610.010	Spring 1999, as final.	Commission proposes to revise documents and records destruction schedule to conform with current Management Directives.	G. Philip Rutledge (717) 783-5130
STATE			
Corporations Bureau	October 1998, as proposed.	The Corporations Bureau will delete references by name to the Governor, Secretary of the Commonwealth and Director of the Corporation Bureau on its sample filing forms and to the docketing statement promulgated by the Department pursuant to 15 Pa.C.S. § 133. Changes in administration render such references obsolete. Sample filing forms are not considered to be agency regulations for purposes of the Administrative Code, the Commonwealth Attorneys Act or the Regulatory Review Act but are subject to public comment requirements of Section 201 of the Commonwealth Documents Law.	Michael Frick, (717) 787-1057
Bureau of Commissions, Elections and Legislation	October 1998, as proposed.	The Department proposes comprehensive revisions to regulations at 4 Pa. Code to eliminate obsolete provisions, reflect recent statutory changes and reflect changes to campaign finance reporting as a result of the computerization initiative. Amendments will be proposed pursuant to the Pennsylvania Voter Registration Act (25 P. S. § 961.301), the Pennsylvania Election Code (25 P. S. § 2601 et seq.) and Campaign Expense Reporting Law (25 P. S. § 3241 et seq.)	Richard Filling, (717) 787-5280
	October 1998, as proposed.	The Department proposes to eliminate outdated references to campaign finance reporting forms. The amendments will be proposed pursuant to the Campaign Expense Reporting Law (25 P. S. § 3241 et seq.)	

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Athletic Commission 58 Pa. Code, Chapter 21	October 1998, as proposed.	Comprehensive revisions to 58 Pa. Code will reflect statutory changes to the Pennsylvania Athletic Code and changes in commission procedures. The regulations will be promulgated pursuant to the Pennsylvania Athletic Code (5 Pa.C.S.A. § 101 et. seq.)	Greg Sirb (717) 787-5720
Navigation Commission for the Delaware River and Its Navigable Tributaries— 13 Pa. Code Ch. 201—209	September 1998, as proposed.	Proposed comprehensive revisions will enhance navigational safety, eliminate obsolete regulations and reflect statutory changes pursuant to 55 P. S. § 31 and 71 P. S. § 670.2(4).	Brian Gottlieb, (717) 787-6458
State Board of Auctioneer Examiners Approved Course of Study 49 Pa. Code § 1.11	No publication anticipated in next six months.	The proposal would establish standards for school course practicum work in auctioneering. The regulation will permit the Board to verify the minimum level of education the Board believes necessary for licensure. Legal authority for the regulation is Section 32, 63 P. S. § 734.32.	Linda Dinger (717) 783-3397
Sponsorship of Apprentices 49 Pa. Code § 1.31.	No publication anticipated in next six months.	The proposal would require that sponsors provide minimum training of apprentices and document supervision of apprentices whom they employ. The regulation is needed to provide objective standards for sponsors to follow in training and supervising apprentices whom they employ and whose apprenticeship qualifies them for licensure. Legal authority for the regulation is Section 32, 63 P. S. § 734.32.	
Biennial Renewal Increase 49 Pa. Code § 1.41	September 1998 as final.	Proposed rulemaking will increase biennial renewal fees for auctioneers and apprentices. Legal authority for the regulation is found at 63 P. S. §§ 734.32, 734.33.	
State Board of Barber Examiners—General Revisions, 49 Pa. Code, Chapter 3.	January 1999, as proposed.	The Board proposes to revise and update its entire chapter and repeal antiquated provisions. Statutory authority: 63 P. S. § 566.4(b).	Sara Sulpizio (717) 783-3402
State Board of Chiropractic Sexual Misconduct 49 Pa. Code § 5.54.	October 1998, as proposed.	Through the monitoring of its disciplinary process, including consumer complaints and disciplinary actions, the Board believes that enforcement standards are needed to notify licensees of acts which the Board deems unprofessional. The Board has authority to adopt regulations necessary to carry out the act under Section 302(3) of the Chiropractic Practice Act, Act of December 16, 1986, P. L. 1646, as amended, 63 P. S. § 625.302(3).	Deb Smith (717) 783-7156
Peer Review 49 Pa. Code § 5.55.	No publication anticipated in next six months.	The proposal would regulate standards for review of chiropractic treatment. The proposal would assure that when chiropractic diagnosis and treatment are subject to utilization review by chiropractors, appropriate standards will be employed. The statutory authority for the regulation is Section 302(3) of the Act, 63 P. S. § 625.302(3).	

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Cosmetology Disinfection, Equipment and Supplies; 49 Pa. Code §§ 7.71, 7.71a, 7.71b, 7.105, 7.113a and 7.114.	September 1998, as proposed.	These regulations reflect improved industry standards for disinfecting and sterilizing equipment required to be available and in use in cosmetology shops. Minimum safety and sanitation standards in cosmetology shops and schools are authorized under Section 11 of the Act of May 3, 1933, P. L. 242, as amended, 63 P. S. § 517.	Sara Sulpizio (717) 783-7130
General Revisions 49 Pa. Code, Chapter 7.	No publication anticipated in next six months.	These regulations will revise and update current rules and repeal outdated provisions. Statutory authority: 63 P. S. § 517.	
Safe use of Chemicals 49 Pa. Code, § 7.96.	September 1998, as proposed.	The Board will update and broaden standards relating to specific treatments to require licensees to follow manufacturers' instructions and FDA restrictions when using chemicals on clients. Statutory authority: 63 P. S. § 517.	
State Board of Accountancy Continuing Education Program Sponsors 49 Pa. Code §§ 11.1, 11.4, 11.64, 11.65, 11.66, 11.70—11.73, 11.80.	September 1998, as proposed.	The regulations would require approved continuing education program sponsors to renew approval biennially and authorize the Board to conduct audits of approved programs. The regulations ensure that continuing education programs meet licensure renewal needs. Statutory authority: 63 P. S. § 9.3(10).	Dorna Thorpe (717) 783-1404
Commissions and Referral Fees 49 Pa. Code § 11.24.	September 1998, as proposed.	The Board will codify rules for the written disclosure that licensees must make in order to pay or receive commissions and referral fees in connection with the referral or recommendation of products and services. The regulation complies with 1997 amendments to the C.P.A. Law. Statutory authority: 63 P. S. § 9.12(p).	
General Revisions 49 Pa. Code, Ch. 11.	September 1998, as proposed.	The regulations would revise or repeal existing requirements in compliance with comprehensive amendments to the C.P.A. Law effective February 3, 1997. Statutory authority: 63 P. S. § 9.3(10)—(12).	
Peer Review 49 Pa. Code, §§ 11.81-11.88	December 1998, as proposed.	Regulations will set forth requirements for public accounting firms which must undergo peer review, standards for the conduct of peer reviews, and confidentiality provisions. The regulation implements 1997 amendments to the C.P.A. Law. Statutory authority: 63 P. S. § 9.8i.	
State Board of Funeral Directors Pre-need Requirements 49 Pa. Code Chapter 13	Fall 1998, as proposed.	The Board will update current regulations in order to provide clear and concise guidance to licensees regarding pre-need monies and contracts. Legal authority: Section 16(a) of the Law, 63 P. S. § 479.16(a).	Cheryl Lyne (717) 783-3397

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Landscape Architects Continuing Education 49 Pa. Code § 15.71-15.83.	July 1998, as proposed.	The amendments establish procedures and standards for continuing education as a condition of biennial renewal. The Board is required to adopt regulations establishing requirements of continuing education as a condition for renewal of a license under Section 9.1 of the Landscape Architects' Registration Law, Act of January 24, 1966, P. L. (1965) 1527, added by the Act of December 7, 1994, P. L. 774, 63 P. S. § 909.1.	Shirley Klinger 717) 783-3397
Examination Fees 49 Pa. Code § 15.12.	July 1998, as final.	Amendments are required to raise fees for the C.L.A.R.B. examination commencing December, 1998, pursuant to contract. The Board is required to administer this examination under Sections 4(2) and 4(3) of the Landscape Architects' Registration Law, Act of January 24, 1966, P. L. (1965) 1527, 63 P. S. §§ 904(2) and 904(3).	
General Revisions; Seals 49 Pa. Code § 15.1 et seq.	January 1999, as proposed	The Board proposes to update its chapter in compliance with Executive Order 1996-1 and will propose updated standards relating to licensees' seals to reflect new technology. Statutory authority: 63 P. S. § 904(9) and § 909.	
State Board of Medicine Sexual Misconduct 49 Pa. Code, Chapter 16.	September 1998, as proposed.	Through the monitoring of its disciplinary process, including consumer complaints and disciplinary actions, the Board believes that enforcement standards are needed to notify licensees of acts which the Board deems unprofessional. The Board has authority to adopt regulations necessary to carry out the act under Section 8 of the Medical Practice Act, Act of December 20, 1985, P. L. 457, as amended, 63 P. S. § 422.8.	Cindy Warner (717) 783-1400
Certified Registered Nurse Practitioners (CRNPs) 49 Pa. Code § 18.21.	October 1998, as proposed.	The Board will collaborate with the State Board of Nursing for joint promulgation of standards and criteria by which CRNPs could write prescriptions for medical therapeutic measures. Provide for prescriptive authority of the CRNP in the Commonwealth under Section 15 of the Medical Practice Act, 63 P. S. § 422.15.	
Requirements for approval of educational programs for Certified Registered Nurse Practitioners (CRNP) 49 Pa. Code § 18.41.	No publication anticipated in next six months.	This regulation would require that all CRNP programs applying for approval by the Board meet specific criteria prior to approval. The regulations will assist educational institutions in developing programs in advanced practice nursing which will qualify graduates for certification as CRNPs. The Board has authority to jointly promulgate with the Nurse Board under Section 15(b) of the Medical Practice Act, 63 P. S. § 422.15(b).	
General Delegation 49 Pa. Code, Ch. 16.	No publication anticipated in next six months	This regulation would establish standards for the delegation of medical services to qualified personnel. Statutory authority: Section 17(b) of the Medical Practice Act, 63 P. S. § 422.17(b).	

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State Board of Vehicle Manufacturers, Dealers and Salespersons General Provisions, Licensure, Facility requirements 49 Pa. Code §§ 19.1—19.23.	No publication anticipated in next six months.	The Board will revise its regulations to repeal outdated provisions and take into account industry-wide changes in business practices. The amendments are needed to conform to the 1996 amendments to the Board of Vehicles Act. The Board has authority to promulgate regulations under Section 4(9) of the Board of Vehicles Act, Act of December 22, 1983, as amended, 63 P. S. § 818.4(9).	Teresa Woodall (717) 783-1697
State Board of Nursing Requirements for approval of educational programs for Certified Registered Nurse Practitioners (CRNP) 49 Pa. Code § 21.271.	No publication anticipated in next six months.	This regulation would require that all CRNP programs applying for approval by the Board meet specific criteria prior to approval. The regulations authorized under Section 6.1 of the Professional Nursing Law, 63 P. S. § 216.1, will assist educational institutions in developing programs in advanced practice nursing which will qualify graduates for certification as CRNPs. The Board has authority to jointly promulgate with the Medical Board under Section 2(1) of the Law, 63 P. S. § 212(1).	Ann Steffanic (717) 783-7142
Nursing Functions 49 Pa. Code §§ 21.11, 21.12, 21.13, 21.14, 21.15, 21.16, 21.145.	November 1998, as final.	These regulations would confirm the registered nurse's authority to accept oral orders and authorize licensed practical nurses to accept oral orders for medical and therapeutic regimens; update, clarify, and repeal unnecessary language pertaining to registered nurses and authorize licensed practical nurses as well as registered nurses to administer drugs. The regulation of the practice of nursing and licensed practical nursing is authorized under Section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k) and Section 17.6 of the Practical Nurse Law, 63 P. S. § 667.6.	
RN general revisions 49 Pa. Code §§ 21.1—21.126.	October 1998, as proposed.	These regulations will update or repeal outdated provisions pertaining to registered nurses and consolidate all regulatory provisions pertaining to registered nurse education programs. Revisions to the regulations are authorized by Section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k).	
LPN general revisions 49 Pa. Code §§ 21.141—21.234.	October 1998, as proposed.	These regulations will update or repeal outdated provisions pertaining to licensed practical nurses and consolidate all regulatory provisions pertaining to practical nurse education programs. Revisions to the Practical Nurse Law are authorized under Section 17.6, 63 P. S. § 667.6.	

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CRNP prescriptive privileges 49 Pa. Code §§ 21.151—21.351.	October 1998, as proposed.	These regulations, to be promulgated by both the State Board of Medicine and the State Board of Nursing, would authorize CRNPs to prescribe medications in cooperation with a licensed physician. These regulations, authorized under Section 2 and 2.1 under the Professional Nursing Law, 63 P. S. §§ 212 and 212.1(k), and Section 15 of the Medical Practice Act of 1985, 63 P. S. § 422.15, will clarify and update current, ambiguous provisions regarding CRNPs' prescriptive authority.	
Sexual Misconduct 49 Pa. Code §§ 21.18 and 21.148.	June 1998, as proposed.	Through the monitoring of its disciplinary process, including consumer complaints and disciplinary actions, the Board believes that enforcement standards are needed to notify licensees of acts which the Board deems unprofessional. The Board has authority to adopt regulations necessary to carry out the act under Section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k).	
State Board of Optometry Sexual Misconduct 49 Pa. Code, Chapter 23.	October 1998, as proposed.	Through the monitoring of its disciplinary process, including consumer complaints and disciplinary actions, the Board believes that enforcement standards are needed to notify licensees of acts which the Board deems unprofessional. The Board has authority to adopt regulations necessary to carry out the act under Section 3(a)(14) of the Optometric Practice and Licensure Act, Act of June 6, 1980, P. L. 197, as amended, 63 P. S. § 244.3(a)(14).	Deb Smith (717) 783-7134
General Revisions 49 Pa. Code, Chapter 23.	No publication anticipated in next six months.	The Board proposes to revise regulations concerning fee sharing, corporate and fictitious name practice, specialty advertising and reciprocity. The Board intends to remove regulations which unduly burden optometrists in the business structure of practices and in procedures related to reciprocal licensure, as well as to clarify the parameters of specialty advertising. Statutory authority: Section 3(a)(14) of the Optometric Practice and Licensure Act, Act of June 6, 1980, P. L. 197, as amended, 63 P. S. § 244.3(a)(14).	
State Board of Osteopathic Medicine Sexual Misconduct 49 Pa. Code, Chapter 25.	October 1998, as proposed.	Through the monitoring of its disciplinary process, including consumer complaints and disciplinary actions, the Board believes that enforcement standards are needed to notify licensees of acts which the Board deems unprofessional. The Board has authority to adopt regulations necessary to carry out the act under Section 16 of the Osteopathic Medical Practice Act, 63 P. S. § 271.16.	Gina Bittner (717) 783-4858

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State Board of Pharmacy Examination Fees 49 Pa. Code, §§ 27.21, 27.24, and 27.91.	September 1998, as final.	The amendments implement the new national computer adaptive licensure examination concerning jurisprudence, the Multistate Pharmacy Jurisprudence Examination (MPJE), and establish applicable fees. The amendments are authorized under Sections 3(b) and 6(k)(2) and (9) of the Pharmacy Act, 63 P. S. §§ 390-3(b); 390-6(k)(2) and (9).	W. Richard Marshman (717) 783-7157
Internship Requirements 49 Pa. Code, § 27.26.	No publication is anticipated in next six months.	The Board proposes to expand avenues for internship training to provide flexibility for students and pharmacy applicants seeking practical experience prerequisite to licensure. Statutory authority: 63 P. S. §§ 390-3(c), (e) and (f), and 390-6(k)(9).	
State Board of Podiatry Sexual Misconduct 49 Pa. Code, Chapter 29.	October 1998, as proposed.	Through the monitoring of its disciplinary process, including consumer complaints and disciplinary actions, the Board believes that enforcement standards are needed to notify licensees of acts which the Board deems unprofessional. The Board has authority to adopt regulations necessary to carry out the act under Section 16(a)(3) of the Podiatry Practice Act, Act of March 2, 1956, P. L. (1955) 1206, 63 P. S. § 42.16(a)(3).	Gina Bittner (717) 783-4858
State Board of Veterinary Medicine Professional Conduct 49 Pa. Code § 31.21.	September 1998, as final.	Final rulemaking will remove standards imposed on licensees when terminating the veterinarian/client relationship. The Board is authorized to establish standards of professional conduct under Section 5(2) of the Act, 63 P. S. § 485.5(2).	Robert Kline (717) 783-1389
Advertising Emergency Services 49 Pa. Code § 31.21.	September 1998, as proposed.	The regulation will require all veterinarians who advertise emergency services or 24-hour veterinary care, to include in any advertisement information indicating the hours when emergency services are available, and whether a veterinarian will be on call or on the premises. Statutory authority: 63 P. S. § 485.5(2).	
Application Fees 49 Pa. Code § 31.41.	November 1998, as final.	Proposed rulemaking published 5/16/98 will increase application fees for veterinarians and animal health technicians, the temporary permit fee and the continuing education program approval fee. Statutory authority: 63 P. S. § 485.13.	

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Dentistry—Sexual Misconduct 49 Pa. Code, Chapter 33.	No publication anticipated in next six months.	Reports of sexual misconduct by health care practitioners are on the rise. This regulation will provide licensees with guidance in this area, as authorized under Section 3(o) of the Dental Law, Act of May 1, 1933, P. L. as amended, 63 P. S. § 122(o).	June Barner (717) 783-7162
Advertising 49 Pa. Code § 33.203(b)(4).	No publication anticipated in next six months.	The regulation will amend outdated provisions, clarify dental specialties and add a provision to the advertising regulations regarding the advertising of dental referral services. Section 4.1(a)(10) of the Dental Law prohibits false, misleading or deceptive advertising. The Board believes that the failure to advise patients that a dentist pays a fee for participation in a dental referral service falls within that prohibition and should be included in Section 33.203(b) of the regulations. The regulation will also update this provision consistent with Act 113 of 1996.	
Expanded Function Dental Assistants 49 Pa. Code, Chapter 33.	No publication anticipated in next six months.	The regulations will add EFDAs to the appropriate sections of the dental regulations including general provisions and minimum standards of conduct and practice. In December 1994, the Dental Law was amended to authorize the certification of expanded function dental assistants (EFDAs). Statutory authority: Section 3(o) of the Dental Law, 63 P. S. § 122(o).	
Continuing Professional Education 49 Pa. Code, Chapter 33.	September 1998, as proposed.	This regulation will establish continuing education regulations for dentists, dental hygienists and expanded function dental assistants. The regulations are required under Act 113 of 1996, which amended Section 3(j) of the Dental Law, 63 P. S. § 122(j).	
Lasers 49 Pa. Code, Chapter 33	No publication anticipated in next six months.	The regulation will codify the existing statement of policy and clarify educational requirements for the use of lasers in a dental office. Statutory authority: Section 3(o) of the Dental Law, 63 P. S. § 122(o).	
State Real Estate Commission General Revisions 49 Pa. Code, Chapter 35.	October 1998, as proposed.	The Commission plans a comprehensive amendment to Chapter 35 to bring its existing regulations up to date with current policies. Statutory authority: 63 P. S. § 455.404.	Debra Sopko (717) 783-3658
Educational Standards 49 Pa. Code, Chapter 35.	No publication anticipated in next six months.	The Commission plans to update and amend current rules pertaining to the approval of schools and school directors, curriculum, etc. and revise continuing education requirements. Statutory authority: 63 P. S. § 455.404.	

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State Board of Certified Real Estate Appraisers—Experience Options for Certification 49 Pa. Code § 36.13.	September 1998, as proposed.	The regulation would revise qualifying experience for certification as an appraiser; impose supervisory and record keeping duties on appraisers who supervise appraisal assistants; and require appraisal reports submitted as qualifying experience by applicants to conform to the Uniform Standards of Professional Appraisal Practice (USPAP). The regulation brings more fairness, efficiency and structure to the evaluation of qualifying experience and complies with standards established for state appraiser boards by the Appraiser Qualifications Board (AQB), a federal regulatory body. Statutory authority: 63 P. S. § 457.5(2).	Cheryl Lyne (717) 783-3397
Inspection of Property 49 Pa. Code § 36.51	December 1998, as proposed.	The regulation would require all certificate holders to conduct a complete interior and exterior inspection of the subject property when performing an appraisal unless an inspection is not physically possible, in conformity with professional standards. Statutory authority: 63 P. S. § 457.5 (2).	
Broker/Appraiser Fees 49 Pa. Code § 36.6.	October 1998, as final.	The regulation would establish an application fee and initial certification fee for the newly created certification class of broker/appraiser. The fees will help to defray expenses of the Board associated with regulating broker/appraisers. Statutory authority: 63 P. S. §§ 457.5(6) and 457.9(c).	
Continuing Education 49 Pa. Code §§ 36.41, 36.42, 36.261 and 36.262.	September 1998, as proposed.	The regulation would raise biennial continuing education requirements and establish continuing education requirements for new broker/ appraisers; and require all certificate-holders to complete minimum hours on the USPAP and the Board's statutory and regulatory requirements, in compliance with AQB rules. Statutory authority: 63 P. S. § 457.5(2).	
Pre-certification Education and Experience 49 Pa. Code §§ 36.11 and 36.12.	September 1998, as final.	The regulation would raise the experience and education requirements for certification as a residential appraiser and general appraiser to comply with standards established by the AQB that take effect January 1, 1998, pursuant to federal rules. Statutory authority: 63 P. S. § 457.5(2).	

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Examiners of Nursing Home Administrators Experience and Education Requirements 49 Pa. Code § 39.5.	No publication anticipated in next six months.	The regulation will amend and clarify education and experience requirements for licensure. The amendments will remove outdated and confusing provisions. Statutory authority: Section 4(c) of the Nursing Home Administrators License Act, Act of June 22, 1970, P. L. 378, as amended, 63 P. S. § 1104(c).	Melissa Wilson (717) 783-7155
Temporary Permits 49 Pa. Code § 39.17.	No publication anticipated in next six months.	The regulation will update and clarify Board requirements for temporary permits. Section 14 of the Nursing Home Administrators License Act, 63 P. S. § 1114, authorizes the Board to issue temporary permits.	
General Revisions 49 Pa. Code §§ 39.1—39.91.	No publication anticipated in next six months.	These regulations will update and repeal outdated provisions of current regulations, including definitions, subject matter for examinations, approved programs of study, and licensure renewal. These revisions are authorized under Sections 4 and 9 of the Law, 63 P. S. §§ 1104 and 1109.	
Continuing Education 49 Pa. Code §§ 39.31—39.71.	October 1998, as proposed.	The regulation will amend and clarify the continuing education requirement in Section 9 of the Nursing Home Administrators License Act, 63 P. S. § 1109.	
State Board of Physical Therapy Physical Therapists 49 Pa. Code §§ 40.11, 40.13, 40.15, 40.17, 40.18 and 40.21—40.24.	January 1999, as proposed.	Regulations correct and revise existing regulations regarding physical therapists. Proposed under Section 3(a) of the Physical Therapy Practice Act, 63 P. S. § 1303(a).	Robert Kline (717) 783-7134
Sexual Misconduct 49 Pa. Code, Chapter 40.	October 1998, as proposed.	Through the monitoring of its disciplinary process, including consumer complaints and disciplinary actions, the Board believes that enforcement standards are needed to notify licensees of acts which the Board deems unprofessional. The Board has authority to adopt regulations necessary to carry out the act under Sections 3, 5 and 10 of the Act, 63 P. S. § 1303, 1305 and 1310.	
State Board of Psychology Postdoctoral Experience 49 Pa. Code § 41.31(c)(1)(ii)(E).	No publication anticipated in next six months.	The regulation establishes necessary experience for licensure. The Board plans to clarify its intent that an individual working two jobs need only meet with his/her respective supervisors one hour per week to satisfy the two hours/week requirement of this paragraph. Statutory authority: 63 P. S. § 1203.2(2).	Melissa Wilson (717) 783-7155
Professional records 49 Pa. Code § 41.57.	No publication anticipated in next six months.	This regulation establishes minimum requirements for records which psychologists must maintain. The Board plans to add language to its existing regulation to address a psychologist's responsibility to release information to clients and to authorize psychologists to charge a fee for reasonable costs of copying. Statutory authority: 63 P. S. § 1203.2(2).	
Standards for the employment and supervision of unlicensed persons with graduate training in psychology 49 Pa. Code § 41.58(9).	February 1998, as final.	The regulations establish minimum levels of supervision of unlicensed persons who provide psychological services under the direction of a licensed psychologist. Statutory authority: 63 P. S. § 1203.2(2).	

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Definitions/ "Sexual Intimacies" 49 Pa. Code § 41.61.	September 1998, as final.	The regulation will establish specific prohibitions against sexual intimacies with current client/patients and other individuals encountered by a psychologist in the course of professional practice. The regulation will also establish related standards and procedural matters and bar psychologists who have been disciplined for engaging in prohibited sexual intimacies from participation in the impaired professional program. Statutory authority: 63 P. S. § 1203.2(2).	
State Board of Occupational Therapy Education and Licensure Oral Orders 49 Pa. Code, § 42.25.	September 1998, as proposed.	The regulation will authorize occupational therapists to accept oral orders from physicians for occupational therapy services under specific conditions. Statutory authority: 63 P. S. § 1505(b)	Clara Flinchum (717) 783-1389
State Board of Social Work Examiners Unprofessional Conduct and Sexual Misconduct 49 Pa. Code, Chapter 47.	September 1998, as proposed.	Through the monitoring of its disciplinary process, including consumer complaints and disciplinary actions, the Board believes that enforcement standards are needed to notify licensees of acts which the Board deems unprofessional. The Board has authority to adopt regulations establishing standards of professional practice and conduct under Section 6(2) of the Social Workers' Practice Act, Act of July 9, 1987, P. L. 220, 63 P. S. § 1906(2).	
Continuing Education 49 Pa. Code § 47.32	September 1998, as proposed.	The regulation would limit home-study or self-study continuing education programs to no more than 10 of the 30 hours required for biennial renewal of a license. The regulation is necessary to improve the effectiveness of the Board's continuing education in programs that provide for interaction among presenters and attendees. Statutory authority: 63 P. S. § 1918 (a)	
STATE EMPLOYEES' RETIREMENT SYSTEM			
Creditable Service 4 Pa. Code Chapters 241—249	July 1998, as proposed.	Regulation will be changed to eliminate outdated and redundant language and definitions will be amended to conform more closely to the Retirement Code.	Larry Brandenburg, Assistant Counsel 717-237-0352
STATE POLICE			
Firearm Regulations Standards for licensed retail dealers Chapter 31	August 1998, as final.	The provisions of this chapter set forth regulations for the storage of firearms, rifles, and shotguns by licensed retail dealers in the event a clear and present danger to public safety is found to exist by the Commissioner of the State Police within this Commonwealth during the hours when licensed retail dealers are closed for business. The provisions of this chapter will apply to all licensed retail dealers and their designated employees.	Corporal Albert Picca 717-783-5598
Procedures & Specifications for firearm record forms Chapter 33	August 1998, as final.	The State Police have promulgated rules and regulations, that provide for the administration of the provisions of the Uniform Firearms Act for the implementation of the Pennsylvania Instant Check System in order to ensure the identity, confidentiality, and security of all records and data pursuant collected.	

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Procedures for the receipt and processing of DNA samples for the state DNA database. Chapter 58	July 1998, as final.	This chapter sets forth policy and procedures for the collection, submission, preservation, analysis, and dissemination of information or records relating to DNA samples from individuals convicted of a felony sex or other specified offenses.	Chris Tomsey 724-832-3299
Regulatory amendments to clarify various aspects of the Municipal Police Officers' Education and Training Commission regulations, Chapter 203	June, 1998, as proposed to be published in the PA Bulletin.	The provisions of this chapter set forth regulations for the administration of the training program for municipal police by the Municipal Police Officers' Education and Training Commission. The proposed amendments will correct various aspects of existing regulations and suspend the vision standard until disposition of pending litigation.	Major Richard Mooney 717-533-5987
STATE SYSTEM OF HIGHER EDUCATION			
No regulations being developed or considered at this date.			
TRANSPORTATION			
Temporary Registration Cards and Plates Chapter 43	August 1998, as final.	Proposed amendments based on concerns identified by Dealer Industry/Department efforts. Revises sanctioning requirements for Dealers, making sanctions more equitable. Final Promulgation package with the Department's Legal Counsel.	Linley Oberman (717) 787-2780
Manufacturer, Dealers and Miscellaneous Motor Vehicle Businesses Registration Plates Chapter 53	April 2000, as final.	Amendments are needed based on revisions to related sections of the Vehicle Code and Industry/Department concerns. Proposed package with the Department's Legal Counsel.	Linley Oberman (717) 787-2780
60—Permanent Registration of Fleet Vehicles	September 1999, as proposed.	Proposed amendments required to modify fee schedules associated with House Bill 67 (Act 3 of 1997).	Tom Zamboni (717)787-3977
60—Proportional Registration of Fleet Vehicles	September 1999, as proposed.	Proposed amendments required to modify fee schedules associated with House Bill 67 (Act 3 of 1997).	Tom Zamboni (717)787-3977
School Buses and School Vehicles Chapter 171	December 1998, as proposed.	Amendments are needed to clarify previous revisions and to address concerns raised by the School Bus Vehicle Industry and related Associations. The Department has prepared draft amendments based on recommendations received by various associations. Proposed Regulatory package final draft to be reviewed by Legal Counsel.	Mike Kistler (717) 783-4534
Vehicle Equipment and Inspection Chapter 175	August 1998, as final.	Amendments are required due to changes in PA Vehicle Code and Federal equipment regulations. Final adoption delayed as a result of the prioritization of the Emission regulation amendments.	John Munafò (717) 783-6823
Physical and Mental Criteria, Including Vision Standards Relating to the Licensing of Drivers Chapter 83	December 1998, as proposed.	As a result of a Pa Supreme Court decision (<i>Clayton v.s. Department of Transportation</i>), additional waivers to seizure disorder provisions must be adopted. The Department's Medical Advisory Board is in the process of approving proposed amendments.	Mike Kistler (717) 783-4534
Liquid Fuels Tax Chapter 449	January 1999, as proposed.	Regulatory review committee has been formed. Drafts of that result have been discussed with legal counsel.	Mitzi Westover (717) 783-5315

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
School Bus Drivers Chapter 71	December 1998, as proposed.	Creates waivers for school bus drivers, with medical conditions, who pose no significant danger to driving. The Department's Medical Advisory Board is in the process of approving proposed amendments.	Mike Kistler (717) 783-4534
Mechanical, Electrical and Electronic Speed-Timing Devices Chapter 105	July 1998, as proposed.	Amendments reflect updates (periodically required) to ensure speed timing devices used by law enforcement officials conform to State and Federal requirements.	Barb Tommasini (717) 783-6823
Work Zone Traffic Control Devices Chapter 203	December 1998, as proposed deletion.	Repeal this chapter since it typically is more stringent than federal standards included in the Federal Highway Administration's Manual on Uniform Traffic Control Devices (MUTCD). Some current provisions not included in the MUTCD would be incorporated into Chapter 211.	Art Breneman (717) 787-3620
Official Traffic Control Devices Chapter 211	December 1998, as proposed.	Repeal the current chapter since it duplicates federal standards included in the Federal Highway Administration's Manual on Uniform Traffic Control Devices (MUTCD). Adopt the MUTCD by reference, and provide some additional criteria unique to the Commonwealth.	Art Breneman (717) 787-3620
Hold-Down and Tie-Down Devices for Junked Vehicles and Vehicle Hulks Chapter 181	December 1998, as proposed.	Repeal - incorporate provisions in Chapter 231	Daniel Smyser (717) 787-7445
Engineering and Traffic Studies Chapter 201	December 1998, as proposed rulemaking.	Revise this chapter to eliminate some portions that duplicate federal standards included in the Federal Highway Administration's Manual on Uniform Traffic Control Devices (MUTCD).	Art Breneman (717) 787-3620
Intrastate Motor Carrier Safety Requirements Chapter 231	December 1998, as proposed.	Incorporate new Federal provisions, and provisions from Chapter 181.	Daniel Smyser (717) 787-7445
Hazardous Materials Transportation Chapter 403	December 1998, as proposed.	Incorporate new Federal provisions and eliminate registration requirement.	Daniel Smyser (717) 787-7445
Consultant Highway Design Errors Chapter 455	July 1999, as proposed deletion.	Since there is no legal need for this chapter, the Department proposes to delete Chapter 455 and propose a Department policy to address consultant design errors.	Charles Allwein (717) 783-9309

[Pa.B. Doc. No. 98-1072. Filed for public inspection July 2, 1998, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Meetings Scheduled

The Health Care Cost Containment Council has scheduled the following meetings for July: Wednesday, July 8, 1998, Education Committee at 9 a.m.; Data Systems Committee at 10:30 a.m. and the Mandated Benefits Review Committee at 1 p.m. The committee meetings will be held in the Council's conference room at 225 Market Street, Suite 400, Harrisburg, PA 17101. The Council meeting will be held on Thursday, July 9, 1998, at 10 a.m.

at the Pennsylvania Medical Society, 777 East Park Drive, Harrisburg, PA 17105. The public is invited to attend. Persons who need accommodation due to a disability and want to attend a meeting should contact Cherie Kauffman, Health Care Cost Containment Council, 225 Market Street, Suite 400 Harrisburg, PA 17101, or call (717) 232-6787, at least 24 hours in advance so that arrangements can be made.

MARC P. VOLAVKA,
Executive Director

[Pa.B. Doc. No. 98-1073. Filed for public inspection July 2, 1998, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final-Form Rulemaking

The Independent Regulatory Review Commission received, on the dates indicated, the following final-form regulation 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.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
19-2	Department of Correction Administration	6/22/98

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 98-1074. Filed for public inspection July 2, 1998, 9:00 a.m.]

INSURANCE DEPARTMENT

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their company's termination of the insured's policies.

The hearing will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Katy L. Gambler; file no. 98-193-03000; Donegal Mutual Insurance Company; doc. no. P98-06-028; July 22, 1998, at 10 a.m.;

Appeal of Lawrence Pikovsky; file no. 98-303-70899; Liberty Mutual Fire Insurance Company; doc. no. PI98-06-025; July 22, 1998, at 1 p.m.;

Appeal of John C. Allsop, Sr.; file no. 98-121-03601; Erie Insurance Company; doc. no. P98-06-027; August 3, 1998, at 10 a.m.;

Appeal of Diane Moyer; file no. 98-181-03592; Nationwide Mutual Insurance Company; doc. no. P98-06-026; August 5, 1998, at 10 a.m.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files and other necessary evidence. The insured must bring all documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) and the regulations set forth at 31 Pa. Code § 59.7(e) (relating to appeal procedure). Under 31 Pa. Code § 59.7(e)(5), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is given.

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 98-1075. Filed for public inspection July 2, 1998, 9:00 a.m.]

PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY

Application Cut-Off Dates; Board Meeting Dates

The Fiscal Year 1998-99 application cut-off dates and regular meetings of the Pennsylvania Infrastructure Investment Authority (PENNVEST) Board of Directors have been scheduled. All meetings of the PENNVEST Board of Directors will begin at 10 a.m. on the stated meeting dates at the Governor's Residence, 2035 North Front Street, Harrisburg, PA 17102.

<i>Application Cut-Off Dates</i>	<i>Board Meetings Dates</i>
September 9, 1998	July 15, 1998
January 20, 1999	November 18, 1998
	March 24, 1999

PAUL K. MARCHETTI,
Executive Director

[Pa.B. Doc. No. 98-1076. Filed for public inspection July 2, 1998, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Interim Guidelines for Standardizing Local Exchange Company Responses to Customer Contacts Alleging Unauthorized Changes to the Customer's Telecommunications Service Provider and Unauthorized Charges Added to the Customer's Bill; Doc. No. M-00981063

Commissioners present: John M. Quain, Chairperson; Robert K. Bloom, Vice Chairperson; David W. Rolka; Nora Mead Brownell

Public Meeting held
June 4, 1998

Tentative Order

By the Commission:

Over the last year, hundreds of residential customers have filed informal telecommunications industry-related complaints with the Commission regarding certain practices identified as "cramming" and "slamming." As a result of this situation, the Commission is proposing to adopt interim guidelines pending the promulgation of formal regulations to standardize local exchange company responses to customer contacts alleging unauthorized changes in telecommunications service providers and unauthorized billing charges.

Cramming

As recently as September, 1997, Pennsylvania telecommunications customers began filing informal complaints with the Commission's Bureau of Consumer Services (BCS) regarding non-usage related charges on a telephone bill. These complaints involve the appearance of unclear, invalid or possibly fraudulent billing charges. Customers allege that their telephone bills do not clearly state what service was provided and, in many cases, that they are being billed for services they did not order. This practice has come to be known as "cramming."

Local exchange companies (LECs) serve as billing agents for many facilities-based interexchange carriers or interexchange resellers (IXCs) and information service providers. Invalid charges can occur when an IXC or an information service provider sends inaccurate billing data through to the LEC. The LEC then bills the customers for the calls or services, whether the error is intentional or unintentional. Unclear charges can also occur when an IXC or an information services provider legitimately imposes a charge, but either insufficiently or improperly describes the service for which the customer is being billed.

Examples of the "cramming" complaints include the following:

1. charges for calls that were not made by the customer or that were placed to toll-free numbers;
2. charges for telecommunication products or services that are explained only in general terms, such as "paging," "voicemail," "calling plan," or "calling card;"
3. charges for club memberships such as psychic clubs, personal clubs or travel clubs;
4. charges identified only as "monthly fee" that appear on a recurring basis.

Many cramming scams occur through use of an 800 number while others are initiated by contests or sweepstakes.

In the majority of the cramming complaints investigated by BCS, there is a third party involved. The IXC or information services provider uses a billing clearinghouse or a billing aggregator that has a billing contract with the local exchange company. These billing layers add to the complexity of the situation for the customer and for those investigating cramming complaints since the aggregator will also have to be contacted to question the charge.

Furthermore, the problem that may occur with investigating informal complaints is that the customer cannot even identify what the charge is, let alone whether it originated within the state. Many customers will still complain to BCS after the charge is removed or credited. The essence of these informal complaints is that the charges appeared on the bill in the first place, which may involve a Section 1501 violation of the Public Utility Code.¹

Section 1501 of the Public Utility Code requires a public utility operating within the Commonwealth to provide reasonable and adequate service. Clearly, a utility providing facilities-based or reseller interexchange services cannot be providing reasonable and adequate service if it is not issuing accurate bills or is fraudulently billing customers. While the goal of guidelines proposed in the order is to implement an interim procedure which, *inter alia*, provides some immediate relief for the customer, designates responsibility and reduces informal complaints, any allegation which involves a Section 1501 violation may still be pursued by the customer or the BCS.² However, the Commission is proposing that LECs, as well as BCS, should respond to these types of complaints as set forth in proposed Interim Guidelines following as Appendix A.

Essentially, the Interim Guidelines propose that the LEC respond to a cramming complaint by 1) recouping the charge, 2) instructing the billing clearinghouse, IXC or the information service provider to prevent further billing of that charge or type of charge to this customer's account, 3) informing the customer that the billing entity may attempt to use other methods to collect the charges, including a collections agency, and 4) informing the customer of the right to pursue a complaint against the provider of the service or charges by contacting the Pennsylvania Office of Attorney General (OAG), the Federal Communications Commission (FCC) or the Federal Trade Commission (FTC), depending upon the type of service or charges under dispute.

At the Federal level, the FCC and the FTC are working jointly to address the problem. According to general consumer information provided by the FCC, if a company will not remove incorrect charges from a consumer's telephone bill, the consumer can file a complaint with the proper regulatory agency. The FCC describes the following jurisdictional separation of complaints:

State Regulatory Commission: calls placed to a location within the state or telephone services provided within the state.

Federal Trade Commission: charges on the telephone bill for non-telephone services (for example "content" services like psychic hotlines).

FCC: charges on the telephone bill for interstate or international calls or services.

We recommend that LECs voluntarily implement, as Interim Guidelines, the procedures set forth in Appendix A when responding to customer contacts alleging cramming. These procedures focus on that portion of the consumer's complaint over which the Commission clearly has jurisdiction—the billing and collection that the LEC provides on a contractual basis for the IXCs.³ The procedures are intended to reduce the need for customers to seek Commission intervention to resolve cramming complaints.⁴ The responsibility for resolving the complaint is placed on the party (IXC, information service provider or billing clearinghouse) responsible for the charge, as well as on the LEC that inadvertently aided the cramming by placing the charges on the customer's

² BCS is the bureau established by statute to investigate consumer complaints against public utilities. 66 Pa.C.S. § 308(d). The Commission has delegated its authority to initiate proceedings against public utilities which are prosecutory in nature to BCS and other bureaus with enforcement responsibility. *Delegation of Prosecutory Authority to Bureaus with Enforcement Responsibilities*, M-00940593 (order entered September 2, 1994).

³ 52 Pa. Code, Chapter 64. Standards and Billing Practices for Residential Telephone Service.

⁴ As just explained in this order, the customer can still pursue the complaint process against the IXC or the information service provider based on unreasonable and inadequate service. 66 Pa.C.S. § 1501.

¹ 66 Pa.C.S. § 1501.

bill. The procedures benefit the customer by requiring the LEC to immediately remove the unauthorized charges from the customer's bill, and by requiring the billing clearinghouse, IXC or information service provider to take steps to prevent further billing of that charge or type of charge on the customer's account. The procedures also require notice to the customer about contacting the FCC and FTC. In cases where the charge is not a telephone charge and the complainant alleges the charge is fraudulent, the LEC would also instruct the complainant about how to contact the OAG. Finally, by paying attention to the number of complaints involving a particular billing clearinghouse, IXC or information service provider with whom they have a billing contract, the LECs can make modifications to their billing contracts, perhaps in some cases even canceling the contract.

This document is being issued as a tentative order, and the Commission is interested in receiving comments on the extent of our jurisdiction over complaints which involve cramming of telephone related charges or service and non-telephone related charges or service. We are also interested in comments that address the Commission's authority to order LECs to recouse the charges to the information service provider and what effect billing contracts may or may not have on this authority. Another issue we are particularly interested in is our authority to order LECs to "flag" an account at the request of a customer so that no future billing or charges can be placed on the account. We are specifically interested in determining whether the commenting parties perceive "flagging" an account for telephone related services as anticompetitive in violation of the Telecommunications Act of 1996 (TA-96). Finally, we seek comments on the type of complaints that should be referred to the OAG, FCC and FTC.

Slamming

The Commission has likewise experienced a substantial increase in the number of informal complaints regarding unauthorized changes of a customer's IXC, a practice commonly known as "slamming." The FCC established safeguards to prevent slamming when equal access was implemented in 1985.⁵ As the number of IXCs increased, the FCC responded by implementing procedures to verify PIC⁶-change orders generated by telemarketing agreements.⁷ Based on even more consumer complaints regarding slamming, the FCC established additional safeguards to deter misleading letters of agency (LOAs) evidencing that a particular carrier has been selected by the customer.⁸ Moreover, a Further Notice of Proposed Rulemaking at CC Docket No. 94-129 sought comments on modifying the FCC's rules to implement Section 258(a) and (b) of TA-96, which statutorily prohibited any "telecommunications carrier" from changing a subscriber's exchange service or toll service except in accordance with the verification procedures, and set forth the liability for charges for violating the verification procedures, respectively. The FCC intends to assess whether existing safeguards are adequate in the new competitive market.⁹

Whereas a Federal statute and regulations exist which are intended to prevent slamming, similar legislation does not exist in Pennsylvania. However, there are bills

pending in both the House and Senate; House Bill No. 1572 would establish Pennsylvania's verification procedures for changing a long-distance carrier or LEC,¹⁰ whereas Senate Bill No. 1091 directs compliance with the FCC's verification procedures, sets the liability for the carrier responsible for the slam, and creates reporting requirements.

Just as the FCC has experienced an increase in slamming with the advent of competition in the telecommunications industry, the Commission has also had to address this situation in the toll markets. In Pennsylvania, the Commission's BCS has procedures for handling informal complaints alleging slamming. Essentially, the BCS focuses on dealing with the customer's local exchange company—the company that makes the switch and usually is responsible for rendering the bill. The primary actions that BCS requests from the local exchange company in cases where a customer files an informal complaint alleging an unauthorized switch of his or her IXC are as follows:

1. reconnect the customer to the long-distance company chosen by the customer before the slamming occurred;
2. offer to "flag" the customer's account by placing a "Don't Touch" indicator on the account alerting LEC employees that verbal authorization is needed from the customer of record or the customer's designee before any changes to the account can occur;
3. adjust all charges for switching long-distance companies.

The BCS also attempts to resolve billing issues relating to any unauthorized toll charges. In cases where the BCS investigator is unable to reach the company that did the slamming, or if that company refuses to rerate the disputed calls, the investigator contacts the customer's LEC and requests that the LEC recouse the charges back to the unauthorized company. The BCS has encountered instances with certain LECs refusing to recouse toll charges on the grounds that their contracts with the IXC prohibit recouse. Given our lack of jurisdiction over a carrier's failure to comply with FCC verification procedures and our belief that the party responsible for the complaint should resolve the complaint, not the LEC, we find that guidelines similar to those proposed for cramming should be recommended to handle slamming complaints. Therefore, the Commission also proposes the slamming guidelines set forth in Appendix A and recommends that LECs voluntarily implement these procedures as Interim Guidelines in response to slamming complaints.

Again, these procedures focus on the Commission's jurisdiction over the customer's complaint—the billing and collection that the LEC provides on a contractual basis for the IXCs. These procedures are also intended to reduce the need for customers to seek Commission intervention to resolve a slamming complaint. By having the LEC place the responsibility for resolving the complaint on the IXC, the party responsible for the problem will have to expend time and effort to resolve the matter, as opposed to the LEC and the BCS. Moreover, the procedures benefit the customer by the immediate removal of charges from the customer's bill, and by offering to "flag" the account to prevent a recurrence of slamming. Although the charges are removed from the LEC bill, they are not necessarily eliminated. These procedures also

⁵ *Allocation Order*, 101 FCC 2d 911 (1985), recon. denied, 102 FCC 2d 503 (1985).

⁶ Presubscribed Interexchange Carrier.

⁷ Policies and Rules Concerning Changing Long Distance Carriers, CC Docket No. 91-64, Report and Order, 7 FCC Rcd 1038 (1992) recon. denied, 8 FCC Rcd 3215 (1993); 47 CFR §§ 64.1100 and 64.1150.

⁸ Policies and Rules Concerning Unauthorized Changes of Consumers Long Distance Carriers, CC Docket No. 94-129, Report and Order (1995).

⁹ Further Notice of Proposed Rulemaking and Memorandum Opinion and Order on Reconsideration, CC Docket No. 94-129 (Released July 15, 1997).

¹⁰ Recently, a state court in Minnesota struck down a similar state statute citing Congress' preemption over slamming through enactment of Section 258 of the Act.

require that the customer be provided with important consumer information relating to contacting the FCC and OAG.

While the proposed Interim Guidelines will not eliminate instances of slamming, they do provide important consumer protections which we believe do not cross the "anticompetitive" line. We suggest that these guidelines are not anticompetitive because they limit the protection against slamming to those customers who have been improperly switched and wish to prevent a recurrence. In fact, current switching protocols will not be affected except for the switching of customers who have been slammed in the past. Implementation of these guidelines will result in the immediate resolution by the LEC of the billing portion of the customer's dispute without the need for Commission intervention; of course, the Commission has jurisdiction over the billing portion of the customer's dispute.¹¹ 52 Pa. Code §§ 64.1, *et seq.*

We seek comment on whether the Commission has the authority to order a LEC to rebill the unauthorized charges based on the rates charged by the customer's presubscribed carrier, even where the IXC or LEC refuses the recourse of the toll charges. We also seek comment on whether the Commission has the authority to order LECs to "flag" all slammed residential accounts so that LEC employees must obtain verbal or written authorization from the customer of record or the customer's designee before making any further changes to the account.

Conclusion

We are hereby proposing by this Tentative Order Interim Guidelines to be in effect pending the promulgation of final regulations at a separate docket. These guidelines, when finalized after the receipt of public comment, are intended to provide guidance to jurisdictional utilities when handling customer contacts involving cramming and slamming complaints.

The cramming and slamming guidelines proposed require notice to the customer of the right to contact the OAG. We believe that it is beneficial, especially when two agencies have dual jurisdiction over certain subject matter, to have an executed Memorandum of Understanding (MOU) between the agencies. An MOU is intended to establish protocols whenever the Commission or the OAG receive a cramming or slamming complaint. The inter-agency protocol procedures should maximize the ability of the OAG and the Commission to obtain effective and adequate relief on behalf of customers; *Therefore,*

It is Ordered That:

1. Voluntary Interim Guidelines attached to this Tentative Order are hereby proposed to help standardize local exchange company responses to customer contacts alleging unauthorized changes to the customer's IXC and unauthorized charges added to the customer's bill. These, once finalized, are intended to remain in place pending the conclusion of a formal rulemaking to promulgate mandatory regulations.

2. This Tentative Order, including Appendix A, be published in the *Pennsylvania Bulletin*.

3. Interested parties may submit written comments, an original and 15 copies, within 20 days from the date the notice is published in the *Pennsylvania Bulletin*, to the Office of the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. A

¹¹ Just as with cramming, our jurisdiction over slamming extends to the IXC. The unauthorized change of a customer's IXC would subject the company to a Section 1501 violation of the Public Utility Code.

copy of written comments shall also be served upon the Commission's Bureau of Consumer Services and upon the Law Bureau.

4. Copies of this order shall be served upon all jurisdictional local exchange telephone utilities, the Office of Consumer Advocate, the Office of Small Business Advocate, and the Pennsylvania Telephone Association.

5. The Law Bureau initiate and execute on behalf of the Commission a Memorandum of Understanding with the Office of Attorney General.

6. The contact person for this matter is Terrence Buda, Law Bureau (717) 787-5755.

JAMES J. MCNULTY,
Secretary

Appendix A

Interim Guidelines for Standardizing Local Exchange Company Responses to Customer Contacts Alleging Unauthorized Changes to the Customer's Long Distance Carrier and Unauthorized Charges Added to the Customer's Bill

Definitions

Cramming—The practice of billing a customer for telephone or nontelephone related services or products the customer did not knowingly authorize, order or use.

Service provider—Facilities-based interexchange carrier or interexchange reseller or information service provider initiating the service or charges.

Slamming—A term used to describe the unauthorized changing of a customer's telecommunications provider, whether for local exchange service, intraLATA toll or interLATA toll.

Billing Information

(A) *Cramming*. Upon contact from the customer alleging that cramming has occurred on the bill rendered to the customer by the local exchange carrier, it is recommended that the local exchange carrier shall do the following:

(1) Identify the charge(s), and clarify that the customer's complaint is that the customer did not authorize the charge(s) or order or use the services or products associated with the charges;

(2) Inform the customer that the charge(s) will be removed from the local exchange carrier bill and recouped to the service provider or its billing agent;

(3) Inform the customer that the local exchange carrier will instruct the billing agent and/or service provider to take the steps necessary to prevent any further billing of those charges or types of charges to the customer's account;

(4) Inform the customer that removal of the charge(s) from the local exchange carrier bill does not guarantee that the service provider or its billing agent will not use other collection remedies, including direct billing of the recouped charge(s) or use of a collection agency;

(5) Provide adequate notice of a customer's right to pursue the complaint against the service provider or billing agent by contacting the Pennsylvania Office of Attorney General, the Federal Communications Commission and the Federal Trade Commission; and

(6) Maintain for a minimum of 2 years records of the customer complaints of cramming in order to monitor adherence to the terms of the billing contract the local exchange carrier has with the service provider and/or

billing agent relating to cancellation of the contract for excessive cramming complaints.

(B) *Slamming*. Upon contact from the customer alleging that slamming has occurred on one or both of the past two bills rendered to the customer by the local exchange carrier, regardless of dates of calls, it is recommended that the local exchange carrier shall do the following:

(1) Identify the name of the IXC, isolate the charge(s) and clarify that the customer's complaint is that the customer did not authorize the switch to this IXC;

(2) Offer to restore the customer's account, at no charge, to the IXC the customer had received service from prior to the unauthorized switch, and to place a safeguard on the customer's account to prevent the local exchange carrier from processing an IXC request for a switch without the local exchange carrier obtaining express authorization from the customer;

(3) Inform the customer that the charge(s) will be removed from the local exchange carrier bill and returned to the IXC or its billing agent;

(4) Inform the customer that the local exchange carrier will instruct the IXC and/or billing agent to take the steps necessary to prevent further billing to the customer's account;

(5) Inform the customer that removal of the charge(s) from the local exchange carrier bill does not guarantee that the IXC or its billing agent will not use other collection remedies, including direct billing of the recoured charge(s) or use of a collection agency;

(6) Provide adequate notice of a customer's right to pursue a complaint against the IXC and/or billing agent by contacting the Federal Communications Commission and/or the Pennsylvania Office of Attorney General.

(7) Maintain for a minimum of 2 years records of the customer allegations of slamming in order to monitor adherence to the terms of the billing contract the local exchange carrier has with the IXC and/or billing agent relating to cancellation of the contract for excessive slamming complaints.

[Pa.B. Doc. No. 98-1077. Filed for public inspection July 2, 1998, 9:00 a.m.]

Pennsylvania Public Utility Commission v. Bell Atlantic-Pennsylvania, Inc. et al; R-00984335; R-00984335C0001; P-00981358

Commissioners Present: John M. Quain, Chairperson; Robert K. Bloom, Vice Chairperson; David W. Rolka; Nora Mead Brownell; Aaron Wilson, Jr.

Public Meeting held
June 18, 1998

Opinion and Order

By the Commission:

Matter Before The Commission

On April 6, 1998, Bell Atlantic-Pennsylvania, Inc. (Bell, BA-PA or Company) filed, at Docket No. R-00984335, revisions to its Local General Tariff—Telephone Pa. P.U.C. No. 1, for the purpose of introducing Business Individual Case Basis (ICB) tariff provisions, which would allow the Company to respond to competitive bids, to become effective June 5, 1998, and voluntarily postponed until June 21, 1998. Also on April 6, 1998, Bell Atlantic-

Pennsylvania, Inc. filed, at Docket No. P-00981358, a Petition for expedited waiver of the 60-day notification period for Business Individual Case Basis tariff filing at Docket No. R-00984335.

Answers in opposition to Bell's Petition were filed by AT&T Communications of Pa., Inc. (AT&T) and Teleport Communications Group, Inc. (TCG) on April 24, 1998, and by ATX Telecommunications Services, Ltd. (ATX) on April 27, 1998. An Answer and Formal Complaint was filed at Docket No. R-00981358C0001, by MCI Telecommunications Corporation and MCImetro Access Transmission Services, Inc. (collectively referred to as MCI) on April 27, 1998. On May 11, 1998, Bell filed a Reply to New Matter and Requests for Affirmative Relief By AT&T, TCG and ATX in Opposition to Petition For Expedited Waiver and Answer to MCI's Complaint.

Background

On December 17, 1997, Bell filed a Petition at Docket No. P-00971307, for a determination of whether business telecommunication services should be deemed competitive services under Chapter 30 of the Public Utility Code, 66 Pa.C.S. § 3005(a). (See *Petition of Bell Atlantic Pennsylvania, Inc. For A Determination Of Whether The Provision Of Business Telecommunications Services Is Competitive Under Chapter 30 Of The Public Utility Code*, Docket No. P-00971307, filed December 17, 1997).

At a Prehearing Conference held on February 5, 1998, ALJ Schnierle approved a 270-day schedule for that proceeding and the schedule was subsequently included in ALJ Schnierle's Second Prehearing Order of February 20, 1998.

On February 12, 1998, Bell filed a *Petition for Interlocutory Commission Review and Answer of a Material Question* in which it requested that the Commission determine whether Chapter 30 and its express policy to promote and encourage competition, mandates a 180-day schedule for the approval of Bell's December 17, 1997 Petition.

On March 30, 1998, the Commission entered an Opinion and Order at Docket No. P-00971307, concluding that case law clearly supports the conclusion that the 180-day language contained in § 3005(a) is directory only. The Commission specifically stated the following in Ordering Paragraph No. 1:

1. That in response to Bell Atlantic-Pennsylvania, Inc.'s Petition for Interlocutory Commission Review and Answer of a Material Question, the Commission hereby concludes that the language contained in 66 Pa.C.S. § 3005(a) which states, "[T]he commission shall enter an order approving or disapproving the petition within 180 days of the filing date" is directory and not mandatory.

As a result, the Commission directed that the proceeding should continue in accordance with the ALJ's 270-day schedule contained in his Second Prehearing Order.

The March 30, 1998 Opinion and Order also acknowledged one of Bell's concerns pertaining to its inability to bid on requests for proposals (RFPs) which require submission of customized proposals. In response, the Commission stated the following in the March 30, 1998 Opinion and Order:

Finally, the main thrust of BA-PA's Petition is that a 180-day schedule is crucial to preventing substantial prejudice to its business customers, and the public generally because business customers are increasingly issuing requests for proposals which require

submission of customized proposals. BA-PA claims that it is unable to provide such customized service offerings due to current tariff restrictions. However, this argument holds little weight since BA-PA's Special Services tariff at Pa. P.U.C. No. 304 does provide for flexible pricing and sanctions pricing on an individual case basis depending on the circumstances in each case. Nevertheless, in recognition of the potential for benefit to the Commonwealth, and the express acknowledgment of BA-PA's counsel that the issue of a Commonwealth-wide RFP might not occur before this proceeding is completed, the Commission stands ready to expeditiously respond to any request for appropriate waiver of BA-PA's tariff provisions or clarifications that would facilitate a fair bidding process.

As a result of the Commission's suggestion above, Bell is proposing, in the instant filing, revisions to its Local General Tariff—Telephone Pa. P.U.C. No. 1 in order to introduce Business Individual Case Basis (ICB) tariff provisions which would allow Bell to respond to requests from business customers or prospective business customers for competitive bids for regulated services, to become effective June 5, 1998, and voluntarily postponed until June 21, 1998. [The tariff, if granted, would facilitate Bell's ability to submit a competitive RFP to the Commonwealth of Pennsylvania in advance of a determination in the pending proceedings.]

The accompanying Petition requests that the Commission waive the statutory 60-day notification period and permit the tariff to become effective immediately. Bell proposed that if the Commission grants the waiver, the Company will refile the tariff with an immediate effective date. Bell filed this Petition because of a desire to participate in a Commonwealth-wide RFP that might occur before the end of the 270-day schedule in the Business Services Reclassification filing at Docket No. P-00971307. In addition, Bell requests that the proposed tariff revisions remain in effect until the Commission renders a final decision in its Business Competitive Services Proceeding at Docket No. P-00971307.

The Tariff Filing

The tariff revisions in the instant filing at Docket No. R-00984335 consists of a single page with the following language:

33. *Individual Case Basis (ICB) Arrangements*

Arrangements will be developed on a case-by-case basis in response to a bona fide business customer or prospective business customer to develop a competitive bid for a service offered under this tariff and related tariffs. Rates quoted in response to such competitive requests may be different than those specified for such services in this tariff and related tariffs. ICB rates will be offered to the business customer in writing and on a nondiscriminatory basis based on the following conditions:

a) ICB arrangements shall be made available only to customers who generate or commit to generate \$40,000 or greater in annual Bell Atlantic-Pennsylvania total billed revenues.

b) Rates charged under ICB arrangements shall exceed the imputation test approved by the Commission in its Final Order at Docket R-00953396C0001.

c) ICB arrangements shall be filed with the Commission under the Proprietary Seal to be effective on one day's notice.

This tariff shall remain effective until the Pa. P.U.C. renders a final decision in Docket No. P-00971307, the Business Competitive Services Proceeding).

The Petition For Waiver of 66 Pa.C.S. § 1308(a)

Bell's Petition at Docket No. P-00981358 requests a waiver of the 60-day notice requirement at 66 Pa.C.S. § 1308(a) for the tariff filing at Docket No. R-00984335 so that the proposed tariff revisions would be permitted to become effective on less than 60 days' notice.

In support of its Petition, Bell argues that the proposed tariff would permit it to offer and enter into customized arrangements with business customers prior to the Commission's final decision in the Business Competitive Services Proceeding at Docket No. P-00971307. The final decision in the Business Competitive Services Proceeding is now anticipated on, or before, September 15, 1998, in light of the Commission's decision in its March 30, 1998 Opinion and Order at Docket No. P-00971307 that extended the review period from 180 days to 270 days in accordance with ALJ's Second Prehearing Order of February 20, 1998.

In its Petition, Bell expressed its opinion that expeditious implementation of the tariff filing:

... (1) will enable BA-PA to provide competitive prices to businesses—like the Commonwealth [of Pennsylvania] and Boeing—who are seeking competitive alternatives during the period [from now until September 15, 1998], (2) will spur competitors to make more competitive offerings (instead of relying on BA-PA's tariff "umbrella"), and (3) will bring the full benefits of competition to Pennsylvania businesses without delay.

Bell specifically stated its interest in responding to the Commonwealth of Pennsylvania's government RFP, which was expected to be rebid in June 1998,¹ and which could potentially be worth approximately \$50 million per year. In addition, Bell referenced other business customers such as Penn State University and Boeing as companies that are increasingly requesting competitive proposals for which Bell is unable to provide customized contracts because of current tariff restrictions.

In further support of its Petition and filing, Bell states that its proposed Business ICB tariff responds directly to the Commission's acknowledgment, in the March 30, 1998 Opinion and Order at Docket No. P-00971307, of the potential for benefit to the Commonwealth of Pennsylvania in permitting Bell to participate in a Commonwealth-wide RFP. Bell stated that the proposed Business ICB tariff responds directly to the Commission suggestion that it "stands ready to expeditiously respond to any appropriate waiver of Bell's tariff provisions or clarification that would facilitate a fair bidding process."

Bell further notes that the Business ICB tariff will enable it to provide customized offerings to business customers in competitive bidding situations that exist after the 180 day statutory period for deciding the Petition, but prior to entry of a final ruling on the Petition and will "facilitate a fair bidding process" and ameliorate the prejudice to the Commonwealth and to its businesses created by the delay in ruling on Bell's Petition.

Bell notes that it does not believe that Competitors will be disadvantaged by expedited approval of the Business ICB tariff because the proposed tariff contains safeguards and limitations that are substantially identical to other Bell and CLEC tariffs that are already in effect in

Pennsylvania. Bell then goes on to note that TCG Pittsburgh's and NEXTLINK Communications tariffs presently contain tariffs that contain similar safeguards and limitations in that they both contain the \$40,000 limitation and the requirement that the tariff be filed with the Commission under proprietary seal.² Bell also goes on to note that its proposed Business ICB tariffs are consistent with the "most stringent" ICB tariffs currently in effect and that MCImetro and AT&T currently have no limitation on dollar amount nor any requirement to file under proprietary seal.

Bell concludes its Petition by requesting that the Commission expedite approval of its Business ICB filing and permit the tariffs to become effective upon one day's notice.

AT&T's Answer In Opposition to Bell's Petition

On April 24, 1998, AT&T filed an Answer in opposition to Bell's Petition For Expedited Waiver of 60-Day Notification Period for its Business Individual Case Basis Tariff.

AT&T argues that when the Commission rejected Bell's effort to impose an unreasonably abbreviated schedule for resolving its pending petition for competitive classification of all of its business services in the March 30, 1998 Opinion and Order at Docket No. P-00971307, the Commission, in effect, also rejected Bell's argument that its current tariffs prevented it from providing customized service offerings to business customers and that Bell's current tariffs already sanctioned pricing on an individual case basis depending on the circumstances in each case. AT&T then notes that as a result of Bell's claim for additional flexibility on a forthcoming RFP from the Commonwealth of Pennsylvania, the Commission indicated its willingness to respond to an appropriate waiver of Bell's tariff provisions that would facilitate a fair bidding process for that RFP.

AT&T acknowledges the Commission's willingness to consider a waiver request from Bell on a case-by-case basis to allow Bell to respond to the Commonwealth's RFP. However, AT&T does not feel this petition and tariff revision is in keeping with that suggestion in that Bell has submitted an entirely new tariff that goes far beyond giving Bell the ability to respond to the Commonwealth's RFP. AT&T believes that Bell ignores the Commission's invitation to pursue an "appropriate waiver" on a discrete, case-by-case basis, but instead "submitted an entirely new tariff that would give it the freedom to structure long-term customized offers to almost any business customer in any competitive bidding situation, with only one day's notice to the Commission of such filings and without adequate pricing safeguards." In AT&T's opinion, the proposed tariff "would grant essentially the same inappropriate and overbroad regulatory freedom that Bell is seeking to obtain in the pending business services reclassification proceeding [at Docket No. P-00971307]."

AT&T argues that Bell's petition and proposed tariff should be rejected based upon the evidence presented at the Commission's March 30 Technical Conference showing the poor state of competition in Pennsylvania's local exchange market and the lack of competitiveness of the overall business market in Pennsylvania.

AT&T notes that it does not mean to suggest that ICB contracts have no legitimate place in competitive markets for competitive services. However, AT&T believes that such a competitive market does not yet exist in Pennsylvania. AT&T is of the opinion that this lack of viable

widespread competition in Bell's local exchange services would disadvantage Bell's fledgling competitors by permitting Bell to freeze out new entrants with long term contracts set at anti-competitive terms and conditions. AT&T expresses its concern about long term contracts as stated below:

In a non-competitive market, such as currently exists in the [sic] Pennsylvania for Bell's business local exchange services, Bell could lock up its customers in long-term contracts with no fear from competing offers by CLECs, and thereby preclude new entrants from providing such customers with alternative services for a considerable period of time. There is no way that CLECs will be able to capture the business of those customers, and therefore, the rivalry between service providers that the Commission and the General Assembly have long sought would be curtailed, if not completely forestalled.

AT&T rejects Bell's argument that there are adequate safeguards contained in Bell's filings. AT&T believes that Bell's proposed imputation formula that was previously approved by the Commission in its Toll Customer Specific Pricing tariff at Docket No. R-00953396 is not only grossly inadequate as a safeguard, but has been explicitly rejected by the Commission in the Competitive Safeguards Investigation (Docket No. M-00940587) as inconsistent with the plain language of 66 Pa.C.S. § 3005(e)(2).

In rejecting the petition, AT&T does not oppose Bell's effort to bid on the Commonwealth RFP. AT&T believes that Bell already possesses sufficient regulatory flexibility to compete effectively for that business. However, if that is not the case, Bell should seek a waiver from the specific tariff requirements to allow it to bid on the RFP. AT&T believes that since Bell has refused this more limited course of action, Bell's intent is not to just obtain the ability to bid on the RFP, but to prevent the development of a truly competitive local exchange market in Pennsylvania.

AT&T also has reservations that the proposed tariff will benefit customers. AT&T notes that while individual customers that Bell favors with an ICB offering may experience some immediate benefit from that contract, the adverse impact of Bell's proposal on competition in general will be to the ultimate detriment of customers and competitors, and thus to the Commonwealth's economy.

TCG's Answer In Opposition to Bell's Petition

On April 24, 1998, TCG filed its Answer in opposition to Bell's Petition For Expedited Waiver of 60-Day Notification Period for its Business Individual Case Basis Tariff. In its Answer, TCG believes that the Commission should deny the Petition because Bell's request is premature and Bell has failed to provide any justification for circumvention of the ongoing Chapter 30 review process.

TCG believes Bell's instant filing is an overly broad request for relief that would circumvent the Chapter 30 unbundling and imputation requirements and that the Commission should recognize Bell's blatant attempt to circumvent the ongoing Chapter 30 review process and existing tariff processes.

TCG also states that Bell has provided no evidence, anecdote or example supporting that it has been unable to respond to the Commonwealth of Pennsylvania's RFP. TCG believes that the March 30 Commission Order states that Bell has sufficient tariff flexibility to respond to the RFP because Bell made no effort to dispute the Commis-

sion's clear finding in the March 30, 1998 Opinion and Order that Bell has sufficient tariff flexibility to participate in bidding situations.

TCG then states that Bell relies on its Chapter 30 mantra that there must be regulatory parity and refers to Bell's claim in the instant filing that the proposed tariff contains "safeguards and limitations that are substantially identical to other Bell and CLEC tariffs that are already in effect in Pennsylvania. TCG is of the opinion, however, that in order to substantiate that regulatory parity between these carriers is justified, Bell must first be required to show that there is operational parity among it and the CLECs.

TCG avers that Bell is not able to demonstrate that operational parity exists. Furthermore, TCG notes that unlike Bell, TCG has no "monopoly" customers with the attendant possibility for cross-subsidy, does not own bottleneck facilities and is subject to competition with at least one facilities-based competitor at every single one of its customer's sites. TCG stresses that these competitive disparities are not addressed by Bell's self-proclaimed "most stringent" proposed ICB tariff, which would be limited to \$40,000 in billings and require filing of contracts under proprietary seal.

TCG believes that Bell's petition is not a request that is intended to facilitate a fair bidding process, but is a blanket waiver in advance of a decision on its Chapter 30 petition.

TCG states that Bell has requested immediate approval of ICB arrangements for all of its business customers and that this in effect, seeks Chapter 30 relief even prior to the date that its pending Petition at Docket No. P-00971307 would have been adjudicated under the 180-day period. TCG is of the opinion that Bell's instant Petition ignores the Commission's clear indication that it would consider any appropriate Bell waiver request only with respect to Bell's effort to compete in the Commonwealth-wide RFP, to facilitate a fair bidding process. TCG believes that even if Bell's Petition is limited to this issue, it has failed to provide any support for the grant of its request.

TCG argues that Bell has not cited any instances in which delay of the Chapter 30 decision would impede it from responding to a request for competitive bids and fails to identify what uncertainty exists now and how its request is consistent with the scheduling of the anticipated RFP.

TCG asserts that responses are not due the day the RFP is issued and that Bell's Chapter 30 decision at P-00971307 could be issued well before any response to the Commonwealth of Pennsylvania RFP is required. In this context, TCG believes that granting Bell's Petition would be premature and tantamount to a free ride which would afford it the benefits of offering "competitive services" with no actual findings or corresponding obligations.

TCG asserts that granting Bell's Petition would circumvent the Chapter 30 process and undermine the spirit and purpose of Chapter 30. TCG believes that Bell's request that its tariff remain in effect until the Commission renders a final decision in Docket No. P-00971307, is absurd considering that even without a waiver, these terms could be in effect for three and one-half months, only to have the Chapter 30 petition rejected or dismissed. TCG refers to the recent ALJ Recommended Decision at Docket No. P-00971293 in which a similar Chapter 30 Petition requesting that intraLATA toll ser-

vices be deemed competitive should be dismissed without prejudice. TCG notes that such a result could seriously inconvenience consumers who may enter into ICB arrangements with Bell over that time and then find that the terms are subject to dispute once the parties have the proper opportunity to review and challenge them. TCG then refers to the instance at Docket No. M-00940587 when existing Centrex Extend Customers were forced into higher rates because it was determined that Bell failed to meet the imputation test after these rates were put into effect. As such, TCG concludes that the Commission deny the Petition for expedited approval of its Business ICB tariff and dismiss the Petition as premature.

ATX's Answer In Opposition to Bell's Petition

On April 27, 1998, ATX filed its Answer in Opposition to Bell's Petition. ATX, by reference, incorporates the Answers filed by TCG and AT&T.

In addition, ATX is of the opinion that Bell is blatantly attempting to preclude the ALJ's Recommended Decision and the administrative process from making an adjudication in Bell's pending case at Docket No. P-00971307.

ATX also believes that it is more appropriate for Bell to make individual requests for waivers as necessary instead of requesting a blanket approval.

ATX also states that approval of Bell's instant tariff would permit Bell to enter into ICB arrangements with consumers on one day's notice. This could seriously inconvenience those consumers if the Chapter 30 Petition at Docket No. P-00971307 is rejected or dismissed. ATX also believes consumers could be harmed if the rates would be set at a predatory price levels and then need to be changed.

ATX is also of the opinion that approval of this tariff would cause harm to CLECs because Bell could set predatory price levels and lock customers into long term contracts.

ATX concludes by requesting that the Commission deny the Petition For Expedited Waiver in its entirety.

MCI's Answer and Formal Complaint

Answer:

On April 27, 1998, MCI submitted an Answer and Complaint against Bell's proposed tariff filing and Petition. In its Answer, MCI notes that Bell will benefit by the extended 270 day schedule to hear evidence and rule on Bell's request to declare 84 of its business services competitive. MCI denies Bell's allegation that there are telecommunications contracts worth \$50 million that Bell cannot reasonably bid upon. Although MCI does not have sufficient information to determine the veracity of Bell's statement, MCI notes that Bell has not provided any information or documentation on the alleged RFP except for unsupported assertions.

MCI also denies that Bell does not have sufficient flexibility under its existing tariffs to customize a competitive proposal. MCI argues that Bell has a customer specific pricing tariff as well as a Special Services tariff which appear to provide Bell with sufficient flexibility to compete fully in the market. MCI goes on to references a complaint against MCI by Bell at Docket Nos. C-00967717 and R-00973866C001 in which Bell claims that MCI's Individual Case Basis tariff is substantially similar to Bell's customer specific pricing tariff. MCI states that Bell is now claiming that the tariffs are different and that Bell is disadvantaged. MCI is of the opinion that the

difference between what Bell's existing tariff provisions allow Bell to do and what the proposed tariff would allow must be demonstrated before the new tariff is approved.

MCI further claims that Bell is the incumbent provider of services and has extensive market power at this point. MCI argues that virtually every call made in Bell's territory uses Bell's facilities for origination, termination or both and that the access charges collected by Bell for these calls limit the ability of competitors to reduce rates. MCI is concerned because it believes that only Bell has a ubiquitous network which can immediately be used to respond to RFPs by large business customers while all other competitors are likely to have to use Bell's network for all or part of any proposal offered. As such, MCI argues that Bell's competitors cannot offer prices below what Bell can offer.

MCI claims that the Commission, in its March 30, 1998 Opinion and Order, stated that it was ready to respond to an appropriate waiver request that would facilitate a fair bidding process. MCI interprets that the Commission was open to a waiver request for an individual competitive bidding process and individual contract. MCI argues that the Commission did not intend for Bell to file a tariff that would grant a continuous and ongoing waiver of the regulations. This tariff would allow Bell to receive the benefits of competition without having to return to the Commission for authority, and before there is a fully competitive local business market. MCI disagrees with Bell that the Commonwealth and its businesses will be prejudiced if there is a delay in ruling on the Petition to permit Bell's tariff to become effective on less than 60 days' notice. Furthermore, MCI maintains that the Bell petition is simply an "end run" around Bell's original Petition at Docket No. P-00971307 which requests to reclassify its business services as competitive. MCI avers that Bell is trying to accomplish with this tariff filing what they want in their Petition to reclassify their business services as competitive. MCI is strongly opposed to giving Bell this flexibility without a full hearing. MCI also alleges that Bell's argument for granting it the opportunity to act as though it already met the criteria for competitive designation of its business services could only make sense if it is very likely that Bell will meet its burden of proof in the business services deregulation petition at P-00971307. MCI is of the opinion that the evidence presented thus far demonstrates that the opposite is the case.

MCI also denies Bell's allegation that competitors will not be disadvantaged by expedited approval of the Business ICB tariff. MCI notes that there is no comparison between Bell's market position and the market position of any other provider in the local market. MCI states that competitors must rely on Bell's ubiquitous network for origination and termination of every telephone call and that other providers are locked into paying high access charges and high unbundled network element (UNE) rates to provide service to customers. As such, MCI avers that the Bell is clearly market dominant and the playing field is far from level. MCI also argues that imputation tests do little to address the issue when access rates far exceed costs and the imputation test is averaged over a broad range of services as proposed by Bell.

Formal Complaint:

In its Formal Complaint, MCI alleges that Bell's proposed tariff is unjust and violates Section 1301 et seq. and Section 3005 of the Public Utility Code. It gives Bell the ability to provide all of its services, including local services, on an individual case basis, creating the oppor-

tunity to engage in price squeezes, predatory pricing and other anti-competitive practices.

MCI claims that by approving the proposed tariff, the proceeding at Docket No. P-00971307 will become moot. When the proposed tariff is in place, Bell can offer prices that no competitor can match, and enter into long term contracts that locks up the market for the largest business customers.

MCI takes the position that the proposed tariff is unlawful because it allows a level of deregulation which the General Assembly did not envision before the market was fully competitive. MCI states that the General Assembly clearly defined those requirements and criteria which must be made before an incumbent local exchange carrier could be granted competitive designation of a service. MCI is of the opinion that Bell still has not demonstrated that it has met any of those criteria in the proceeding at Docket No. P-00971307 and that by granting the present Petition and allowing the tariff to become effective on an expedited basis, or at all, would not be in compliance with the requirements of Section 3005 of the Public Utility Code.

MCI points out that Bell argued in Docket No. P-00971293 that CLECs must meet the requirements of Chapter 30 before the Commission can give them the flexibility that competitive designation would give to Bell. However, MCI states that the flexibility that Bell claimed was unlawful for the CLECs to receive, is the same type of relief from regulation that Bell is now trying to get. MCI claims that Bell has consistently argued before the Commission that CLECs must have tariffs with the exact same language as Bell's. For Bell to request waivers from that language now is inconsistent with their past policy.

MCI avers that granting Bell's Petition and granting a waiver of the regulations will provide Bell with the ability to eliminate competition in the nascent local exchange and that Bell has already demonstrated its willingness to provide certain services below cost, such that others cannot compete. MCI notes that other competitors cannot compete with Bell's present tariffs which provide free toll calling on weekends because of the substantial access charges or UNE charges that competitors must pay to Bell and that there is no reason to believe that imputation would eliminate such practice for business services. MCI is of the opinion that if the proposed tariff is approved, Bell would be able to make such offers without review by the Commission.

In conclusion, MCI requests that Bell not be granted additional flexibility when it has not determined that it is necessary. MCI does not believe that Bell's tariff will spur competitors to make more competitive offerings. Therefore, MCI requests that Bell's Petition for expedited waiver be denied and require a full 60 day notice for all ICB tariffs and a suspension of the tariff pending a full hearing.

Bell's Reply to New Matter and Requests for Affirmative Relief By AT&T, TCG and ATX in Opposition to Petition For Expedited Waiver and Answer to MCI's Complaint.

In its opening statement, Bell remarks that eight years ago AT&T argued the following in its Reply Comments in the proceeding at CC Docket No. 90-32 (*In Re: Competition in the Interstate Marketplace*), filed September 18, 1990:

What is really at stake in this proceeding . . . is the opportunity for all [business] consumers to receive the lower prices, better service, and wider choice that competition promises . . . Precisely as [we] anti-

pated, however, [our] competitors have sought to obscure this fact, in favor of self-serving and mistaken arguments that the public interest is somehow advanced by regulatory practices that would continue to insulate them from full competition. These arguments should be rejected, and firmly, as they repeatedly have been in the past.

Bell then goes on to state that AT&T is now ironically attempting to insulate itself from full competition by opposing Bell's request to offer individual contract prices to large and medium size Pennsylvania businesses, even though every other competitor in Pennsylvania, including AT&T, has tariffs providing precisely the same pricing freedom which Bell seeks.

Bell argues that AT&T and its allies, MCI, TCG and ATX (referred to collectively as the "Opponents") are now asking the Commission to deny similar pricing freedom for Bell by making the same "self serving and mistaken arguments" that AT&T previously denounced.

Bell is of the opinion that its competitors are using factual distortions that characterize their opposition by adopting a strategy of using every pleading filed in every proceeding before the Commission to prelitigate both the merits of Bell's competitive service filings and Bell's anticipated application for authority to provide interLATA services pursuant to Section 271 of the Telecommunications Act.

Bell requests that the Commission consider only the issue at hand and take into consideration that the public interest favors more, not less, competition. As such Bell requests that its ICB tariff be granted.

In its Reply to New Matter and to Request for Affirmative Relief, Bell notes that none of the Opponents challenges the legality of Bell's Business ICB tariff under the relevant provisions of the Public Utility Code. Bell believes this is because each of them already have similar tariffs in effect.

In response to the Opponents assertion that Bell does not need flexibility of ICB pricing, Bell states that the allegations that: (1) it already has the flexibility to provide comprehensive custom-priced telecommunications packages to business customers, and (2) Bell does not face significant competition in the market for business local exchange services, are both untrue. Bell notes that if it already has the ability to offer customized individual contracts for business telecommunications service in response to customer requests, it is difficult to imagine why the Opponents would be so vehement in their opposition. Bell states that contrary to the allegation by the Opponents, its Toll Customer Specific Pricing (CSP) tariff and its Special Services Tariff No. 304 do not give Bell the flexibility to price *business local exchange services* on a competitive basis since Bell's competitors are selling combined packages of local exchange services, intraLATA toll services, interLATA toll services and wireless services at customized rates in exchange for customers' term commitments. Bell clarifies that its Special Services Tariff 304 only permits them to raise or lower tariffed rates for special services for all customers within Commission-approved rate bands and only allows for individual case based pricing under certain circumstances for specific items (that is, Intellimux and Digital Data services). In addition, the Toll CSP tariff allows Bell to offer individual discounts on only intraLATA toll service to larger customers.

Bell then refers to recent letters by business customers (Central Columbia School District in Bloomsburg, PA;

Marriot International, Inc.; and Air Products) it had received in support of ICB pricing. Bell believes that these letters not only confirm Bell's inability to respond to competitive offers but they also confirm the motivation of AT&T, MCI, TCG and ATX in opposing Bell's tariff.

In response to the Opponents argument that Bell's business market is not sufficiently competitive to warrant approval of Bell's ICB tariff filing, Bell states that it served the parties in the proceeding at Docket No. P-00971307 with copious evidence of competition for business telecommunications service and the competitive nature of the market for that service. This included the following:

- The volumes of traffic exchanged between Bell and the CLECs continue to grow at a rapid rate from 50 million minutes of use in January 1997 to 400 million minutes of use in March 1998.
- Almost 50,000 trunks interconnect BA-Pa's and CLEC networks representing an available CLEC capacity of approximately 500,000 telephone lines.
- During the last 12 months, the average quarterly growth rate in Bell's provision of resold access lines and unbundled loops is 633%, 216%, respectively.
- 76% of business customers in Bell's service territory are located in wire centers where at least one facilities-based competitor is present.
- 94% of Bell's business access lines are in wire centers where at least one competitor is present through collocation, facilities deployment, purchase of unbundled loops, or resale of local exchange services.

Bell then goes on to address the Opponents allegation that the proposed tariff is not consistent with Chapter 30. Bell notes that each of the Opponents have a similar ICB tariff in effect. Bell states that pursuant to Section 1308 of the Public Utility Code, Bell is entitled to propose whatever tariff revisions it deems necessary or proper, subject to Commission approval. The only requirement is that the rates be just and reasonable and as such Chapter 30's competitive service provision simply does not apply.

Bell then explains why it believes that the proposed tariff is not the equivalent of competitive classification. Bell argues that "competitive classification permits the LEC to offer a competitive service however, wherever, and to whomever it likes, subject to Chapter 30's competitive safeguards provisions." Bell clarifies that in contrast, its proposed tariff requires (1) a bona fide request for a competitive bid; (2) a written offer; (3) a \$40,000 annual revenue commitment; and (4) filing of ICB contracts with the Commission. Bell further points out that the Commission rejected an identical argument when it approved Bell's Toll CSP tariff and determined that tariffs that provide customers opportunities for lower prices and innovative service offerings in response to competitive pressures "promote the primary policy goals of competition envisioned by Chapter 30."

Bell goes on to note that each of the Opponents has a virtually identical tariff in effect despite the fact that none has ever filed alternative regulation plans. Bell then remarks that "[i]f BA-PA's tariff is barred by Chapter 30, theirs [i.e. the Opponents' ICB tariffs] are as well."

Bell then addresses the proposed imputation method in the instant ICB filing. Bell argues that the proposed tariff's imputation requirement is identical to the standard adopted by the Commission for tariffed toll customer-specific pricing arrangements. Bell denies the

allegations by AT&T and ATX that the proposed tariff's imputation requirement has been rejected for all purposes by the Commission as inconsistent with Chapter 30. In support of its denial, Bell states that the proposed imputation standard is identical to the standard approved by the Commission for customer-specific pricing contracts offered under the Toll CSP tariff. Bell notes that that tariff—like the tariff at issue in the instant filing—was subject to 66 Pa.C.S. § 1308, and not the competitive services provisions of Chapter 30, 66 Pa.C.S. § 3005. Thus, Bell avers, the Commission was free to adopt the economically correct imputation standard, pursuant to which the incumbent imputes the rates for the inputs competitors must purchase from the incumbent in order to provide competing service. Bell then states that AT&T's argument that Chapter 30 barred use of this standard and required imposition of Section 3005(e)(2)'s "pay for what you use" standard was raised, litigated, and rejected in that case.

Bell also believes that AT&T's contention that the imputation standard approved in the Toll CSP case was rejected in the Commission's Competitive Safeguards Investigation is grossly misleading. Bell argues that the Commission declined even to consider the same standard in its Competitive Safeguard investigation because it felt that it was barred from doing so by the language of 66 Pa.C.S. § 3005(e)(2). Bell is of the opinion that this is not the case here just as it was not the case when the identical test for use in pricing Bell's Toll CSP contracts. Bell is of the notion that Section 3005(e)(2) applies to services classified as "competitive" and thus free from the tariffing requirements of the Public Utility Code. In contrast, Bell believes that the Public Utility Code's traditional tariffing requirement, not Chapter 30, govern consideration of Bell's proposed ICB tariff.

Bell further provides argument to AT&T's, MCI's and ATX's allegations that the ICB contracts will permit Bell to "lock up" customers and thus "freeze out" "fledgling" new entrants. Bell notes that AT&T's used this same argument in the proceeding at Docket No. P-00971293 in which Bell petitioned the Commission for a determination of whether intraLATA toll service is competitive under Chapter 30. Bell agrees with ALJ Schnierle in his Recommended Decision when he states that "[t]he fact that a competitor's costs might increase in a competitive market does not, in our view, rise to the level of an anti-competitive advantage that must be rejected by the Commission."

Bell believes that AT&T's allegation that the proposed ICB tariff will allow Bell to favor one segment of customers over another without justification, and even refuse to offer the same terms to similarly-situated customers, is meritless because the existence of competitive alternatives has long been an acceptable basis for distinguishing among customers. Furthermore, Bell notes that the proposed tariff expressly provides that ICB arrangements will be offered on a nondiscriminatory basis. As a result, Bell cannot refuse to offer the same terms to similarly-situated customers.

Bell stresses that its proposed ICB tariff will benefit all business customers and the Commonwealth's economy in contrast with AT&T's and ATX's allegations that Bell's proposal will adversely impact competition and have a detrimental effect on customers and competitors as well as the Commonwealth's economy. In closing, Bell requests that the claims of AT&T and the other Opponents be rejected.

Bell then proceeds to answer MCI's Formal Complaint. Bell references its foregoing replies in its denial of each of MCI's averments and respectfully requests that the Commission grant Bell's Petition for Expedited Waiver of 60-Day Notification Period for its Business ICB tariff; reject AT&T's and ATX's request for the affirmative relief of dismissal of Bell's proposed tariff; and permit Bell's tariff to go into effect immediately.

Discussion

We note that Bell's Petition at Docket No. P-00981358 originally requested a waiver of the 60-day notification period of the instant Business ICB tariff at Docket No. R-00984335. Since the 60 day review period ended on June 5, 1998, that request in the Petition is "moot." At any rate, we have considered the Answers in Opposition to the Petition at Docket No. P-00981358 in reaching our decision on Bell's proposed ICB filing.

We have reviewed, in detail, Bell's proposed filing, the Answers In Opposition to Bell's Petition For Expedited Waiver by AT&T, TCG, ATX and MCI, as well as MCI's Formal Complaint and Bell's Answer to MCI's Formal Complaint. For the reasons discussed below, we shall limit the application of the ICB tariff to Bell's preparation of a bid on the Commonwealth of Pennsylvania RFP. Thereafter, the general determinations made in this Opinion and Order shall govern any future submissions that will be reviewed on a case-by-case basis.

We limit our determinations in this proceeding to those reasonably necessary for giving the Commonwealth of Pennsylvania access to a greater number of bidders on its RFP than would be the case if Bell's request were denied. We also do so in order to prevent any harm to the pending proceedings on related matters here at the Commission.

We accomplish these goals by granting relief that gives Bell the alternative to file a revised tariff which implements guidelines to use under this tariff when submitting proposals for RFPs on a case-by-case basis. The alternative tariff filing will remain in effect as a determination under 66 Pa.C.S. §§ 1301 et seq. as a separate and distinct decision apart from the pending Message Toll Services Reclassification Filing at Docket No. P-00971293 and the Business Services Reclassification Filing at Docket No. P-00971307.

We give Bell the alternative of revising its proposed tariff in accordance with the following terms and conditions.

1. For each proposal submitted under the ICB tariff, Bell shall include a "fresh-look" clause on an on-going 3 year basis.
2. The ICB arrangements permitted under the tariff shall be made available in instances where RFPs, in the aggregate, generate \$500,000, or more, in annual Bell Atlantic-Pa. total billed revenues. This revenue bar, however, will be \$40,000 for RFP's under Section 254 of the TA-96.
3. Any ICB arrangements under the tariff, along with a copy of the RFP, shall be provided to the Commission simultaneously with submission of the bid."
4. Bell shall submit a proprietary version of any contract executed under this tariff within 30 days of execution.
5. The Rates charged under the ICB arrangements shall exceed the imputation test for toll services approved by the Commission in its Final Order at Docket No.

R-00953396C0001. Bell shall develop an imputation test and submit information showing no predatory pricing, price squeezes, and other unfair acts with regard to local and access rates in the tariff consistent with Chapter 13 of the Public Utility Code.

6. Since the public interest and Chapter 13 in the Public Utility Code require public inspection, the contracts submitted under this tariff shall be made publicly available with due regard for Bell's proprietary interest in the underlying contracts.

7. The relief granted in this Opinion and Order shall not be construed to constitute any Commission determinations regarding Bell's obligations under its Network Modernization Plan, including but not limited to DSL technology, or on any subsequent determinations by either the FCC or the Commission concerning Bell's pending Section 706 Petition.

8. The relief granted in this Opinion and Order shall not be construed to countenance, in any way, an exception for Bell with regard to Sections 271 and 272 of the TA-96 regarding the delivery of interLATA services.

9. The relief granted in this Opinion and Order shall not be construed to constitute evidence of any Commission determination regarding the ongoing proceeding examining the filing requirements and interim guidelines for CLECs and ILECs.

10. The scope of relief granted in this Opinion and Order shall be limited to that necessary for Bell's submission of response to the Commonwealth of Pennsylvania RFP. However, the determinations regarding fresh looks, imputation, contract transparency, Commission review, and the impact on pending issues and proceedings shall govern other filings submitted under this tariff.

We have reached these determinations in order to address the reasonable concerns of the commentators, including Bell. We have also reached these determinations to facilitate the submission of multiple RFPs to the Commonwealth of Pennsylvania. Moreover, our result is premised on Chapter 13 of the Public Utility Code and avoids prejudicing any ongoing proceedings before the Commission. Finally, our result is based, in significant part, on our determinations to the following questions:

1. Is the proposed Business ICB tariff premature and does the proposed Business ICB tariff circumvent and grant essentially the same regulatory freedom that Bell is seeking to obtain in the pending Business Services Reclassification proceeding at Docket No. P-00971307?

2. Will Pennsylvania consumers and Bell's competitors be disadvantaged by Bell's proposed Business ICB tariff?

3. Will there be any detrimental consequences if Bell's proposed Business ICB tariff were approved and if Bell's Business Service Reclassification Tariff Under Chapter 30 were subsequently rejected?

4. Is the proposed Business ICB tariff in violation of the Commission's Competitive Safeguards Investigation at Docket No. M-00940587 and inconsistent with the plain language of 66 Pa.C.S. § 3005(e)(2)?

5. Must there be operational parity among Bell and the CLECs before regulatory parity exists among the carriers for a tariff like that proposed by Bell in this case?

The first question deals with whether Bell's Business ICB tariff is premature because it circumvents and essentially grants the same regulatory freedom that Bell is seeking to obtain in the pending Business Services Reclassification proceeding at Docket No. P-00971307.

In our view, an unqualified approval of the tariff could be cited as evidence of a Commission determination well beyond the issues pending in the Toll Services Reclassification Chapter 30 Petition and Business Services Reclassification Chapter 30 Petition at Docket Nos. P-00971293 and P-00971307, respectively. However, this determination is premised on Chapter 13 and shall not, in any way, implicate those ongoing proceedings arising under Chapter 30. This is a separate and distinct determination arising under a separate and distinct statutory provision.

Moreover, our determination in this proceeding must not be construed to be a grant of regulatory flexibility for all business services including local, toll and access services³ when such services are provided under a competitive bid situation. That is not our result. Any subsequent submission under this ICB tariff shall be examined on a case-by-case basis consistent with the determinations reached in this proceeding.

In our March 30, 1998 Opinion and Order at Docket No. P-00971307, we stated the following in response to our action to extend the consideration period of Bell's Business Services Reclassification filing from 180 to 270 days:

Finally, the main thrust of BA-PA's Petition is that a 180-day schedule is crucial to preventing substantial prejudice to its business customers, and the public generally because business customers are increasingly issuing requests for proposals which require submission of customized proposals. BA-PA claims that it is unable to provide such customized service offerings due to current tariff restrictions. However, this argument holds little weight since BA-PA's Special Services tariff at Pa. P.U.C. No. 304 does provide for flexible pricing and sanctions pricing on an individual case basis depending on the circumstances in each case. Nevertheless, in recognition of the potential for benefit to the Commonwealth, and the express acknowledgment of BA-PA's counsel that the issue of a Commonwealth-wide RFP might not occur before this proceeding is completed, the Commission stands ready to expeditiously respond to any request for appropriate waiver of BA-PA's tariff provisions or clarification that would facilitate a fair bidding process.

We underscore that our determination today does not mean that Bell has blanket approval to provide customized bids to any and all business customers. We believe that granting such broad regulatory relief in this proceeding could act to the detriment of the issues being examined in the ongoing Business Services and Toll Services Reclassification proceedings. Other than the general guidelines for competitive bids set forth above, the specific tariff relief granted in this proceeding is carefully limited to waiver of the tariff provisions Bell needs in order to submit a competitive RFP to the Commonwealth of Pennsylvania. That is underscored by the pending Commonwealth of Pennsylvania's state-wide contract.⁴

Consequently, we are limiting Bell's relief to the Commonwealth of Pennsylvania RFP. However, the determinations regarding fresh looks, imputation, contract transparency, Commission review, and the impact on pending issues and proceedings shall guide other filings under Chapter 13.

The second question pertains to whether Pennsylvania consumers and Bell's competitors would be disadvantaged by Bell's proposed Business ICB tariff. At this point, Bell

has certain regulatory flexibility afforded to it under Chapter 30. Presently, the following specific services have been declared competitive: Billing Services, Centrex Service, Directory Advertising, High Capacity Special Access Services, Paging Services, Repeat Call Service, and Speed Calling Service.

Bell also currently has regulatory flexibility with regard to its business Message Toll Service under its Customer Specific Pricing tariff in Section 7 of its Toll Tariff-Telephone Pa. P.U.C. No. 1A. The proposed Business ICB tariff would extend regulatory flexibility to include all business local exchange services as well as all access services.

We note that Bell's business customers that issue RFPs and commit to generating \$40,000 or greater in annual Bell Atlantic-Pa., Inc. total billed revenues could certainly benefit immediately under Bell's proposed tariff if the resulting rates will be below Bell's present tariffs. However, this immediate benefit may eventually become a burden on those same business customers if a business customer becomes locked into a long-term contract with Bell and competition in the local market increases to the point that the business customer would no longer benefit from Bell's Business ICB tariffs.

We believe that by requiring Bell to limit the contract period in its bids in response to RFPs would resolve the issue of locking new competitors out of the market. We will also ensure that the affected business customer is not harmed by long term contracts before all business services and other access services are deemed competitive by this Commission under Chapter 30.

We also believe that increasing the \$40,000 annual revenue commitment level to a higher amount of \$500,000 will further promote competition and protect competitors until such time that true local competition develops throughout Bell's service territory in Pennsylvania. However, the lower \$40,000 limit shall not apply to Section 254 services to facilitate greater bids than would otherwise be the case in these fledgling services.

Moreover, as part of the alternative, we shall require Bell to include a three year "fresh-look" clause in each proposal that is submitted under the ICB tariff, until such time that Bell's local, toll and access services are deemed competitive. We note that if Bell's proposal were selected by the Commonwealth of Pennsylvania, or any other entity, this "fresh-look" clause would permit the Commonwealth of Pennsylvania, or any other entity, to review the rates quoted by Bell in response to the RFP every 3 years in order to take advantage of the developing competitive market and to ensure that competitors are not locked out of the market.

In taking these actions, we will allow Bell to move a step closer in obtaining additional regulatory flexibility in responding to business competition in the local and toll market under Chapter 13 separate and apart from any Chapter 30 proceeding seeking similar relief.

If Bell accepts this alternative, we are willing to let this tariff become effective on one day's notice. We believe that consumers will benefit because the rates will be set at levels at, or above costs, and provisions have been made to ensure that this becomes a market reality. Also, competition is promoted and competitors are protected during the transition with provisions that prevent them from responding to future developments under the three-year "fresh-look" requirement. There are also annual revenue limit for contracts under this tariff. We have expressly declared that our decisions here do not consti-

tute any determinations regarding Bell's NMP, Bell's Section 706 Petition at the FCC, the pending rulemaking on CLEC and ILEC filing requirements, and any Section 271 proceedings.

The third question involves whether there would be any detrimental consequences if Bell's proposed Business ICB tariff were approved and other action was subsequently taken regarding Bell's Business Service Reclassification Tariff Under Chapter 30. We are particularly concerned that a similar occurrence of what happened with Bell's Centrex Extend Service at Docket No. M-00940587 might also result here if Bell was awarded a contract only to find later that it must increase the rates to the contracting party because the rates have been deemed by a higher court to be below cost.

To prevent this regulatory problem, we are giving Bell the alternative of including a tariff that allows an interested person to test any contracts executed under an RFP consistent with the Commission's proprietary treatment procedures found in the Commission's Procedures Manual at 219. This insures that any harm occasioned by the discovery of any predatory pricing, price squeezes, or other unfair acts will be recovered from Bell's deregulated operations and accounts. The beneficiary of any such contract shall not, and will not, be required to bear the burden stemming from any predatory pricing, price squeezes, or other unfair acts. These requirements protect the consumer's benefit, provide Bell the flexibility and confidentiality they need to submit a realistic bid, and promote the transparency in terms and conditions needed to create a truly robust and competitive market.

The fourth question deals with whether Bell's proposed ICB tariff is in violation of the Commission's Competitive Safeguards Investigation at Docket No. M-00940587 and inconsistent with the plain language of 66 Pa.C.S. § 3005(e)(2). A tariff approved under Chapter 13 of the Public Utility Code should not, standing alone, normally violate competitive safeguards when the express terms, prices, and conditions are absent and a contract has not been executed. Moreover, the competitive safeguards requirements of Chapter 30 are separate from the Chapter 13 tariff we approve today even if, to be extra careful, we craft an alternative that is consistent with those provisions. Also, the tariff we approve shall necessarily be conditioned by any subsequent determinations, guidelines, or regulations that we make regarding competitive safeguards under Chapter 30. Finally, this proceeding is clearly without detriment to the Chapter 30 proceedings now pending before the Commission.

The fifth question deals with whether there must be operational parity among the CLECs and ILECs before regulatory parity exists among the carriers for a tariff like that proposed by Bell in this case. As indicated above, the Commission is examining the viability of guidelines, regulations, and policies in a current proceeding. Consequently, the Commission's grant of relief under Chapter 13 in this case should not be cited as evidence of any Commission predisposition in that pending proceeding.

In that regard, we note that Bell accurately points out that some of its competitors have similar provisions to what Bell has proposed in this tariffs. We believe it is important to note that we will extend the same flexibility to all of Bell's competitors that we extend to Bell by the

alternative offered by this Opinion and Order. Since the scope of this Opinion and Order is limited to a Chapter 13 tariff focused on the pending Commonwealth of Pennsylvania RFP, our determinations in that regard are limited to similar provisions used in conjunction with submission of a party's bid to the Commonwealth of Pennsylvania's RFP.

Finally, in light of the alternative that we are offering Bell, if Bell accepts the alternative, we shall direct MCI to formally notify this Commission and Bell Atlantic-Pa., Inc. whether it wishes to maintain its Formal Complaint action against the instant tariff filing, as modified by our Opinion and Order, and without any prejudice to MCI's rights of participation in any proceeding associated with the instant docket, within 15 days from the date of entry of this Opinion and Order.

Our review and analysis of the proposed tariff revisions and supporting data indicates that the proposed revisions may be unjust, unreasonable, unlawful or contrary to the public interest. Therefore, we shall suspend the proposed tariff revisions and give the Company the alternative to file a revised tariff supplement in accordance with the terms and conditions delineated in the body of this Opinion and Order. Should the Company accept the alternative, then it would not appear that the tariff revisions, as modified, would be unjust, unreasonable, unlawful, or contrary to the public interest. This does not constitute a determination that the alternative tariff revisions are lawful, just and reasonable, but only that further investigation is not warranted at this time; *Therefore,*

It Is Ordered That:

1. The request of Bell Atlantic-Pennsylvania, Inc. for an expedited waiver of the 60-day notification period for Business Individual Case Basis Tariff which was filed on April 6, 1998, be, and hereby is, dismissed as moot.

2. The proposed tariff revisions to Bell Atlantic-Pennsylvania, Inc.'s Local General Tariff-Telephone Pa. P.U.C. No. 1, which were filed on April 6, 1998, to become effective June 5, 1998, and subsequently voluntarily postponed until June 21, 1998, be, and hereby are, suspended for a period of not to exceed 6 months, or until December 21, 1998, pursuant to 66 Pa.C.S. § 1308.

3. The Company shall file the appropriate tariff suspension supplement.

4. The Company be, and hereby is given the alternative to file, within 10 days after the date of entry of this Opinion and Order, a revised tariff supplement, which cancels and supersedes the tariff revisions which were filed on April 6, 1998, and which incorporates the following revisions:

(a) For each proposal submitted under the ICB tariff, Bell shall include a "fresh-look" clause on an ongoing 3 year basis.

(b) The ICB arrangements permitted under the tariff shall be made available in instances where RFPs, in the aggregate, generate \$500,000, or more, in annual Bell Atlantic-Pa. total billed revenues. This revenue bar, however, will be \$40,000 for RFP's under Section 254 of the TA-96.

(c) Any ICB arrangements under the tariff, along with a copy of the RFP, shall be submitted to the Commission simultaneously with the submission of the bid.

(d) A proprietary version of any contract executed under this tariff shall be submitted to the Commission within 30 days of execution.

(e) The Rates charged under the ICB arrangements shall exceed the imputation test for toll services approved by the Commission in its Final Order at Docket No. R-00953396C0001. Bell shall develop an imputation approach and submit information showing no predatory pricing, price squeezes, and other unfair acts with regard to local and access rates in the tariff consistent with Chapter 13 of the Public Utility Code.

(f) Since the public interest and Chapter 13 in the Public Utility Code require public inspection, the contracts submitted under this tariff shall be made publicly available with due regard for Bell's proprietary interest in the underlying contracts.

5. If the Company files a revised tariff supplement in accordance with Ordering Paragraph 4, above, then it is further ordered that:

(a) The revised tariff supplement shall be permitted to become effective on at least one day's notice;

(b) The suspension shall be terminated and the case marked closed;

(c) Bell, be, and hereby shall be, permitted to submit a proposal in response to the Commonwealth of Pennsylvania RFP consistent with this Opinion and Order and the guidelines in the alternative tariff.

(d) The relief granted in this Opinion and Order shall not be construed to constitute any Commission determinations regarding Bell's obligations under its Network Modernization Plan, including but not limited to DSL technology, as well as any subsequent determinations by either the FCC or the Commission concerning Bell's pending Section 706 Petition.

(e) The relief granted in this Opinion and Order shall not be construed to countenance, in any way, an exception for Bell with regard to Sections 271 and 272 of the TA-96 regarding the delivery of interLATA services.

(f) The relief granted in this Opinion and Order shall not be construed to constitute evidence of any Commission determination regarding the ongoing proceeding examining the filing requirements and interim guidelines for CLECs and ILECs.

(g) The scope of relief granted in this Opinion and Order shall be limited to that necessary for Bell's submission of response to the Commonwealth of Pennsylvania RFP. However, the determinations regarding fresh looks, imputation, contract transparency, Commission review, and the impact on pending issues and proceedings shall guide other filings submitted under this tariff.

(h) MCI be, and hereby is, directed to formally notify this Commission and Bell Atlantic-Pa., Inc. whether it wishes to maintain its Formal Complaint action against the instant tariff filing, as modified by our Opinion and Order, and without any prejudice to MCI's rights of participation in any proceeding associated with the instant docket, within 15 days from the date of entry of this Opinion and Order. A copy of MCI's response shall be served on the Office of Administrative Law Judge.

6. If Bell Atlantic-Pennsylvania, Inc. does not file a revised tariff supplement in accordance with Ordering Paragraph No. 4, above, then it is further ordered that:

(a) An investigation on Commission Motion shall hereby be instituted, without further Order of the Commission, to determine the lawfulness, justness and reasonableness of the rates, rules and regulations contained in the proposed tariffs, and all items of concern delineated in the body of this Opinion and Order shall be investigated;

(b) MCI's Formal Complaint shall be consolidated with the investigation;

(c) The Office of Administrative Law Judge shall assign this matter to an Administrative Law Judge for Recommended Decision, and shall schedule such hearings as may be necessary;

(d) The investigation shall include all of the items of concern delineated in the body of this Opinion and Order as well as MCI's Formal Complaint.

7. This Opinion and Order is without prejudice to any other formal complaints timely filed against the proposed tariff revisions.

8. A copy of this Opinion and Order be served upon Bell Atlantic-Pa., Inc., AT&T Communications of Pa., Inc., ATX Telecommunications Services, Ltd., MCI Telecommunications Corporation, MCImetro Transmission Services, Inc., Teleport Communications Group, the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff.

9. This Opinion and Order be published in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 98-1078. Filed for public inspection July 2, 1998, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

Motor Carrier Applications—Property, Excluding Household Goods in Use

The following applications for the authority to transport property, excluding household goods in use, between points in Pennsylvania, have been filed with the Pennsylvania Public Utility Commission. Public comment to these applications may be filed, in writing with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265 on or before July 20, 1998.

A-00115054	Daniel Guy Shoop, t/a Daniel Shoop Trucking R. D. 1, Box 128B, Dalmatia, PA 17017
A-00115055	Kenneth Marks, t/a Commercial Transfer P. O. Box 203, Schnecksville, PA 18078-0203

A-00115054	Daniel Guy Shoop, t/a Daniel Shoop Trucking R. D. 1, Box 128B, Dalmatia, PA 17017
A-00115056	Michael E. Olnick, Jr. & Judi L., t/a Olnicks Trucking 242 Tanbark Drive, Lewistown, PA 17044
A-00115057	Rick L. Gower, t/a Rick Gower Trucking R. D. 2, Box 515, Kunkletown, PA 18058
A-00115058	Shanahan/Champion, Inc., t/a S.C Transportation 161 Eriel Road, Blackwood, NJ 08012
A-00115061	Shirley A. Bingaman, t/a Bingaman & Sons R. D. 2, Box 12, Middleburg, PA 17842
A-00115060	Far-Go Transportation, Inc. 3370 Old Hershey Road, Elizabethtown, PA 17022
A-00115059	Stone and Company, Inc. P. O. Box 776, Connellsville, PA 15425; William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219-2383
A-00114803 F.2	John J. Staszak, t/a Executive Errand Service 1944 West 36th Street, Erie, PA 16508-2014

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Philadelphia Water Taxi, Inc.; Doc. No. A-00109967C9801, A-00109967

Complaint

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Philadelphia Water Taxi, Inc., respondent, maintains its principal place of business at 458 Hollow Road, R. D. 2, Phoenixville, Chester County, Pennsylvania 19460.

2. That respondent was issued a certificate of public convenience by this Commission on March 11, 1992, at Application Docket No. A-00109967.

3. That on or before May 2, 1998, respondent abandoned or discontinued service without having first filed an application with this Commission.

4. That respondent, by failing to file an application with this Commission prior to abandoning or discontinuing service, violated 52 Pa. Code § 3.381(a)(1)(v) and 66 Pa.C.S. § 1102(a)(2).

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke Philadelphia Water Taxi, Inc.'s certificate of public convenience at A-00109967.

Respectfully submitted,

Joseph W. Farrell
Director, Bureau of Transportation
and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

Verification

I, Joseph W. Farrell, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Joseph W. Farrell

Notice

A. You must file an answer within twenty (20) days of the date of service of this complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code § 1.56(a). The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this complaint. Your answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Transportation and Safety will request that the Commission enter an order imposing a penalty. The penalty could include the revocation of your certificate of public convenience or other remedy.

C. If you file an answer which admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission enter an order imposing a penalty (see B).

D. If you file an answer which contests the complaint, the matter will be assigned to an administrative law judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Technical Unit at (717) 783-5945.

*Pennsylvania Public Utility Commission, Bureau of
Transportation and Safety v. R. John Torre; Doc. No.
A-00098547C9801, A-00098547*

Complaint

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsi-

bilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That R. John Torre, respondent, maintains his principal place of business at 1110 Waverly Street, Philadelphia, Philadelphia County, Pennsylvania 19147.

2. That respondent was issued a certificate of public convenience by this Commission on November 19, 1974, at Application Docket No. A-00098547.

3. That on or before May 12, 1998, respondent abandoned or discontinued service without having first filed an application with this Commission.

4. That respondent, by failing to file an application with this Commission prior to abandoning or discontinuing service, violated 52 Pa. Code § 3.381(a)(1)(v) and 66 Pa.C.S. § 1102(a)(2).

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke R. John Torre's certificate of public convenience at A-00098547.

Respectfully submitted,

Joseph W. Farrell
Director, Bureau of Transportation
and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

Verification

I, Joseph W. Farrell, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Joseph W. Farrell

Notice

A. You must file an answer within twenty (20) days of the date of service of this complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code § 1.56(a). The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this complaint. Your answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Transportation and Safety will request that the Commission enter an order imposing a

penalty. The penalty could include the revocation of your certificate of public convenience or other remedy.

C. If you file an answer which admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission enter an order imposing a penalty (see B).

D. If you file an answer which contests the complaint, the matter will be assigned to an administrative law judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Technical Unit at (717) 783-5945.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 98-1079. Filed for public inspection July 2, 1998, 9:00 a.m.]

Telecommunications

A-310697. Bell Atlantic-Pennsylvania, Inc. and Conestoga Wireless Co. Joint Petition of Bell Atlantic-Pennsylvania, Inc. and Conestoga Wireless Co. for approval of an interconnection agreement under section 252(e) of The Telecommunications Act of 1996.

Bell Atlantic-Pennsylvania, Inc. and Conestoga Wireless Co., by its counsel, filed on May 19, 1998, at the Public Utility 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. All comments are due on or before 20 days after the date of publication of this notice. Copies of the Bell Atlantic-Pennsylvania, Inc. and Conestoga Wireless Co. Joint Petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 98-1080. Filed for public inspection July 2, 1998, 9:00 a.m.]

Transfer by Sale Without Hearing

A-110300F0086. Metropolitan Edison Company. Application of Metropolitan Edison Company for approval of the transfer by sale to The Reading Housing Authority of certain electric facilities located in the City of Reading, County of Berks and Commonwealth of Pennsylvania.

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 20, 1998, under 52 Pa. Code (relating to public utilities).

Applicant: Metropolitan Edison Company

Through and By Counsel: William C. Matthews II, Esquire, 2800 Pottsville Pike, P. O. Box 16001, Reading, PA 19640-0001.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 98-1081. Filed for public inspection July 2, 1998, 9:00 a.m.]

Water Service Without Hearing

A-212285F0052 and A-212285F0053. Pennsylvania-American Water Company. Application of Pennsylvania-American Water Company for approval of (1) the transfer, by sale, of the water works property and rights of the Independence Township Municipal Authority to Pennsylvania-American Water Company, and (2) the rights of Pennsylvania-American Water Company to begin to offer or furnish water service to the public in all of Independence Township, West Middletown Borough and Hopewell Township, Washington County, Pennsylvania and in additional portions of Cross Creek Township, Washington 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 20, 1998, under 52 Pa. Code (relating to public utilities).

Applicant: Pennsylvania-American Water Company

Through and By Counsel: Velma A. Redmond, Esquire, Corporate Counsel, Pennsylvania-American Water Company, 800 West Hersheypark Drive, Hershey, PA 17033.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 98-1082. Filed for public inspection July 2, 1998, 9:00 a.m.]

Water Service Without Hearing

A-212285F0054 and A-212285F0055. Pennsylvania-American Water Company. Application of Pennsylvania-American Water Company for approval of (1) the transfer, by sale, of the water works property and rights of the Cedar Grove Water Association to Pennsylvania-American Water Company, and (2) the rights of Pennsylvania-American Water Company to begin to offer or furnish water service to the public in additional portions of Cross Creek Township, Washington 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 20, 1998, under 52 Pa. Code (relating to public utilities).

Applicant: Pennsylvania-American Water Company

Through and By Counsel: Velma A. Redmond, Esquire, Corporate Counsel, Pennsylvania-American Water Company, 800 West Hersheypark Drive, Hershey, PA 17033.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 98-1083. Filed for public inspection July 2, 1998, 9:00 a.m.]

**Water Service
Without Hearing**

A-212795F2000. Sixty-Four Water Company, Inc. Application of Sixty-Four Water Company, Inc. for approval of the abandonment of water service to residential and farm and commercial customers in Porter Township, Clinton County, PA, with said service to be continued by the Porter Township Municipal Authority.

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 20, 1998, under 52 Pa. Code (relating to public utilities).

Applicant: Sixty-Four Water Company, Inc.

Through and By Counsel: Donald L. Faulkner, Snowiss, Steinberg & Faulkner, LLP, 333 N. Vesper St., Lock Haven, PA 17745.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 98-1084. Filed for public inspection July 2, 1998, 9:00 a.m.]

**PHILADELPHIA REGIONAL
PORT AUTHORITY**

Request for Proposals

The Philadelphia Regional Port Authority (PRPA) will accept proposals until 2 p.m. on Thursday, July 23, 1998 for Project #98-169-001 (Purchase or Lease of Computer Equipment). The Bid Document can be obtained from the Procurement Administrator, 210 West Washington Square, 13th floor, Philadelphia, PA 19106, (215) 928-9100 and will be available July 7, 1998. The cost of the bid document is \$15 (includes 7% PA Sales Tax). The cost is nonrefundable. PRPA is an equal opportunity employer. The contractor will be required to comply with all applicable equal opportunity laws and regulations.

JAMES. T. MCDERMOTT,
Executive Director

[Pa.B. Doc. No. 98-1085. Filed for public inspection July 2, 1998, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". A qualified small business concern is an independently owned, operated for profit, business employing 100 or fewer employes and is not a subsidiary or affiliate of a corporation otherwise not qualified.

Such penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter. The small business concern must include on every invoice submitted to the Commonwealth: "(name of vendor) is a qualified small business concern as defined at 4 Pa. Code § 2.32".

For information on the required payment date and annual interest rate, please call the Pennsylvania Department of Commerce, Small Business Action Center, 483 Forum Building, 783-5700.

Reader's Guide

Legal Services & Consultation—26

- ① Service Code Identification Number
- ② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services
 Location: Harrisburg, Pa.
 Duration: 12/1/93-12/30/93
 Contact: Procurement Division
 787-0000

③ Contract Information

④ Department

⑦

⑤ Location

(For Commodities: Contact:)
 Vendor Services Section
 717-787-2199 or 717-787-4705

⑥ Duration

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

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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.

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 Pennsylvania State Treasury
 Room G13 Finance Building
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 1-800-252-4700

BARBARA HAFER,
State Treasurer

Online Subscriptions At <http://www.statecontracts.com> 1-800-334-1429 x340

Commodities

1054118 Agricultural machinery and supplies—1 each tomato slitter and peel removal system 24" x 36" peel bed w/Flex-A-Spiral rubber augers perpendicular to pinching rollers.

Department: Corrections
Location: Bellefonte, Centre County, PA
Duration: FY 97—98
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

8249260 Construction, mining, excavating and highway maintenance equipment—14 each latest model chipper, wood, articulated.

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 97—98
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

8249270 Construction, mining, excavating and highway maintenance equipment—8 each latest model compressor 175CFM; 4 each latest model compressor 125CFM.

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 97—98
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

8249280 Construction, mining, excavating and highway maintenance equipment—21 each latest model excavator, hydraulic 20K.

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 97—98
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

8249290 Construction, mining, excavating and highway maintenance equipment—10 each excavator, hydraulic, 39K, 4x4 single, rubber tire.

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 97—98
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

8249300 Construction, mining, excavating and highway maintenance equipment—11 each latest model excavator, hydraulic 59K 6x4 rubber tire; 4 each latest model excavator, hydraulic 59K 6x4 rubber tire.

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 97—98
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

8249340 Construction, mining, excavating and highway maintenance equipment—6 each latest model belt loader; 6 each latest model belt loader.

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 97—98

Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

8249390 Construction, mining, excavating and highway maintenance equipment—8 each latest model roller, vibratory, 4—6 ton; 14 each latest model roller, vibratory 4—6 ton w/trailer.

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 97—98
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

8249430 Construction, mining, excavating and highway maintenance equipment—4 each latest model trailer, asphalt recycler/maintainer.

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 97—98
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

8249480 Construction, mining, excavating and highway maintenance equipment—6 each latest model widener, loader mounted.

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 97—98
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

8249540 Maintenance and repair shop equipment—2 each 087700—lube equipment "Outfit Department Truck" (materials only).

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 97—98
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

1076128 Paper and printing—250M DD-3146 32 lb. white Kraft envelopes 8 3/4" x 11 1/2".

Department: Labor and Industry
Location: Harrisburg, Dauphin County, PA
Duration: FY 97—98
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

1683157 Prefab structures and scaffolding—1 lot furnish and set in place 84 auditorium chairs.

Department: Historical and Museum Commission
Location: Harrisburg, Dauphin County, PA
Duration: FY 97—98
Contact: Vendor Services: fax request to (717) 787-0725 or call (717) 787-2199

SERVICES

Audio/Video—04

RFP 99-10 Kutztown University is seeking firms interested in leasing space for the purpose of installation and operation of Public Mobile Service Antennae to be located on the University's North Water Tower. RFP packages are available from: Barbara Barish, Contracts Specialist, Kutztown University, Purchasing Department, Room 224, Kutztown, PA 19530, ph.: (610) 683-4602, fax: (610) 683-4674, e-mail: loguebar@kutztown.edu. RFP packages are available June 29, 1998 through the Pre-Proposal Meeting on Thursday, July 9, 1998 at 10 a.m. Proposals will be received July 22, 1998 by 2 p.m.

Department: State System of Higher Education
Location: Kutztown University, Kutztown, PA 19530
Duration: 5 years
Contact: Barbara Barish, (610) 683-4602

Construction—09

Project No. 903 Bituminous repavement of the driveway ramp and approach.
Department: Military and Veterans Affairs
Location: OMS, 826 Crane Avenue, Pittsburgh, Allegheny County, PA
Duration: July 1, 1998—September 30, 1999
Contact: Emma Schroff, (717) 861-8518

25-1733197 The construction of six woven wire fences: including vehicle gate and man gates at specified locations at each project area. Bids could result in multiple contracts.
Department: Conservation and Natural Resources
Location: Bureau of Forestry, Forest District No. 8, Jefferson County, Heath Township (4) projects; Forest County, Barnett Township (1) project; Venango County, Victory Township (1) project
Duration: July 1, 1998 through June 30, 1999
Contact: Herb Landes/Jo Ann Gabler, (814) 226-1901

CRE-0227 Installation of chain link fencing. Services are for labor only. All fencing materials on site at the State Correctional Institution at Cresson. On site visitation required for contractor to perform services. Bid proposal on file in agency's purchasing department. Services will be coordinated through institutional facilities maintenance manager.

Department: Corrections
Location: State Correctional Institution at Cresson, P. O. Box A, Old Route 22, Cresson, PA 16630
Duration: September 1, 1998—June 30, 1999
Contact: Barbara A. Lloyd, Purchasing Agent, (814) 886-8181, Ext. 166

DGS A962-11 (Formerly A 960-86) Project title: Military Instruction Facility Barracks. Brief description: Work consists of two new billets buildings—one for 240 students and one for 330 students, a new dining facility/kitchen/central mechanical room and sitework including new parking areas. Also included are General, HVAC, Plumbing and Electrical Construction. General, HVAC, Plumbing and Electrical Construction. Plans deposit: \$325 per set. Payable to: Baker and Associates. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail requests to: Baker Printing and Graphics, Airport Office Park, Building No. 3, 420 Rouser Road, Corapolis, PA 15108, (412) 269-4683. Bid date: Wednesday, July 22, 1998 at 2 p.m.

Department: General Services
Location: Fort Indiantown Gap, Annville, Lebanon County, PA
Duration: 372 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

Contract No. FDC-221-275 Bike trail culvert repairs at Oil Creek State Park—Work consists of: preparation and implementation of E and S Plan and Measures; clearing and grubbing; excavation (1,000 C.Y.s); 2A aggregate (900 tons); riprap slope protection (130 S.Y.s); geotextile (1,200 S.Y.s); 18" C.M. pipe (250 L.F.); 24" C.M. pipe (40 L.F.); gabion baskets (3'x3'x6'—200 each and 3'x15'x6'—55 each); and bituminous paving (B.C.B.C.—25 S.Y. and ID-2-25 S.Y.s).

Department: Conservation and Natural Resources
Location: Cherrytree Township, Venango County, PA
Duration: 90 days
Contact: Construction Management Section, (717) 787-5055

Contract No. FDC-221-434 Clearing and grubbing work for site and access road; rehabilitate suspension bridge (cleaning/replacing connections, coupling plates and sockets, tighten cables, adjust chain link fencing, apply coal tar epoxy); backfill deadmen; and seed and mulch disturbed areas. All work is at Oil Creek State Park.

Department: Conservation and Natural Resources
Location: Oil Creek and Cherrytree Townships, Venango County, PA
Duration: 90 days
Contact: Construction Management Section, (717) 787-5055

Contract No. FDC-312-451 Paving and parking lot construction (ditch rehab—1,500 L.F.; excavating, backfilling and compacting; 28 L.F., 15-inch pipe; 800 tons of ID-2 wearing and 30 tons of ID-3 wearing, 3 tons of BCBC; 60 tons—2A stone; 1,400 L.F. of membrane waterproofing; and 1—type S inlet). All work is at Samuel S. Lewis State Park.

Department: Conservation and Natural Resources
Location: Lower Windsor Township, York County, PA
Duration: 45 days
Contact: Construction Management Section, (717) 787-5055

IN-764.1 Door replacement various buildings. Work included under this project consists of door replacement, various buildings, consisting of removing existing doors, sidelights, frames, etc., to furnish and install new aluminum doors, door frames, sidelights, hardware, etc. Notice to Contractors may be requested from IUP. Phone: (724) 357-2289; Fax: (724) 357-6480; Internet: <http://www.iup.edu/engcons>.

Department: State System of Higher Education
Location: Indiana University of Pennsylvania, Indiana, PA 15705-1087
Duration: Six (6) months
Contact: Ronald E. Wolf, Procurement Specialist, (724) 357-4851

UP-160 Slippery Rock University is accepting sealed bids for the replacement of roofs on Founders Hall and Morrow Field House. The project includes the demolition of existing roof systems and the installation of new, complete roofing systems. The bid package may be obtained by mailing a nonrefundable check for \$25 to Slippery Rock University, Business Services Office, Slippery Rock, PA 16057, (724) 738-2106. A pre-bid conference will be held on July 1, 1998 at 1:30 p.m. in Founders Hall. The bid opening date is set for 2 p.m. on July 14, 1998. Please mark UP-160 on your check.

Department: State System of Higher Education
Location: Slippery Rock University of PA, Slippery Rock, Butler County, PA 16057
Duration: 60 days
Contact: J. F. Revesz, Contract Manager, (724) 738-2255

Engineering Services—14

08430AG2217 To provide for two separate open-end contracts for various engineering and/or environmental services on various locations in Engineering District 12-0, that is Fayette, Greene, Washington and Westmoreland Counties.

Department: Transportation
Location: Engineering District 12-0
Duration: Sixty (60) months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2216 Open-end contract for various engineering and/or environmental services on various projects located in Engineering District 12-0, that is Fayette, Greene, Washington and Westmoreland Counties.

Department: Transportation
Location: Engineering District 12-0
Duration: Sixty (60) months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2215 To provide final design services and services during construction for S. R. 0220, Section C10 in Blair and Centre Counties.

Department: Transportation
Location: Engineering District 2-0
Duration: Eighteen (18) months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2214 Regional open-end contract to provide right-of-way acquisition and appraisal services in Engineering District 2-0, that is Cameron, Centre, Clearfield, Clinton, Potter, McKean, Elk, Mifflin and Juniata Counties and Engineering District 8-0, that is Adams, Cumberland, Franklin, York, Dauphin, Lancaster, Lebanon and Perry Counties.

Department: Transportation
Location: Engineering District 2-0
Duration: Sixty (60) months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2213 To provide construction and right of way plans for natural resources compensation/mitigation required due to the construction of S. R. 0220 in Blair and Centre Counties.

Department: Transportation
Location: Engineering District 2-0
Duration: Eighteen (18) months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2212 Environmental monitoring services for S. R. 220 in Blair and Centre Counties.

Department: Transportation
Location: Engineering District 10-0
Duration: Ten (10) years
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2211 Construction inspection and documentation services for S. R. 0026, Section C03, Centre County.

Department: Transportation
Location: Engineering District 2-0
Duration: Thirty-three (33) months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2210 Two open-end contracts to provide underwater bridge safety inspection on a Statewide basis.

Department: Transportation
Location: Central Office
Duration: Sixty (60) months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2209 Preliminary engineering and environmental studies for S. R. 0080, Section B18 (Bellefonte Interchange) in Centre County.

Department: Transportation
Location: Engineering District 2-0
Duration: Twenty-four (24) months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2208 To perform environmental studies, preliminary engineering, final design, shop drawing review and consultation during construction for S. R. 2025, Section 001, Bucks County.

Department: Transportation
Location: Engineering District 6-0
Duration: Twenty-four (24) months
Contact: Consultant Agreement Division, (717) 783-9309

Environmental Maintenance—15

BF 386-101.1 Acid mine drainage treatment, Pengrove Coal—Hortert. Involves approximately 930 c. y. of ditch excavation, 1,790 s. y. of high velocity erosion control mulch blanket, 730 l. f. of right-of-way fencing and 3 acres of seeding.

Department: Environmental Protection
Location: Eau Claire Borough, Butler County, PA
Duration: 240 days after Notice to Proceed
Contact: Construction Contracts Unit, (717) 783-7994

BF 420-101.1 Abandoned mine land reclamation, Frank Kowalski, involves an estimated 350,000 c. y. of grading, 1 acre of selective grading, and 50 acres of seeding.

Department: Environmental Protection
Location: Murrysville Borough, Westmoreland County, PA
Duration: 360 days after Notice to Proceed
Contact: Construction Contracts Unit, (717) 783-7994

BF 425-101.1 Abandoned mine land reclamation, Glen Irvan Corporation involves grading, approximately 2,720 l. f. ditch removal and 4 acres of seeding.

Department: Environmental Protection
Location: Goshen Township, Clearfield County, PA
Duration: 90 days after Notice to Proceed
Contact: Construction Contracts Unit, (717) 783-7994

YFC No. 2 Contractor to install a new water well and all associated piping and electrical work.

Department: Public Welfare
Location: Youth Forestry Camp No. 2, White Haven, Carbon County, PA 18661
Duration: July 1, 1998—June 30, 1999
Contact: Rose M. Palermo, (717) 443-9524

HVAC—22

Project No. 909 Provide emergency and routine repair work for heating system. The contractor must respond to the call within 2 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid Proposal forms used to submit bids are available from the State Armory Board.

Department: Military and Veterans Affairs
Location: PAANG, Greater Pittsburgh Airport, Coraopolis, Allegheny County, PA
Duration: October 1, 1998—September 30, 2001
Contact: Emma Schroff, (717) 861-8518

Project No. 910 Provide emergency and routine repair work for air conditioning system. The contractor must respond to the call within 2 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid Proposal forms used to submit bids are available from the State Armory Board.

Department: Military and Veterans Affairs
Location: PAANG, Greater Pittsburgh Airport, Coraopolis, Allegheny County, PA
Duration: October 1, 1998—September 30, 2001
Contact: Emma Schroff, (717) 861-8518

Project No. 917 Provide emergency and routine repair work for plumbing system. The contractor must respond to the call within 2 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

Department: Military and Veterans Affairs
Location: PAANG, Greater Pittsburgh Airport, Coraopolis, Allegheny County, PA
Duration: October 1, 1998—September 30, 2001
Contact: Emma Schroff, (717) 861-8518

Project No. 918 Provide emergency and routine repair work for electrical system. The contractor must respond to the call within 2 hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid Proposal forms used to submit bids are available from the State Armory Board.

Department: Military and Veterans Affairs
Location: PAANG, Greater Pittsburgh Airport, Coraopolis, Allegheny County, PA
Duration: October 1, 1998—September 30, 2001
Contact: Emma Schroff, (717) 861-8518

Janitorial Services—23

OVR-3-98 Janitorial services: Includes but not limited to, daily cleaning, dusting, spot cleaning of glass, dust, sweep, wet mop vinyl-tile floors; vacuum carpeted areas; service restrooms, dispose of trash; weekly buffing of floors; monthly washing of walls, washing of all baseboards and dust all surfaces not done in a nightly service. Annually strip and refinish vinyl floors and clean all carpets. Additional matting to be placed during inclement weather. All supplies to be furnished by contractor. More detailed specifications can be obtained by contacting the District Administrator of the office. Involves 6,700 square feet.

Department: Labor and Industry
Location: Office of Vocational Rehabilitation, 199 Beaver Drive, DuBois, Clearfield County, PA 15801
Duration: September 1, 1998 through June 30, 1999
Contact: Ross D. Donahue, District Administrator, (814) 371-7340

Laboratory Services—24

IFB 98-002A Comprehensive forensic toxicology drug screening service.

Department: State
Location: 124 Pine Street, 6th Floor, Harrisburg, PA 17101
Duration: July 1, 1998 through June 30, 2003
Contact: Toniann D. Noss, (717) 783-7210

Medical Services—29

Inquiry No. 121-0148 Rental of oxygen therapy equipment. For specifications, please contact Facility Purchasing Department, (412) 665-6727.

Department: Military and Veterans Affairs
Location: Southwestern Veterans Center, 7060 Highland Drive, Pittsburgh, PA 15206
Duration: November 1, 1998 through June 30, 2001
Contact: Ken Wilson, Purchasing Agent III, (412) 665-6727

Property Maintenance—33

Project No. 905 Replacement of two overhead ceiling doors.

Department: Military and Veterans Affairs
Location: OMS, 1300 Penn Street, Williamsport, Lycoming County, PA
Duration: July 1, 1998—September 30, 1999
Contact: Emma Schroff, (717) 861-8518

Project No. 906 Replace doors.

Department: Military and Veterans Affairs
Location: OMS, R. D. 1, Connellsville, Fayette County, PA
Duration: July 1, 1998—September 30, 1999
Contact: Emma Schroff, (717) 861-8518

Project No. 908 Exterior painting: Building—structural steel buttress frames, hollow metal doors and frames, transoms, lintels, guards at overhead doors, railings at stairs, rooftop equipment supports, ladders and walkway between roof levels, stack support pipes at roof, and clerestory window frames. No work to hanger doors or frames, siding, railing on tower, rooftop equipment. Tank farm—loading platforms, building block walls and doors and frames, vent pipes and all above ground pipes.

Department: Military and Veterans Affairs
Location: AASF, Building 19-101, Ft. Indiantown Gap, Annville, Lebanon County, PA
Duration: July 1, 1998—September 30, 1999
Contact: Emma Schroff, (717) 861-8518

040103 Flail mowing of State highways in Susquehanna County at approximately a 6 foot width. Contract consists of two mowing cycles at an estimated 350 acres each. Specifications may be obtained by faxing request to (717) 963-4245, Attn: Roadside Unit, or by phoning (717) 963-4048 between 8 a.m. and 4 p.m., Monday through Friday.

Department: Transportation
Location: Susquehanna County (0450), PA
Duration: One year with renewal
Contact: Martha Spaide, (717) 963-4048

Contract ID No. 064794 Sealing and boarding vacant building 2 story frame dwelling and garage SR 202-405 Claim No. 4600054 Montgomery County, 209 King of Prussia Road, Wayne, PA 19087.

Department: Transportation
Location: PennDOT District 6-0, Upper Merion Township, Montgomery County, PA
Duration: Indeterminate 1998-99
Contact: Roger Joseph, (610) 768-3006

Real Estate Services—35

73A Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania State Police with 6,480 useable square feet of new or existing warehouse space, parking for 8 vehicles, in the Greensburg, PA area, within a 2 mile radius of the Intersection of U. S. Route 30 and U. S. Route 119. Proposals due: August 10, 1998. Solicitation No.: 92699.

Department: General Services
Location: Real Estate, 505 North Office Building, Harrisburg, PA 17125
Duration: Indeterminate 1998-99
Contact: John A. Hocker, (717) 787-4394

Sanitation—36

SPC 356796 Contractor will provide removal and proper disposal of refuse from Scotland School for Veterans' Children. All pick-ups must be made between 6 a.m. and 3 p.m., and the contractor must meet residential recycling requirements as governed by Greene Township. This will be a multi-year contract to cover a 5-year period beginning October 1, 1998 and extending through September 30, 2003.

Department: Military and Veterans Affairs
Location: Scotland School for Veterans' Children, 3583 Scotland Road, Scotland, PA 17254-0900
Duration: October 1, 1998 through September 30, 2003
Contact: Ronald J. Sheppard, Business Manager, (717) 264-7187, Ext. 690

Miscellaneous—39

SFP-BA9801 The PA Fish and Boat Commission will be accepting proposals for the construction of a new Headquarters Facility on land owned by the Commonwealth on Elmerton Avenue, Dauphin County. The award will be in the form of a lease/purchase contract for 20 years, which will contain options to purchase after year 10. Financing of the project shall be the responsibility of the proposer. The size of the facility will be approximately 62,000 square feet. Preliminary proposal packages, with building plans to follow in mid-August, may be obtained on or after July 13, 1998. Preproposal conferences held on August 4, 1998, with a second 3 weeks later. Proposals will be due 30 calendar days after the building plans are issued.

Department: Fish and Boat Commission
Location: Elmerton Avenue, Harrisburg, Dauphin County, PA
Duration: Approximately 18 months
Contact: Wasyl Polischuk, (717) 657-4522

[Pa.B. Doc. No. 98-1086. Filed for public inspection July 2, 1998, 9:00 a.m.]

Project No. 920 Vendors are invited to bid on a concessionaire contract to run Ft. Indiantown Gap Auto Repair Center, located in Building 7-31, Ft. Indiantown Gap.

Department: Military and Veterans Affairs
Location: Building 7-31, Ft. Indiantown Gap, Annville, Lebanon County, PA
Duration: October 1, 1998—September 30, 2001
Contact: Emma Schroff, (717) 861-8518

DESCRIPTION OF LEGEND

- | | |
|--|---|
| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,
Secretary

STATE CONTRACTS INFORMATION

3201

Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract #	Awarded On	To	In the Amount Of	Requisition or Contract #	Awarded On	To	In the Amount Of
2310-02 RIP # 1	06/19/98	Hoffman Ford Sales, Inc.	11,844,530.00	7105-05	06/19/98	Library Bu- reau	75,000.00
7105-05	06/19/98	Spectrum In- dustries	5,000.00	7105-05	06/19/98	American of Martinsville	5,000.00
7105-05	06/19/98	All A Board, Inc.	5,000.00	7105-05	06/19/98	Jofco, Inc.	50,000.00
7105-05	06/19/98	Bretford Manufactur- ing	5,000.00	7105-05	06/19/98	Blockhouse Company, Inc.	200,000.00
7105-05	06/19/98	Carboni Tay- lor, Inc.	5,000.00	7105-05	06/19/98	John Savoy Company, Inc.	100,000.00
7105-05	06/19/98	Kinderlink Skools, Inc.	5,000.00	7105-05	06/19/98	Officenter, Inc.	25,000.00
7105-05	06/19/98	Blanton & Moore	5,000.00	7105-05	06/19/98	Bro-Dart, Inc.	5,000.00
7105-05	06/19/98	American Ateleir, Inc.	5,000.00	7105-05	06/19/98	Design Contempo, Inc.	5,000.00
7105-05	06/19/98	Furniture Concepts	5,000.00	7105-05	06/19/98	D & B Associ- ates	100,000.00
7105-05	06/19/98	H & H Furni- ture	5,000.00	7105-05	06/19/98	Sauder Manu- facturing Co.	5,000.00
7105-05	06/19/98	Virco Mfg. Corp.	5,000.00	7105-05	06/19/98	This End Up Furniture Co.	60,000.00
7105-05	06/19/98	Brayton Inter- national	5,000.00	7105-05	06/19/98	Period Furni- ture, Inc.	15,000.00
7105-05	06/19/98	Neudorfer, Inc.	5,000.00	7105-05	06/19/98	Creative Di- mensions	50,000.00
7105-05	06/19/98	Shelby Will- iams Indus- tries	5,000.00	7105-05	06/19/98	Paoli, Inc.	5,000.00
7105-05	06/19/98	Tellus Furni- ture	5,000.00	7105-05	06/19/98	David Edwards	10,000.00
7105-05	06/19/98	Adden Furni- ture	5,000.00	7105-05	06/19/98	PTC Corpora- tion	10,000.00
7105-05	06/19/98	Softcare Inno- vations (Canada)	5,000.00	7105-05	06/19/98	OFS	80,000.00
7105-05	06/19/98	Hodkinson As- sociates	5,000.00	7105-05	06/19/98	Red Line Med- ical Supply	5,000.00
7105-05	06/19/98	Corbett, Inc.	5,000.00	7105-05	06/19/98	Patrician Fur- niture Co.	5,000.00
7105-05	06/19/98	Phillips Office Products, Inc.	5,000.00	7105-05	06/19/98	Library Prod- ucts South	5,000.00
7105-05	06/19/98	Thonet Indus- tries, Inc.	80,000.00	7105-05	06/19/98	University Loft Co.	5,000.00
7105-05	06/19/98	Mastercraft Specialties, Inc.	5,000.00	7105-05	06/19/98	Tanner of PA, Inc.	15,000.00
7105-05	06/19/98	V & F Custom Furnishings	80,000.00	7105-05	06/19/98	The Boling Company	5,000.00
7105-05	06/19/98	Buckstaff Co.	5,000.00	7105-05	06/19/98	Dar-Ran Fur- niture Ind.	5,000.00
				7105-05	06/19/98	Berco Tableworks Ltd.	5,000.00
				7105-05	06/19/98	Morgan Inter- ior Systems	10,000.00
				7105-05	06/19/98	PA Office Ser- vice Group	20,000.00

STATE CONTRACTS INFORMATION

Requisition or Contract #	Awarded On	To	In the Amount Of	Requisition or Contract #	Awarded On	To	In the Amount Of
7105-05	06/19/98	Recreation Resource	5,000.00	1815157-01	06/22/98	Xerox Corporation	444,156.00
7105-05	06/19/98	Carolina Business Furniture	10,000.00	1881217-01	06/22/98	Rohrer Bus Sales	38,987.00
7105-05	06/19/98	The Taylor Company	5,000.00	1937207-01	06/22/98	Markl Supply Co.	24,693.00
7125-01	06/19/98	Kent Fixture Corp.	197,502.00	1948217-01	06/22/98	HC Hood Co., Inc.	13,549.20
7510-10	06/19/98	Greenline Paper Company	91,600.00	1954117-01	06/22/98	A. Duchini, Inc.	27,061.32
7510-10	06/19/98	Safina Office Products	3,988.00	1963217-01	06/22/98	Winderco, Inc.	112,724.15
7510-10	06/19/98	Acebee Mfg. Co., Inc.	110,363.00	1968217-01	06/22/98	Swift Fence Company	149,500.00
7510-10	06/19/98	Unisource	8,293.00	1969117-01	06/22/98	Sullivan Heating	6,417.00
7510-10	06/19/98	Independence Business Supply	9,052.00	1969117-02	06/22/98	The Trane Company	5,840.00
7510-10	06/19/98	Executive Business Products	49,827.00	1985217-01	06/22/98	Wacor Electronic Systems	126,606.00
7510-10	06/19/98	Linbarr Office Supply Corp.	24,715.00	1989387-01	06/22/98	Five Star International LLC	120,782.00
7510-10	06/19/98	Corporate Express	23,238.00	2062157-01	06/22/98	Moore USA, Inc.	26,130.00
7510-10	06/19/98	Windtree Enterprises, Inc.	6,103.00	2080207-01	06/22/98	Stinger Spike Systems, Inc.	279,828.50
7510-10	06/19/98	Adolph Sufrin, Inc.	147,443.00	2086817-01	06/22/98	Pro Video Sales Co.	63,587.25
7510-10	06/19/98	Office Works Companies, Inc.	4,824.00	7314020-01	06/22/98	Bunzl York	213,000.00
7510-10	06/19/98	Minncor Industries	63,378.00	8141380-01	06/22/98	Dunbar Asphalt Products, Inc.	432,911.04
9905-09	06/19/98	Traffic Signal Co. of Wisconsin, Inc.	496.00	8172990-01	06/22/98	Shanefelter Industries, Inc.	27,015.25
9905-09	06/19/98	Carsonite International Corp.	48,888.00	8202070-01	06/22/98	Shanefelter Industries, Inc.	26,963.45
9905-09	06/19/98	Stimsonite Corp.	7,200.00	8249040-01	06/22/98	Five Star International LLC	45,310.00
9905-09	06/19/98	Sigma Industries, Inc.	27,686.00	8249140-01	06/22/98	Protech Manufacturing, Inc.	920,239.00
1034158-01	06/22/98	Supply Source, Inc.	347,213.38				
1627117-01	06/22/98	Trim-Rol Industries, Inc.	21,670.00				
1779117-01	06/22/98	Air Management, Inc.	17,664.00				

GARY E. CROWELL
Secretary

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