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PENNSYLVANIA BULLETIN

Volume 27

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Pages 3197—3414

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Subject Index for January-June 1997

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

No. 272, July 1997

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BULLETIN

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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*.

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

SUBSCRIPTION INFORMATION: (717) 766-0211
GENERAL INFORMATION AND FINDING AIDS: (717) 783-1530

Printing Format

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

Fiscal Notes

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

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

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THE GOVERNOR

Title 4—ADMINISTRATION

PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 5]

[EXECUTIVE ORDER NO. 1997-2]

Developmental Disabilities Council

May 30, 1997

By virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, I, Thomas J. Ridge, Governor of the Commonwealth of Pennsylvania, do hereby reestablish the Developmental Disabilities Council, formerly known as the Developmental Disabilities Planning Council, as follows:

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

Subchapter M. DEVELOPMENTAL DISABILITIES PLANNING COUNCIL

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§ 5.141. Establishment.

The Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1994, Pub. L. No. 103-230, amended substantially the earlier enacted statutes which governed the operation of the Pennsylvania Developmental Disabilities Planning Council. To advance further the development within this Commonwealth of a responsive system of services for individuals with developmental disabilities and to fulfill to the maximum extent practicable the goals of Pub. L. No. 103-230, the Developmental Disabilities Council (referred to as the Council) is established.

§ 5.142. Council function.

(a) The mandate of the Council is to carry out the duties of a State planning council specified in applicable Federal laws and regulations and this subchapter and to advise the Governor on all matters affecting individuals with developmental disabilities in this Commonwealth. Federal policy articulated in Pub. L. No. 103-230 states that individuals with developmental disabilities and their families have competencies, capabilities and personal goals that should be recognized, supported and encouraged, and any assistance to these individuals should be provided in an individualized manner, consistent with the unique strengths, resources, priorities, concerns, abilities and capabilities of these individuals.

(b) The Council shall promote, through systemic change, capacity building and advocacy activities consistent with the policy of Pub. L. No. 103-230 stated in subsection (a), the development of a consumer and family-centered, comprehensive system, and a coordinated array of culturally competent services, supports and other assistance designed to achieve independence, productivity and integration and inclusion into the community for individuals with developmental disabilities.

(c) Duties and obligations of the designated State agency and the Council will be governed by applicable Federal and Commonwealth laws, regulations and procedures.

§ 5.143. Composition of Council.

(a) The Council shall be composed of the Secretary of Public Welfare, the Secretary of Education, the Secretary of Health, the Secretary of Aging and the Secretary of Labor and Industry, or their designees, and 15 other members to be appointed by the Governor, including representatives of institutions of higher education, university affiliated programs in this Commonwealth, the State protection and advocacy system, local agencies, nongovernmental agencies and private nonprofit groups concerned with services for individuals with developmental disabilities in this Commonwealth in which these agencies and groups are located.

(b) The Governor will select members of the Council, at his discretion, after soliciting recommendations from organizations representing a broad range of individuals with developmental disabilities and individuals interested in individuals with developmental disabilities, including the non-State agency members of the Council. The Council shall coordinate Council and public input to the Governor regarding all recommendations. To the extent feasible, the membership of the Council shall be geographically representative of this Commonwealth and reflect the diversity of this Commonwealth with respect to race and ethnicity.

(c) Ex officio members shall continue to serve as long as they hold office. All other members shall serve terms as determined by the Governor at the time of appointment to rotate membership on the Council. Members shall continue to serve on the Council until the members' successors are appointed. The Council shall notify the Governor regarding membership requirements when vacancies remain unfilled for a significant period of time.

(d) At least 50% of the membership of the Council shall consist of individuals who are:

(1) Individuals with developmental disabilities.

(2) Parents or guardians of children with developmental disabilities.

(3) Immediate relatives or guardians of adults with mentally impairing developmental disabilities who cannot advocate for themselves.

(4) Not employes of a State agency that receives funds or provides services made available under Pub. L. No. 103-230, and who are not managing employes (as defined in section 1126(b) of The Social Security Act (42 U.S.C.A. § 1320a-5)) of any other entity that receives funds or provides services under Pub. L. No. 103-230.

(e) Of the members of the Council described in subsection (d):

(1) One-third shall be individuals with developmental disabilities as described in subsection (d)(1).

(2) One-third shall be parents of children with developmental disabilities as described in subsection (d)(2) and immediate relatives or guardians of adults with mentally impairing developmental disabilities as described in subsection (d)(3).

(3) One-third shall be a combination of individuals described in subsection (d).

(f) Of the members of the Council described in subsection (e), at least one shall be an immediate relative or guardian of an institutionalized or previously institutionalized individual with a developmental disability or an individual with a developmental disability who resides or previously resided in an institution.

(g) The Governor will appoint a Chairperson of the Council who shall serve for 2 years and may thereafter be reappointed. The Council may make recommendations to the Governor concerning the appointment or reappointment of a Chairperson.

§ 5.144. Council responsibilities.

As outlined in Pub. L. No. 103-230, the Council shall have the following responsibilities:

- (1) Serve as advocate for systemic change, capacity building and advocacy activities.
- (2) Examine priority areas.
- (3) Develop and submit a State plan.
- (4) Implement the State plan by various activities including demonstration of new approaches, outreach, training, supporting communities, inter-agency collaboration and coordination, coordination with related councils, committees and programs, barrier elimination, systems design, citizen participation, public education, coalition development, informing policymakers and prevention.
- (5) Monitor the State plan.
- (6) Review of designated State agency.
- (7) Submit periodic reports.
- (8) Develop a Council budget.
- (9) Hire, supervise and assign staff.

§ 5.145. Council administration and support services.

(a) Members of the Council and its committees shall serve without salary but shall be reimbursed for reasonable and necessary expenses for attending Council meetings and performing Council duties, including child care and personal assistance services.

(b) The Council shall, consistent with State law, recruit and hire a Director of the Council, should the position of Director become vacant, and shall supervise and evaluate annually the Director.

(c) The Director shall hire, supervise and evaluate annually the staff of the Council. Council recruitment and hiring of staff shall be consistent with Federal and State nondiscrimination laws. Dismissal of personnel shall be consistent with State law and personnel policies. The staff and other personnel, while working for the Council, shall be responsible solely for assisting the Council in carrying out its duties and may not be assigned duties by the designated State agency or any other agency or office of the Commonwealth.

(d) The Council is not subject to Commonwealth policies on hiring freezes, reductions in force, prohibitions on staff travel or other policies, to the extent that these policies would impact staff or functions funded with Federal funds and would prevent the Council from carrying out its functions.

(e) Until the provisions of subsection (f) are implemented, the responsibilities of the designated State agency shall temporarily be continued by the Office of the Secretary of the Department of Public Welfare and staff to the Council shall be assigned to the Department of Public Welfare for complement and administrative purposes.

(f) The Council shall conduct a review of the designation of the Department of Public Welfare (Department) as the designated State agency and submit its recommendations to the Governor to assure compliance with Pub. L. No. 103-230. During this review and until its completion, the Department shall ensure the provision of adequate staff which shall participate with the Council in preparation of the Developmental Disabilities State Plan. Furthermore, the Department shall provide assurances and support services, as requested by and negotiated with the Council, in support of its duties and functions.

(g) The five principal departments which may be involved in the implementation of the Developmental Disabilities State Plan, Health, Aging, Education, Public Welfare and Labor and Industry, shall designate specific

personnel to work with the Council and the administrative unit to ensure their ability to perform mandated functions.

(h) The Council shall adopt rules of procedure consistent with this subchapter, Pub. L. No. 103-230, regulations and guidelines issued by the Department of Health and Human Services, and applicable Commonwealth laws, regulations and procedures.

§ 5.146. Cooperation by State agencies.

Commonwealth agencies under the jurisdiction of the Governor shall cooperate fully with the Developmental Disabilities Council and shall provide assistance and information as needed to carry out the functions in an effective manner.

§ 5.147. Definition.

As used in this subchapter and as defined in Pub. L. No. 103-230, the term "developmental disability" means a severe, chronic disability of an individual 5 years of age or older that:

(1) Is attributable to a mental or physical impairment or a combination of mental and physical impairments.

(2) Is manifested before the individual attains age 22.

(3) Is likely to continue indefinitely.

(4) Results in substantial functional limitations in three or more of the following areas of major life activity:

(i) Self-care.

(ii) Receptive and expressive language.

(iii) Learning.

(iv) Mobility.

(v) Self-direction.

(vi) Capacity for independent living.

(vii) Economic self-sufficiency.

(5) Reflects the individual's need for a combination and sequence of special, interdisciplinary or generic services, supports or other assistance that is of lifelong or extended duration and is individually planned and coordinated.

(6) When the term is applied to infants and young children, it means individuals from birth to 5, inclusive, who have substantial developmental delay or specific congenital or acquired conditions with a high probability of resulting in developmental disabilities if services are not provided.

§ 5.148. Rescission.

Executive Order 1979-9, Executive Order 1981-9 and Executive Order 1989-4 are rescinded.



Governor

Fiscal Note: Gov. 97-11. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 97-1069. Filed for public inspection July 3, 1997, 9:00 a.m.]

THE GENERAL ASSEMBLY

Recent Actions During the 1997 Regular Session of the General Assembly

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

1997 ACTS—Acts 15 through 22 (numerical)

<i>Act No.</i>	<i>Enactment Date</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
1997-15	June 12	SB613	PN644	Immediately	Conveyance—Commonwealth property in Cambria County
1997-16	June 12	SB236	PN260	Immediately	Conveyance—Commonwealth property in Delaware County
1997-17	June 12	HB90	PN1509	60 days	Lycoming County Veterans' Memorial Highway and Joseph M. McDade Expressway—designation
1997-18	June 18	SB125	PN1173	Immediately	County Code—omnibus amendments
1997-19	June 18	SB415	PN430	30 days	State Board of Psychology—transition period for prospective psychologists
1997-20	June 18	HB1054	PN1471	Immediately	Insurance Department Act of 1921, The—confidential information sharing
1997-21	June 18	HB854	PN1924	July 1, 1997	Capital Budget Act of 1997-1998—enactment
1997-22	June 19	SB123	PN1174	Immediately	Public School Code of 1949—charter schools

1997 APPROPRIATIONS—Acts 42A through 44A (numerical)

<i>Act No.</i>	<i>Enactment Date</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
1997-42A	June 18	SB870	PN1157	Immediately*	General Appropriation Act of 1997—Executive Department agencies, adding or changing certain State and Federal appropriations
1997-43A	June 18	HB848	PN1786	July 1, 1997	Pennsylvania Public Utility Commission—operation
1997-44A	June 18	HB849	PN1978	July 1, 1997	Office of Consumer Advocate—operation

*with exceptions

1997 JOINT RESOLUTION—JR 3 (numerical)

<i>Jr No.</i>	<i>Filing Date</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Prior Passage</i>	<i>Subject Matter</i>
1997-3	June 16	HB171	2015	JR 1996-2	Elections—absentee voting

Effective Dates of Statutes

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

Advance Copies of Statutes

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

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

Legislative Bills and Documents

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

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

CARL MEASE,
Director

[Pa.B. Doc. No. 97-1070. Filed for public inspection July 3, 1997, 9:00 a.m.]

THE COURTS

Title 255—LOCAL COURT RULES

BLAIR COUNTY

Local Rule for Notice to Plead/Defend; Administrative Order

Order

Now, this 6th day of June, 1997, *It Is Hereby Ordered, Directed and Decreed* that any pleading which is required to contain a notice to plead/defend must include information regarding the availability of legal representation for persons who are financially unable to provide their own counsel and must indicate that such persons should apply to:

SOUTHERN ALLEGHENYS LEGAL AID, INC.
1107 12TH STREET
SUITE 508
ALTOONA, PA 16601

It Is Further Ordered, Directed and Decreed that the provisions of this Order shall constitute a Rule of Procedure of this Court thirty (30) days after the date of its publication in the *Pennsylvania Bulletin*.

By the Court

THOMAS G. PEOPLES, Jr.,
President Judge

[Pa.B. Doc. No. 97-1071. Filed for public inspection July 3, 1997, 9:00 a.m.]

FAYETTE COUNTY

Amended Rule; Local Rule 216 Continuances: Absence of Witness or Attorney; Civil Division No. 1133 of 1997, G. D.

Order

And Now, this 9th day of June 1997, it is hereby *Ordered and Decreed* that Fayette County Rule of Civil Procedure 216, subsection c(4) is repealed and the new subsection c(4) is hereby adopted as follows. This amendment shall be effective 30 days after the publication in the *Pennsylvania Bulletin*.

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

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

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

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

(6) Keep continuously available for public inspection copies of this Order and Amended Rule.

By the Court

WILLIAM J. FRANKS,
President Judge

Rule 216. Continuances: Absence of Witness or Attorney

c(4) Counsel must obtain from the Court at least three dates available to all parties and all counsel for the continued hearing. Alternately, each counsel may provide a list of the dates counsel or counsel's client is unavailable during the three month period following the date the motion for continuance is presented.

[Pa.B. Doc. No. 97-1072. Filed for public inspection July 3, 1997, 9:00 a.m.]

JEFFERSON COUNTY

Revision and Restatement of the Local Rules of Procedure for Civil Actions; No. 12-1997

Order of Court

And Now, June 18, 1997, in accordance with this Court's May 20, 1997 Order regarding the revision and restatement of the Local Rules of Civil Procedure of Jefferson County, Pennsylvania, Rule L1920.51.

It Is Hereby Ordered That said revised Local Rule L1920.51 which shall become effective July 1, 1997 shall be applied retroactively to all cases heard before the Master after February 1, 1996.

By the Court

WILLIAM L. HENRY,
President Judge

[Pa.B. Doc. No. 97-1073. Filed for public inspection July 3, 1997, 9:00 a.m.]

SCHUYLKILL COUNTY

Revision of Civil Rule of Procedure No. 1018.1(c)(1); Notice to Defend; S 1199-1997

Order of Court

And Now this 23rd day of June, at 11:40 a.m., Schuylkill County Civil Rule of Procedure No. 1018.1(c)(1) is revised and is adopted for use in the Court of Common Pleas of Schuylkill County, Pennsylvania (21st Judicial District) effective immediately, as per Schuylkill County Court of Common Pleas Order, S 1199-1997, RE: Notice to Defend.

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

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

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

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

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

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

Order of Court

And Now, this 23 day of June, 1997, at 10:38 a.m., it is hereby ORDERED that effective immediately, Schuylkill County Civil Rule of Procedure No. 1018.1(c)(1) is hereby adopted for use in the Court of Common Pleas of Schuylkill County, Pennsylvania (21st Judicial District).

By the Court

JOSEPH F. McCLOSKEY,
President Judge

Rule 1018.1(c)(1). Notice to defend.

Pennsylvania Bar Association Lawyer Referral Service, 100 South Street, P. O. Box 166, Harrisburg, PA 17108, (800) 692-7375, is designated as the organization or agency to be named in the notice to defend from which legal help can be obtained.

[Pa.B. Doc. No. 97-1074. Filed for public inspection July 3, 1997, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that by Order of the Supreme Court of Pennsylvania dated June 13, 1997, Lyndon Jay Parker has been Disbarred on Consent from the Bar of this Commonwealth, to be effective July 13, 1997.

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

[Pa.B. Doc. No. 97-1075. Filed for public inspection July 3, 1997, 9:00 a.m.]

Notice of Transfer of Attorney to Inactive Status

Notice is hereby given that Erik Shanni of Woodbridge, New Jersey, has been transferred to inactive status by Order of the Supreme Court of Pennsylvania dated May 12, 1997, pursuant to Rule 219, Pa.R.D.E. The Order became effective June 11, 1997.

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

[Pa.B. Doc. No. 97-1076. Filed for public inspection July 3, 1997, 9:00 a.m.]

RULES AND REGULATIONS

Title 52—PUBLIC UTILITIES

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 59]

[L-00960116]

Meter Tests

The Pennsylvania Public Utility Commission (Commission) adopted a final rulemaking to modify regulation of gas meter tests under petitions filed by the Pennsylvania Gas Association. The proposed amendments correct a typographical error in the present regulations, increase by 4 years the time between tests of residential gas meters and allow for two alternative testing methods. The two new methods will permit a regulated gas utility to choose to adopt a program of random testing based on a statistical sampling or a variable interval model. The contact person is Rhonda L. Daviston, Assistant Counsel, Law Bureau, (717) 787-6166.

Public Meeting held
February 6, 1997

Commissioners present: John M. Quain, Chairperson; Lisa Crutchfield, Vice Chairperson; John Hanger; David W. Rolka; Robert K. Bloom

Final Rulemaking Order

This matter is before the Commission at the initiation of the Pennsylvania Gas Association (PGA). The PGA filed several petitions with the Commission seeking modification of the regulations governing meter tests, 52 Pa. Code § 59.21. Under those petitions, the Commission promulgated a proposed rulemaking by order entered April 2, 1996. Comments were submitted by the PGA and the Independent Regulatory Review Commission (IRRC).

After reviewing the IRRC comments, Commission staff met with representatives of the PGA and IRRC. These meetings were most helpful in drafting modifications to the gas meter testing regulations. The following rulemaking has extensive reworking of the regulation in order to give the section greater clarity. In addition, the new and improved § 59.21 required that the definition section be revised to accommodate the changes.

The first modification, 52 Pa. Code § 59.21(b) and (c), adds the term "class" before each designation as a means to clearly identify each class of gas meter. In addition, the Commission made minor revisions in the language in subsection (c) for the purpose of removing archaic language.

The same rationale is behind the modification of terms used to define the testing years. "preceding year" was changed to "first immediately preceding year"; "next preceding year" converted to "second immediately preceding year"; and "second preceding year" became "third immediately preceding year." The terms were changed to more accurately reflect the time periods that are being defined. These are terms of art that have led to much confusion. These changes were in response to IRRC's comment # 4 that the entire schedule was confusing. The Commission agrees and has amended this section, as well as § 59.1, to eliminate the confusion.

Based on the same comment, we also added the "Less than" to the headings Fast Meter and Slow Meter Ratio. This change gives the table more clarity.

Paragraph (4) was added to accommodate the new statistical and variable interval testing programs. This paragraph clearly states the intention that one and only one testing program be used in any given year. The purpose of this paragraph and its concomitant paragraphs under statistical and variable interval sampling paragraphs, in § 59.21(d)(6) and (e)(7) respectively, is to prevent a utility from jumping between testing programs.

As stated in our Proposed Rulemaking Order, the residential gas meter extended testing schedule will be lengthened by 4 years. This additional 4 years allows a reduction in the utility's economic outlay without compromising safety for the public or utility customer. The change made in the Class B schedule, 6 to 7 years, was done to correct an earlier typographical error.

The new programs proposed under this rulemaking underwent extensive rewriting. There are no substantive changes, but rather, the language was changed to more accurately state the testing models envisioned by the gas industry and Commission staff.

The cooperation extended by the representatives of the PGA and IRRC was very helpful in writing the new regulations. The Commission wishes to extend its sincere appreciation to those who worked to develop what it believes is a clear and effective gas meter testing regulation.

Accordingly, under section 501 of the Pennsylvania Public Utility Code, 66 Pa.C.S. § 501, sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and regulations promulgated thereunder at 1 Pa. Code §§ 7.1 and 7.2, the Commission amends its regulations at 52 Pa. Code §§ 59.1 and 59.21 to read as set forth in Annex A; *Therefore*,

It Is Ordered:

1. That the regulations of the Pennsylvania Public Utility Commission, 52 Pa. Code Chapter 59, are amended by amending §§ 59.1 and 59.21 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.
2. That the Secretary shall submit a copy of this order and Annex A to the Office of Attorney General for review as to form and legality and to the Governor's Budget Office for review of fiscal impact.
3. That the Secretary shall submit this order and Annex A for review by the designated standing Committees of both Houses of the General Assembly, and for formal review and approval by the Independent Regulatory Review Commission.
4. That the Secretary shall duly certify this order and Annex A and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
5. That these amendments are effective August 4, 1997.
6. The PGA shall be served a copy of this order.

By the Commission,

JOHN G. ALFORD,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 27 Pa.B. 2790 (June 7, 1997).)

Fiscal Note: Fiscal Note 57-172 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

GENERAL PROVISIONS

§ 59.1. Definitions.

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

* * * * *

First immediately preceding year—The calendar year immediately preceding the testing year.

* * * * *

Second immediately preceding year—The calendar year immediately preceding the first immediately preceding year.

* * * * *

Testing year—The calendar year for which a public utility seeks to apply an extended test schedule.

Third immediately preceding year—The calendar year immediately preceding the second immediately preceding year.

* * * * *

§ 59.21. Meter tests.

* * * * *

(b) *Standard test schedule for Class A, Class B and Class C Meters.* Unless otherwise provided by this section, each public utility shall make and record tests of *Class A, Class B and Class C* meters on the following schedule:

Class	Test Period (Years)
A	8
B	5
C	2

(c) *Extended test schedule for Class A, Class B or Class C meters.* A public utility may depart from the requirements of subsection (b) for Class A, Class B or Class C meters in a testing year, and instead make and record tests using one of the test periods prescribed in paragraph (5), if the following requirements are met:

(1) At the end of the first immediately preceding year, not less than 98% of the meters of that class in service had been removed within whichever is the greater of 2 years plus the test period prescribed therefor in subsection (b), or the test year permitted for that class of meter for that year by paragraph (5); and, as to a meter of that class not so removed, the premises where it was located were visited and a written notice requesting an appointment for meter change was either left at the premises or posted to the mailing address of the customer as it appears in the public utility's files. Meters removed under this paragraph shall be tested and included in the calculations under paragraph (2) unless a meter was permanently retired from service or damaged by factors other than normal age or wear such as tampering or damage beyond the control of the public utility.

(2) The slow meter ratios and fast meter ratios of the meter class for the second immediately preceding year and the third immediately preceding year fall below the maximum percentages prescribed in paragraph (5). Any conflict between the test periods prescribed in paragraph (5) shall be resolved by using the shortest applicable test period.

(3) On or before March 1 of each testing year, the public utility submits to the Commission a report showing both in absolute numbers and in percentages the facts prescribed in paragraphs (1) and (2).

(4) For each year in which a public utility uses the extended test schedule in this subsection, the public utility may not remove or test any meters of the same class using the statistical sampling program in subsection (d) or the variable interval program in subsection (e).

(5) Subject to the qualifications prescribed in paragraphs (1)–(4), a public utility may make and record tests of Class A, Class B or Class C meters on the following schedule:

<i>Test Results from Second Immediately Preceding Year</i>	<i>Test Results from Third Immediately Preceding Year</i>	<i>Testing Year's Permitted Test Period (Years)</i>
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CLASS A METERS

<i>Slow Meter Ratio Less Than (%)</i>	<i>Fast Meter Ratio Less Than (%)</i>	<i>Slow Meter Ratio Less Than (%)</i>	<i>Fast Meter Ratio Less Than (%)</i>	
10	10	12	12	14
8	8	10	10	16
6	6	8	8	18
4	4	6	6	20

CLASS B METERS

<i>Slow Meter Ratio Less Than (%)</i>	<i>Fast Meter Ratio Less Than (%)</i>	<i>Slow Meter Ratio Less Than (%)</i>	<i>Fast Meter Ratio Less Than (%)</i>	
10	10	12	12	6
8	8	10	10	7
6	6	8	8	8
4	4	6	6	10

CLASS C METERS

<i>Slow Meter Ratio Less Than (%)</i>	<i>Fast Meter Ratio Less Than (%)</i>	<i>Slow Meter Ratio Less Than (%)</i>	<i>Fast Meter Ratio Less Than (%)</i>	
8	8	10	10	3
6	6	8	8	4
4	4	6	6	5

(d) *Statistical sampling for Class A, Class B or Class C meters.* A public utility may depart from the requirements of subsection (b) for Class A, Class B or Class C meters, and instead make and record tests of Class A, Class B or Class C meters under a statistical sampling program, if the following requirements are met:

(1) Meters shall be divided into groups in accordance with ANSI Spec, B109.1 Part IV Sec. 4.3.2.1 or its successor. A detailed description of the composition of each group of meters, such as year set, manufacturer, case type and diaphragm material, shall be provided in the annual report to the Commission.

(2) Sufficient meters shall be tested annually to insure a 90% confidence level that the meter groups are performing within accuracy limits.

(3) For a group to remain in service, at least 80% of the meters in the sample test shall meet the accuracy limits of 98% average accuracy (2% slow) and 102% average accuracy (2% fast). If a group of meters does not meet the performance standards, corrective action shall be taken. The corrective action may consist of removing the entire group from service within 4 years or, if the group consists of one or more subgroups, implementing a selective meter removal program to improve the accuracy of the group to within acceptable limits. The selective removal program may be as follows:

(i) If test results indicate one or more subgroups do not meet the performance standards, the subgroup shall be identified and removed within 4 years.

(ii) Once identified as a group or subgroup not meeting the performance standards and during the removal process, that group or subgroup shall be removed from the sampling plan.

(4) The statistical sampling schedule shall be in accordance with the provisions of ANSI Spec. B109.1 Part IV Sec. 4.3.2.1 or its successor.

(5) A utility electing the statistical sampling program shall remain on that program for at least 4 years.

(6) For each year in which a public utility uses the statistical sampling approach in this subsection, the public utility may not remove or test any meters of the same class using the extended test schedules in subsection (c) or the variable interval program in subsection (e).

(e) *Variable interval testing for Class A, Class B or Class C meters.* A public utility may depart from the requirements of subsection (b) for Class A, Class B or Class C meters, and instead make and record tests of the Class A, Class B or Class C meters under a variable interval program, if the following requirements are met:

(1) Meters shall be divided into groups in accordance with ANSI B109.1 Part IV Sec. 4.3.2.2 or its successor. A detailed description of the composition of each group of meters, such as year set, manufacturer, case type and diaphragm material, shall be provided in the annual report to the Commission.

(2) The number of meters to be removed in any year will be determined from the test results of the second immediately preceding year's incoming meters. Meters removed under this paragraph shall be tested and included in the calculations under paragraph (3) unless a meter was damaged by factors other than normal age or wear such as tampering or damage beyond the control of the utility.

(3) Except as provided in paragraphs (4) and (5), the ratio (r) of the number of meters in a test group to be removed to those in service in that test group shall be determined by the formula $(r = .02 + .3d)$ where (d) is the ratio of meters which have an average accuracy of less than 98% or more than 102% as reported to the nearest 1/2%, to the total number of meters tested in the group during the second immediately preceding year.

(4) Meters removed in a test group in excess of the ratio (r) as described in paragraph (3) shall be credited towards the ratio (r) for a better performing test group.

(5) A utility may petition the Commission for an Accelerated Retirement Program (ARP) for a specific meter type that the utility may desire to purge from its system. Meters removed in an ARP in excess of the ratio (r) as described in paragraph (3) may be credited towards the ratio (r) for any other test group regardless of performance.

(6) A utility electing the variable interval plan shall remain on that plan for at least 4 years.

(7) For each year in which a public utility uses the variable interval approach in this subsection, the public utility may not remove or test any meters of the same class using the extended test schedules in subsection (c) or the statistical sampling program in subsection (d).

- (f) ***
- (g) ***
- (h) ***
- (i) ***
- (j) ***
- (k) ***
- (l) ***
- (m) ***
- (n) ***
- (o) ***

[Pa.B. Doc. No. 97-1077. Filed for public inspection July 3, 1997, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION
[52 PA. CODE CH. 63]

[L-940099]

Interexchange Carriers

The Pennsylvania Public Utility Commission (Commission) on April 24, 1997, adopted an order to promulgate final regulations to implement and codify the effect of Chapter 30 of the Public Utility Code on Commission procedures related to regulation of interexchange carriers. The regulations contain streamlined procedures applicable to the statutory categories of existing competitive services, new competitive services and noncompetitive services. The regulations also establish procedures related to reclassification of service and annual reporting requirements. The contact person is Terrence J. Buda, Assistant Counsel, Law Bureau (717) 787-5755.

Executive Summary

The Commission on April 29, 1997, entered a final rulemaking order to implement and codify the effect of 66 Pa. Code Chapter 30 (relating to alternative form of regulation of telecommunications services) on Commission procedures related to regulations of interexchange carriers. The regulations contain new streamlined procedures applicable to the statutory categories of existing competitive services, new competitive services and noncompetitive services. The regulations also establish procedures related to reclassification of service and annual reporting requirements.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on May 5, 1997, the Commission submitted a copy of the final rulemaking, which was published as proposed at 25 Pa.B. 1418 (April 15, 1995) to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of House Committee Consumer Affairs and the Senate Committee on Consumer Protection and Professional Licensure for review and comment. In compliance with section 5(b.1) of the Regulatory Review Act, the Commission also provided IRRC and the Committees with copies of the comments received, as well as other documentation.

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

These final-form regulations were deemed approved by the House Committee on Consumer Affairs on May 26, 1997, were approved by the Senate Committee on Consumer Protection and Professional Licensure on May 13, 1997, and were approved by IRRC on May 22, 1997, in accordance with section 5(c) of the Regulatory Review Act.

Public Meeting held
April 24, 1997

Commissioners present: John M. Quain, Chairperson; John Hanger; David W. Rolka, Concurring in result; Robert K. Bloom

Final Rulemaking Order

By the Commission:

A. Introduction**1. Procedural History**

On January 10, 1995, this Commission entered a Declaratory Order in the instant proceeding. The Declaratory Order adopted a set of Interim Guidelines for the regulation of interexchange carriers (IXCs) under 66 Pa.C.S. Chapter 30 and proposed certain regulations on the same subject area to be codified at 52 Pa. Code § 63.101 et seq.¹

The proposed regulations were published in the *Pennsylvania Bulletin* on April 15, 1995, 25 Pa.B. 1418, with a 30-day comment period that ended on or about May 15, 1995.

The Commission received comments on the proposed regulations from AT&T Communications of Pennsylvania, Inc. (AT&T), MCI Telecommunications Corporation (MCI). In addition, the Commission received letter commentaries on the proposed regulations from the Honorable David R. Wright, member, Pennsylvania House of Representatives, dated June 5, 1995, and from the Honorable Kathrynann W. Durham, member, Pennsylvania House of Representatives, also dated June 5, 1995. The Commission also received comments from IRRC, dated June 14, 1995.

2. Interim Guidelines and Related Commission Actions on IXC Regulation

The January 10, 1995, Interim Guidelines for the regulation of IXCs under 66 Pa.C.S. Chapter 30 contained the following directives:

¹ Previous actions of the Commission of general applicability to the regulation of IXCs have included the issuance of the first set of interim guidelines for the regulation of IXCs under Chapter 30 with our December 28, 1993, Order at Docket No. M-00930496, and the issuance of our December 28, 1993, *Declaratory Order Regarding Interpretation of Regulations Governing Interexchange Resellers*, at Docket No. M-00930494.

A. Existing Competitive IXC Services

1. Except as determined otherwise by the Commission, IXCs shall file informational tariffs with the Commission for their competitive services.

2. Changes for existing competitive services may be filed on one day's notice. Such changes shall become effective as filed, without further action of the Commission. The filing shall indicate that the changes are for an existing competitive service.

3. IXCs shall not be permitted to deaverage standard Message Toll Service rates unless authorized to do so by the Commission.

B. IXC Service to Aggregator Telephones

1. An IXC may file an operator assisted or calling card services, tariff to become effective on 14 days notice. If the tariff filing purports to increase any rates and/or surcharges associated with the offered operator assisted or calling card services, the IXC will include a detailed explanation and adequate justification for the requested change in rates and/or surcharges.

2. Within 10 working days of the filing, the Office of Special Assistants will conduct a review of the filing and either (a) approve the tariff as filed, or (b) issue a memorandum stating why the tariff should be modified or rejected altogether. The Office of Special Assistants will serve the IXC in question with a copy of its memorandum within the 10 working day review period using all reasonable means including but not limited to facsimile transmission equipment.

3. The IXC will have 7 days to respond to the Office of Special Assistants memorandum in the event that the IXC does not agree with the memorandum assessment that the IXC tariff filing should be modified or rejected. The IXC's response should be filed with the Commission within the 7-day period and a copy of the response should be independently forwarded on a timely basis to the Office of Special Assistants.

4. Upon receipt of the IXC's response, the Office of Special Assistants will present this matter for the Commission's consideration during the Commission's next available Public Meeting. The IXC tariff filing will be deemed suspended until the Commission formally rules on the matter.

5. In the event that the IXC agrees with the Office of Special Assistants' original assessment, the IXC will file the appropriate tariff supplements in order to effectuate the modified tariff filing, to become effective upon 1 day's notice.

C. New IXC Services

1. New IXC services will be deemed to be competitive unless the Commission later finds that the particular IXC service is noncompetitive in accordance with the provisions of 66 Pa.C.S. § 3008(c) (relating to interexchange telecommunications and carrier) and further guidance hereinafter contained in this Order.

2. A new IXC service is one that has not been previously offered by the IXC that is filing the service and which is not an adjunct to or modification of an existing service.

3. IXCs may file new services to become effective on 14 days notice to the Commission.

4. The initial filing shall clearly indicate that the filed tariffs are for a new IXC service.

5. As part of a new service filing, the IXC shall submit information, duly verified, regarding the safety, adequacy, reliability and privacy of the service.

6. Within 10 working days of the filing, the Office of Special Assistants will conduct a review of the filing and either (a) approve the tariff as filed, or (b) issue a memorandum stating why the tariff should be modified or rejected altogether. The Office of Special Assistants will serve the IXC in question with a copy of its memorandum within the 10 working day review period using all reasonable means including but not limited to facsimile transmission equipment.

7. The IXC will have 7 days to respond to the Office of Special Assistants memorandum in the event that the IXC does not agree with the memorandum assessment that the IXC tariff filing should be modified or rejected. The IXC's response should be filed with the Commission within the 7-day period and a copy of the response should be independently forwarded on a timely basis to the Office of Special Assistants.

8. Upon receipt of the IXC's response, the Office of Special Assistants will present this matter for the Commission's consideration during the Commission's next available Public Meeting. The IXC tariff filing will be deemed suspended until the Commission formally rules on the matter.

9. In the event that the IXC agrees with the Office of Special Assistants' original assessment, the IXC will file the appropriate tariff supplements in order to effectuate the modified tariff filing, to become effective upon 1 day's notice.

D. Reclassification of IXC Services

1. For good cause shown, the Commission may institute an investigation of the competitiveness of a service provided by an IXC under the premises of 66 Pa.C.S. § 3008(c), the related provisions of this Order and established procedures of practice and procedure before the Commission. Such investigation will be performed either within the scope of a Commission investigation conducted under 66 Pa.C.S. § 331(a) (relating to powers of commission and administrative law judges) or upon consideration of a complaint filed under 66 Pa.C.S. § 701 (relating to complaints).

2. In conducting such an investigation the Commission may consider:

- a. Evidence of ease of market entry in the relevant IXC service market;
- b. The presence of other telecommunications carriers in the relevant IXC service market;
- c. The ability of competitor telecommunications carriers to offer the service at competitive prices, terms and conditions;
- d. The availability of like or substitute telecommunications services in the relevant geographic area; and
- e. Any other factors deemed relevant by the Commission.

3. If, after notice and hearing, the Commission finds that the IXC service is not competitive, the Commission may reclassify the service as noncompetitive. If an IXC believes that a service reclassified as noncompetitive has become competitive, it may petition the Commission to reclassify the service anew as competitive under the applicable standards contained herein.

E. IXC Annual Reporting Requirements

1. On or before May 31 of each calendar year, IXCs operating or otherwise conducting business activities in the Commonwealth of Pennsylvania shall submit on a proprietary basis to the Commission's Office of Special Assistants an annual report for the preceding calendar year.

2. This annual report shall contain aggregate total revenue and traffic volume data in minutes of use (MOUs) of the IXC's intrastate operations during the preceding calendar year. In addition, to the extent that such data are available, they should be disaggregated in the following broad service categories:

- a. Services corresponding to the ordinary Message Toll Service (MTS), inclusive of operator assisted and calling card services.
- b. Services corresponding to outbound Wide Area Telecommunications Services (outbound WATS).
- c. Services corresponding to inbound WATS or "800" type services.
- d. Private line or dedicated communication path services.
- e. Dedicated network type services inclusive of virtual network type services.

3. On or before May 31 of each calendar year, AT&T Communications of Pennsylvania, Inc., is required to furnish to the Commission's Office of Special Assistants a copy of its annual report for the preceding calendar year that is filed with the Federal Communications Commission (FCC), until such time as the FCC discontinues its requirement for such annual report, or its required provision to this Commission is deemed unnecessary by a future Commission Order. The AT&T filing with this Commission will be in the public domain to the extent that the corresponding filing with the FCC is also in the public domain.

Re: Interexchange Carrier Regulation Under Chapter 30 of the Public Utility Code, Declaratory Order entered on January 10, 1995, Annex A.

Since the implementation of its Interim Guidelines for the regulation of IXCs under Chapter 30, this Commission and its staff have processed and are processing numerous IXC tariff filings. Certain actions that we have already taken in respect to certain IXC tariff filings have further clarified the implementation of our Interim Guidelines, and have accorded the requisite flexibility to our IXC regulation under 66 Pa.C.S. Chapter 30. On March 31, 1995, we entered an Order in *Pennsylvania Public Utility Commission v. AT&T Communications of Pennsylvania, Inc.*, Docket No. M-00940503F0095, which disposed of an AT&T tariff filing that implemented toll rate discounts for intraLATA calls that originate from end-user customers within the service territory of Bell Atlantic-Pennsylvania, Inc. (Bell Atlantic-Pa. or Bell). In permitting the AT&T tariff to go into effect, we observed that:

Simply determining that the AT&T Supplement deaverages some rates does not bind the Commission. The Commission can approve the AT&T Supplement without hearings or an investigation and with the full understanding that this Supplement may fit the technical definition of rate deaveraging. The Chapter 30 law authorizes the Commission to allow deaveraging.

We went on to note that:

What would cause great concern and should require a much stronger review would be the increase of rates in one customer class or geographic area to make up revenue losses resulting from the decrease in rates for some other customer class or geographic area. AT&T has not attempted in this instance to make up a potential revenue loss for intraLATA toll calls of Bell Atlantic-Pa. customers by increasing its [AT&T's] rates to customers in the service territories of other local exchange telephone companies.

Pennsylvania Public Utility Commission v. AT&T Communications of Pennsylvania, Inc., Docket No. M-00940503F0095, Order entered March 31, 1995, at 6.

Since the adoption of the Interim Guidelines, we have formulated more flexible criteria for the evaluation of rate changes that involve what we originally defined in the Interim Guidelines and in our Proposed Rules as noncompetitive IXC services under the premises of 66 Pa.C.S. § 3008(a)(1). In deciding on an AT&T proposed surcharge increase for operator dialed calling cards, we stated:

We must observe that AT&T is seeking to adjust its intrastate surcharge for operator dialed calling card calls to the corresponding interstate level. AT&T's interstate surcharge for operator dialed calling card calls has been reviewed and approved by the Federal Communications Commission (FCC). In addition, no complaints have been filed against AT&T's proposed increase to its intrastate surcharge level that is the subject of the instant proceeding. Furthermore, AT&T's alignment of its intrastate and interstate surcharge levels for this particular service will prevent customer confusion that is created by multiple jurisdictional pricing structures and will lead to greater efficiencies for AT&T's operations.

Similarly, our Interim Guidelines for the regulation of IXCs under the provisions of the Chapter 30 law, do not clearly require AT&T to justify its proposed rate change with cost-of-service information.

* * *

It appears that AT&T has provided sufficient justification for its proposed increase in the surcharge that is applicable for operator dialed calling card calls. Thus, AT&T's proposed tariff filing will be permitted to become effective as filed. Furthermore, any unresolved legal and/or technical issues, including a final determination on whether the AT&T service at issue here and/or any other related services are competitive, should be assigned for examination, resolution and final disposition in our rule making regarding the future regulation of IXCs under the Chapter 30 law in Docket No. L-00940099[.]

Pennsylvania Public Utility Commission v. AT&T Communications of Pennsylvania, Inc., Docket No. R-00953364, Order entered June 8, 1995, at 6.

We took similar action in regards to certain proposed surcharge increases for the various Sprint Communications Company LP (Sprint) FONCARD calling card services products. We stated that:

Under our new approach for evaluating this type of IXC rate changes for noncompetitive services, we will not adhere to a strict cost-justification standard of review for IXC calling card services and products and the associated rate change proposals...

* * *

In the instant filing, Sprint wishes to align the surcharge levels for FONCARD calling card calls that are

made within the parameters of Sprint's various long-distance services. We believe that such a surcharge alignment will assist Sprint to attain necessary administrative efficiencies in the offering of its FONCARD calling card service products. Furthermore, the surcharge levels proposed by Sprint for its FONCARD calling card service products will approximate the surcharge levels for generally similar calling card service products of other IXCs such as AT&T.

Pennsylvania Public Utility Commission v. Sprint Communications Company, L.P., Docket No. R-00953388, Order entered June 9, 1995, at 4.

It should be pointed out that our actions have significantly lessened the burden of review of IXC noncompetitive service tariff filings and associated rate changes by the responsible staff bureaus of the Commission. Noncompetitive rate and surcharge decreases that are proposed by the IXCs for their noncompetitive services are approved as routine matters, while proposed rate and surcharge increases that fulfill the flexible evaluation criteria enumerated above, are approved within the abbreviated review time frames contained in the Interim Guidelines.

3. Other Commission Actions

Since the time that our IXC 66 Pa.C.S. Chapter 30 Interim Guidelines were adopted and we commenced the promulgation of the associated regulations, the telecommunications industry has been undergoing a dramatic change both within our nation and within Pennsylvania. On October 4, 1995, we introduced local exchange competition in Pennsylvania through the certification of the first four competitive local exchange carriers (CLECs) at the Application of MFS Intelenet of Pennsylvania, Inc. et al., proceeding at Docket No. A-310203F0002 et al. (MFS I). On December 14, 1995, with our Order at Docket No. I-00940034, we have moved to establish intra-LATA toll "1+" dialing parity—or "1+" intraLATA toll subscription—and increased intraLATA toll services competition within this Commonwealth. In that Order we observed and ordered that:

We agree with the ALJ recommendation that LECs should have some pricing flexibility to react to the marketplace in an intraLATA subscription environment. The ALJ, at Ordering Paragraph No. 8 of the R.D. [Recommended Decision], recommends that the Commission establish procedures for expedited review and approval of LEC's proposed tariff changes. We believe that the procedures established by this Commission relative to the review and approval of IXC services at Docket Nos. M-00930496 and L-00940099 are appropriate and, as such, they will be utilized in our review of intraLATA toll tariffs. We keep in mind that the underlying cost of service/cost allocation methodology should be consistent with this Opinion and Order and the findings in our Universal Service Investigation.

* * *

[T]o provide the local exchange carriers pricing flexibility to meet competitive pressures in a subscribed intraLATA environment, the procedures established by this Commission relative to the review and approval of IXC services at Docket Nos. M-00930496 and L-00940099 are appropriate and should be used consistent with this Opinion and Order and the findings in the Universal Service Investigation.

Investigation Into IntraLATA Interconnection Arrangements, Docket No. I-00940034, Order entered December

14, 1995, at 18 and Ordering ¶9, at 22 (hereinafter referenced as the Presubscription Order).

The Federal Telecommunications Act of 1996 (Federal Act or Act) was enacted into law on February 8, 1996. This Commission has proceeded to implement various directives of the Federal Act, including the adoption of more flexible market entry procedures for telecommunications carriers under our jurisdiction, and adjudicating various proceedings related to various issues of competition and interconnection in the local exchange services markets. In addition, we have made various pronouncements in our Orders in a number of proceedings that address the implementation of the Federal Act. See generally, *In re Implementation of the Telecommunications Act of 1996*, Docket No. M-00960799, Order entered June 3, 1996; Order on Reconsideration entered September 9, 1996 (hereinafter referenced as the *Implementation Order*).

For example, in our June 3, 1996, *Implementation Order* we removed the restriction regarding the joint marketing of CLEC local and toll services that had originally been put in place with our October 4, 1995, Order in the MFS I proceeding at Docket No. A-310203F0002 et al. We characteristically stated that:

As to "joint package" marketing restrictions, in our October 4, 1995, order at A-310203.F.002 we stated that, "Upon the grant of co-carrier status pursuant to this Opinion and Order, MFS [and other CLECs] shall be subject to the same restrictions on interLATA toll service packaging . . . applicable to the other LECs in Pennsylvania absent a specific waiver." Such a marketing restriction was designed to obviate the advantages of CLEC "joint marketing" activities for local, intraLATA and interLATA toll services, since certain ILECs, including Bell, were prohibited from providing interLATA toll services.

The purpose of past imposition of marketing restrictions on LEC long distance reseller affiliates was to decrease any competitive advantage over other long distance carriers an LEC affiliated reseller had with the LEC's customers—particularly since in a monopoly setting the LEC completely controls the presubscription interexchange (PIC) process and has the ability to influence consumer decisions through incomplete or inaccurate disclosure. Upon further review, it appears to us that such a concern becomes less significant as local competition develops. Furthermore, we must keep in mind that in a competitive environment our objective is to decrease regulation for all carriers rather than impose existing requirements on new carriers, except where the requirements are imposed by statute or remain necessary to the public interest.

Of course, we have a desire to treat all carriers competing in a given market fairly. However, pertaining to marketing restrictions, such an objective can be achieved by eliminating any relevant marketing restrictions on an LEC or its affiliate at the time a competing local carrier or carriers enters the LEC's service territory. Such an approach is consistent with both principles of fairness and our desire to reduce regulation where appropriate. Accordingly, we will adopt such an approach in the future and will not impose mandatory restrictions on CLECs entering LEC service territories.

Implementation Order entered June 3, 1996, at 21-22, and Ordering ¶¶2, 3 at 51, footnote omitted.

In the same *Implementation Order*, however, we maintained certain restrictions on the joint marketing of services by a CLEC that is also a provider of interLATA

services in accordance with the relevant provisions of section 271(e)(1) of the Federal Act that provides as follows:

Until a Bell operating company is authorized under subsection (d) to provide interLATA services in an in-region state, or until 36 months have passed since the date of enactment of the Telecommunications Act of 1996, whichever is earlier, a telecommunications carrier that serves greater than 5% of the Nation's presubscribed access lines may not jointly market in the State telephone exchange service obtained from such company under section 251(c)(4) with interLATA services offered by that telecommunications carrier.

Implementation Order entered June 3, 1996, at 22-23.

We have reaffirmed our willingness to provide pricing flexibility for the toll services of incumbent local exchange carriers (ILECs) once intraLATA toll "1+" dialing parity is implemented, even if the ILEC toll services are not classified as competitive under the relevant provisions of 66 Pa.C.S. Chapter 30. In our Order disposing of the 66 Pa.C.S. Chapter 30 petition for alternative regulation and network modernization by Commonwealth Telephone Company, we stated the following:

Upon consideration of the record in this proceeding, we note that CTC correctly points out that in the IntraLATA Presubscription Order at Docket No. I-00940034 (Order issued December 14, 1995) the Commission stated that the procedures for review and approval of interexchange services at Docket Numbers M-930496 and L-940099 will be used for the review of LEC intraLATA toll Tariffs (Order, p. 18). These abbreviated procedures should be adopted for intraLATA toll filings that CTC may file once intraLATA presubscription becomes effective on July 1, 1997. The IntraLATA Presubscription Order did not adopt these abbreviated procedures for other LEC filings such as intraLATA private line or local vertical services, as CTC has proposed in its Plan. One day notice of tariff filings for intraLATA private line and local vertical services is expressly rejected unless and until such services are designated as competitive.

Petition of Commonwealth Telephone Company for an Alternative Regulation and Network Modernization Plan, et al., Docket Nos. P-00961024 & P-00961081, Order entered January 17, 1997, at 175 (hereinafter referenced as the *Commonwealth Ch. 30 Order*).²

It should be noted that on February 19, 1997, AT&T filed a Petition for Clarification of our Commonwealth Chapter 30 Order. AT&T's Petition, which is still pending before the Commission, seeks clarification on the exact parameters under which Commonwealth Telephone Company (CTC) will be permitted to change its intraLATA toll service rates under the procedures that apply to IXC tariff changes in the instant Dockets. CTC filed its Answer to AT&T's Petition on March 3, 1997.

B. Rulemaking Issues & Associated Comments

The major commenting parties to the instantly proposed rulemaking were AT&T and MCI. Their comments, as well as the comments of other interested parties and those of IRRC are discussed below on the basis of major issues that are present in this rulemaking.

² Our January 24, 1997, Order at Docket No. A-310203F0002 Application of MFS Intelenet of Pennsylvania, Inc., et al. and Docket No. I-00940034, Investigation Into IntraLATA Interconnection Arrangements, extended the original "1+" intraLATA toll dialing parity implementation deadline for LECs with more than 250,000 access lines to July 31, 1997. The originally mandated deadline of "1+" intraLATA toll dialing parity implementation for LECs with less than 250,000 access lines is on December 31, 1997, and remains unchanged.

1. *Definition of "Service to Aggregator Telephones"*

AT&T, MCI, IRRC and commenting Legislators, have urged the Commission to change its proposed definition of "Service to Aggregator Telephones." AT&T argues that the definition at proposed 52 Pa. Code § 63.102 should not include operator and calling card services offered by facilities-based, long-distance carriers. AT&T offers the following argument in support of its position:

To be consistent with the intent of the Legislature and the statutory language, the PUC should adopt the statutory definition of service to "aggregator telephones" in the regulations and clarify that the definition does not extend to generally applicable operator and calling card services provided by facilities-based carriers (or as the PUC has referred to them, "interexchange transporters," 52 Pa. Code § 63.112).

* * *

The definition offered by AT&T would allow the PUC to continue its regulation of AOS [Alternative Operator Service] rates (because they apply directly to transient telephones) without burdening facilities-based carriers with unnecessary regulation of highly competitive, voluntary services. Because the rates filed by AT&T and other carriers are market-driven, their levels will be controlled by competitive forces, requiring no further regulatory oversight. If the Commission so chooses, the rates of the facilities-based carriers can continue to be used as the basis for a "cap," without inappropriately characterizing them as "noncompetitive," "service to aggregator telephones."

The PUC should also exclude "prepaid debit cards" from its definition of "interexchange service to aggregator telephones." This type of payment method for long distance calling is perhaps the most competitive of all; every telecommunications carrier appears to be offering them and they can be purchased at convenience or grocery stores. Competition will assure that prices for this long distance calling payment method will be competitive (if one carrier's rates are too high, customer's can easily switch to another provider)...

Again, the PUC Order acknowledged that prepaid debit cards are highly competitive (25 Pa.B. 1425), but concluded that they should be characterized as "noncompetitive" service to aggregator telephones apparently because the surcharge for this service will affect the AOS "rate cap." But, if the service as offered by facilities-based carriers is generally available (as it is), highly competitive (as it is), and not confined to use at aggregator telephones (as it is not) then it should not be declared noncompetitive merely because the Commission has an interest in regulating the rates of other providers of the service (AOS's).

AT&T Comments at 5-7, emphasis in the original.

MCI generally echoes AT&T's comments and IRRC offers the following discussion:

AT&T... and MCI... claim that the criteria for non-competitive service do not apply to operator and credit card services offered by facilities-based companies such as their own. They argue that the intent of Act 67 [Chapter 30] was to allow the PUC to regulate "Alternative Operator Services" (AOS) provided at aggregator telephones. The FCC and PUC use the term "operator service providers" (OSP) for the companies that provide these services. OSPs operate as resellers who control access to interexchange service via aggregator telephone. AT&T

and MCI also claim that there is no reason to regulate their credit card services since they are highly competitive.

Representatives Kathrynann Durham and David R. Wright, Chair and Minority Chair of the House Consumer Affairs Committee, support AT&T and MCI's position. Representative Wright was the sponsor of the legislation which became Act 67 and claims that the legislative intent is clear. He declares that the intent of Section 3008(a) of Act 67 was to continue PUC regulation of OSPs. Representative Wright adds: "The intent clearly was not to further regulate facilities-based interexchange carriers especially in areas of card and operator rates." We find merit in the Legislator's position since even the PUC admits that the services provided by facilities-based carriers exist in a highly competitive market. A major goal of Act 67 was to allow competition to regulate prices for interexchange services rather than the PUC.

Even though the services provided by AT&T and MCI exist in a highly competitive market, the statutory arguments offered by AT&T and MCI are not convincing given the mandates and broad authority set forth for the PUC in Act 67. As it is currently written, we believe that Act 67 provides the PUC with broad authority to regulate any type of interexchange service to an "aggregator telephone" as a "noncompetitive service." Section 3008(a) of Act 67 does not delineate between providers of the interexchange service. Act 67 contains no distinction between services provided by an OSP, a reseller or a facilities-based carrier such as AT&T. Hence, we believe the PUC has the statutory authority to regulate interexchange service to an aggregator telephone as a noncompetitive service when it is provided by OSPs or any other entity including a facilities-based carrier. However, Act 67 does not mandate that the PUC exercise this authority. Act 67 also gives the PUC the discretion to determine that services provided by interexchange carriers are "competitive" and that the rates for these services do not need to be regulated. Section 3002 of Act 67 defines "competitive service" as "[a] service or business activity determined to be competitive under this chapter or any telecommunications service determined by the commission [PUC] to be competitive under this chapter."

On the question of the competitive nature of services to aggregator telephones, the PUC in its preamble to the proposed rulemaking cites limitations on competition between the various types of credit or debit card and operator services provided by facilities-based companies. We understand the PUC's interest in protecting consumers. However, this goal needs to be balanced against the costs of regulating services which the PUC admits are offered in a highly competitive market. The PUC appears to be concerned by the fact that the market for interexchange credit or debit cards is not wholly competitive. A marketplace with total and perfect competition does not exist in the real world, and consumers do not always base their market choices on finding the most competitive price for a product or a service. The argument that residential consumers or others may suffer financially is not persuasive. The interexchange market provides consumers with a remedy for financial loss by allowing them to make choices between competitors. We see little to no need for regulation of rates in a competitive marketplace when consumers may exercise their own discretion to protect themselves. If they do not like the service they receive or its cost, consumers can simply switch providers. By contrast, the primary purpose of the

PUC is to regulate monopolies because most utility services by their very nature restrict competition via limited choice of providers.

With regard to the reason and need for this regulation, we see merit in regulating rates for OSPs, and the legislative sponsor of Act 67 and others agree with this part of the regulation. However, we question the need for, and reasonableness of, regulating rates for credit or debit cards provided to consumers by facilities-based carriers. The PUC states that the rates for services provided by the facilities-based carriers are used as "caps" for rates charged by the OSPs. This is not a sufficient justification for regulation. We are confident that the PUC can devise other mechanisms for regulating the rates of OSPs. We recommend that the PUC make the determination that credit or debit cards provided to consumers by facilities-based carriers are a "competitive service" and amend this regulation accordingly. The PUC should eschew needless regulation and leave the marketplace to its own devices. At the same time, the PUC should not forego its duty under Act 67 to monitor the marketplace. It needs to monitor the industry in order to ascertain whether there may be a need at some future date to reclassify a service as noncompetitive or competitive.

IRRC Comments at 1-3, emphasis added.

Our rationale in formulating the proposed regulations was stated in our Declaratory Order of January 10, 1995, as follows:

We are cognizant of the fact that IXC operator assisted and calling card services are offered in a competitive environment. We are administratively aware that the IXC service offerings in this area have increased substantially in recent times, for example, end-users can now obtain prepaid debit calling cards not only through traditional IXC offerings that are on tariff with this Commission, but, also from a regular retail store. The issue remains, however, that such services can be accessed from both regular telephone and aggregator stations irrespective of the access method, for example, the end-user customer will accrue operator assisted or calling card call surcharges whether the call is made through a "0+" or "1-800" access. [footnote omitted] In addition, we are concerned that for these services price leadership patterns may emerge between major competing IXCs especially in the areas of operator assisted and calling card call surcharges. In that event, surcharges that are charged by resellers and/or AOS providers for similar services may also rise under the Commission's applicable rate cap regulations, especially for residential and small business customers, for example, for end-user customers that may not have the usage volumes and/or sophistication in obtaining operator and/or calling card services under a broader dis-count plan from the competing IXCs that would normally be available for large business users such as Carnegie Mellon.

Although operator assisted and calling card services could be classified into those used by residential and business customers respectively, this approach is not without problems. For example, as mentioned before, a "residential" classification for these services may also encompass small business users who cannot avail themselves of broader IXC service packages at a discount.

It also appears that the major IXCs participating in the instant proceeding are more interested in being able to rapidly offer additional operator assisted and calling card services options and features rather than engaging in a lengthy proceeding designed to ascertain whether these

services are competitive or noncompetitive under the premises of the Chapter 30 law. Both AT&T and MCI indicated during the public forum discussion that regulatory forbearance for operator assisted and calling card service offerings is a potentially acceptable possibility.

We believe that a policy of absolute forbearance for IXC operator assisted and calling card service tariff filings will simply preserve our jurisdiction to investigate such filings on a post facto basis, for example, after those tariff filings would have gone into effect. Such investigations, depending on the task and workload priorities and assignments of the Commission and its staff may or may not commence and conclude on a timely basis. Furthermore, if such investigations were to produce formal rulings necessitating credits or refunds to affected end-user customers, such credits or refunds would be difficult to accomplish with reasonable timeliness, equity and low administrative cost to the Commission and the IXCs concerned if they were to be distributed to end-user members of the transient public.

Thus, we prefer to maintain our existing mode of regulation over the IXC operator assisted and calling card services of IXCs, inclusive of prepaid debit calling cards. We will, however, shorten the notice period relating to the associated tariff filings from the current interval of 30 days to 14. In addition, we will delegate the necessary authority to the Office of Special Assistants in order to expedite the processing of such filings...

Declaratory Order at 23-24.

As IRRC's comments point out, "Section 3008(a) of Act 67 does not delineate between providers of the interexchange service" to an "aggregator telephone," and that Act 67 "contains no distinction between services provided by an OSP, a reseller or a 'facilities-based' carrier such as AT&T." Thus, IRRC believes that "the PUC has the statutory authority to regulate interexchange service to an aggregator telephone as a 'noncompetitive service' when it is provided by OSPs or any other entity including a 'facilities-based' carrier." IRRC Comments at 2. We are obviously in agreement with the IRRC analysis. Not only do the IRRC comments delineate the scope of our statutory authority in regulating IXC noncompetitive services, but, they also underscore an additional important point. The language of Chapter 30 regarding the scope of our statutory authority to regulate noncompetitive IXC services is competitively neutral. It only follows that the promulgation and application of any rules regarding our regulation of IXC noncompetitive services must follow this important principle. Indeed, the concept of competitive neutrality permeates a multitude of activities and proceedings in the arena of telecommunications regulation both within this Commission's jurisdiction, in the respective jurisdictions of other state utility regulatory bodies, and the interstate jurisdiction.

We believe that the approach suggested by AT&T, MCI and IRRC, will violate the principle of competitive neutrality. Essentially, this approach will remove services such as the operator services of the facilities-based IXCs from this Commission's regulatory scrutiny. At the same time, however, the same services of other carriers (including resellers) will remain under the regulatory purview of this Commission if AT&T's proposals were to be adopted. Adoption of the AT&T/MCI proposals could potentially lead to the formation of "price leadership" rate ceilings for certain services which other carriers (especially resellers) could follow under our own "rate cap" rules. This scenario would not lead to more vigorous price competition among

the IXCs and, thus, would not result in increased consumer and social economic welfare. In addition, the AT&T/MCI proposed distinction between facilities-based and other telecommunications carriers could become increasingly unenforceable over time.

As it has been previously stated, we intend to extend the same procedures for intraLATA toll service rate changes to LECs upon their respective implementation of intraLATA "1+" dialing parity. In addition, CLECs may avail themselves of the same procedures under the same criteria and standards. We are already administratively aware that certain CLECs are facilities-based while others exist in the marketplace by being resellers. Yet other carriers have a mixed mode existence through their partial ownership and operation of facilities and their simultaneous reliance on leased or resold facilities and/or services from yet other carriers. Thus, as we move further into the future of the telecommunications industry transition and competition, the lines between the various categories of carriers are becoming increasingly blurred.³ This is especially true when there is an attempt to impose a regulatory "bright dividing line" between facilities-based and nonfacilities-based carriers.⁴ Thus, we intend to continue regulating IXC noncompetitive services to aggregator telephones without any distinction as to the nature of the provider. This approach will preserve the existing "rate cap" regulation of reseller IXCs while enabling us to better monitor and police the rate movements of services to aggregator telephones. We further believe that live and automated operator services continue to be at the core of IXC noncompetitive services to aggregator telephones and that such services should continue to be subject to our regulatory scrutiny, albeit in such a manner that would not harm the legitimate competitive interests of the participants in the relevant services markets.⁵

We believe, however, that our definition of interexchange service to aggregator telephones should exclude prepaid debit calling card services. The AT&T/MCI comments in this regard are indeed persuasive. End-users can obtain prepaid debit calling cards from a number of providers and not only from telecommunications carriers that are under our jurisdiction. In that respect, the exercise of our jurisdiction and our efforts in protecting the public interest and end-users of telecommunications services, can best be directed in areas where our regulatory oversight will be of the most social benefit at the least administrative cost to this agency. Thus, IXCs with tariffed prepaid calling card services in their tariffs can file changes to such tariffs for informational purposes only. Such tariff changes will be permitted to become effective on 1-day's notice.

2. Definition of "Working Days"

AT&T argues, and IRRC concurs, that the definition of "working days" contained in the proposed § 63.102,

³ It should be noted that the AT&T/MCI position was formulated prior to the enactment of the Federal Telecommunications Act of 1996, and while AT&T and MCI were formulating their respective business plans for their entry into the local exchange services markets. Currently, both AT&T and MCImetro Access Transmission Services, Inc., have been certified as CLECs by this Commission and are vigorous participants in various proceedings relating to local interconnection. Assuming that AT&T were to operate as a CLEC on the basis of "pure resale," under the premises of its own proposal in the instant proceeding, "CLEC-reseller" AT&T could find itself in the unenviable position of having its noncompetitive services to aggregator telephones subjected to more regulatory scrutiny than that potentially applied to Bell Atlantic-Pennsylvania, Inc.'s — AT&T's ILEC competitor — corresponding services since Bell would be classified as a "facilities-based" carrier or "interexchange transporter"

⁴ Such "dividing lines" will continue to blur as various telecommunications carriers utilize both their own networks and "unbundled elements" from the networks of other carriers for the provision of services to end-users.

⁵ AT&T's Comments plainly suggest that the definition of interexchange service to aggregator telephones should include "live and automated operator services." AT&T Comments, recommended amendments to proposed 52 Pa. Code § 63.102, Appendix A, at 19.

should be aligned with the existing definition of "days" already in place in the Commission's existing regulations at 52 Pa. Code § 1.12. AT&T Comments at 7, IRRC Comments at 3. These comments have merit. However, in order to conserve the Commission's own resources, the periods of staff review in our proposed regulations shall be modified accordingly from "10 working days" to "14 days." Similarly, the notice periods relating to the effective dates of the IXC tariff supplement filings contemplated in our proposed regulations should be lengthened from "14 days" to "16 days." We believe that these time periods will ensure adequate opportunity for agency review of and action on the associated IXC filings without placing unnecessary administrative impediments and delays on the IXCs.

3. Standard of Commission Review for Existing Noncompetitive Services

AT&T consistently argues in its comments that the proposed "... regulations pertaining to noncompetitive services should not be made to apply to operator and calling card services provided by facilities-based, interexchange carriers." AT&T Comments at 12, emphasis in the original. In addition, AT&T argues that "...even if these services are characterized as noncompetitive under the rules, the extent of Commission review for proposed changes to noncompetitive services is limited by law, and should be limited by long-standing Commission policy, to assuring that a reasonable justification is provided and that the change complies with the 'service adequacy' and privacy requirements of the Code." Id., emphasis in the original. AT&T goes on to argue that the proposed regulation at § 63.105 is in need of substantial modification and that, statutorily, the Commission's review of tariff changes in noncompetitive IXC services should be bound only by the "... provisions regarding safety, adequacy, reliability and privacy of telecommunications services" found at 66 Pa.C.S. § 3009(b)(4). Id., emphasis in the original. AT&T further asserts that this "is the only grant of authority established by Chapter 30 for changes to interexchange carrier's noncompetitive services" and that the "Commission's reviewing authority does not, therefore, extend to a traditional review of the reasonableness of the rates proposed for these services or requiring cost justifications or cost-of-service or revenue analyses." Id. AT&T also offers the additional arguments as to why cost justification and data are not required for the evaluation of existing IXC noncompetitive service tariff filings and associated rate changes:

Moreover, requiring cost justifications and data... would mean that a statute that was passed to *deregulate* virtually all of the services provided by facilities-based carriers would be used to impose *greater* regulatory review and justification requirements than existed *before the statutory reform was passed*. Indeed, AT&T has [*sic*] not been required by the Commission to provide cost or cost-of-service justifications for its proposed rate changes *since the PUC's Generic IXC Order in 1985. Opinion and Order, dated August 9, 1985, Re: Petition Requesting the Commission to Institute a Generic Investigation Concerning the Development of Intrastate Access Charges, Doc. No. P-830452*. It hardly could have been the intent of the Legislature in passing Act 67 to reverse 10 years of regulatory restraint and to *re-regulate* AT&T.

Accordingly, a reasonable business justification, along with relevant information indicating that the change complies with code standards for safety, reliability, adequacy and privacy, is all that the Commission should require for interexchange carriers. The rules should

specify that justification for changes could include: conforming the rate or surcharge to the comparable interstate charge, responding to competitive conditions, reducing customer confusion, conforming the rates or the service to generally applicable marketing plans or making changes to improve the quality or the value of the service provided. Cost justifications, cost-of-service or detailed rate data are unnecessary and the rule should state that such information or data are not required.

AT&T Comments at 13-14, footnote omitted, emphasis in the original.

We addressed the same AT&T argument in a limited fashion in our June 8, 1995, Order at Docket No. R-00953364, where we stated:

AT&T urges us to adopt a limited statutory interpretation regarding our authority to review IXC tariff filings that involve noncompetitive services as those are defined under the premises of 66 Pa.C.S. § 3008(a)(1)&(2) '... unless determined otherwise by the commission.' AT&T's statutory interpretation, anchored in its reading of 66 Pa.C.S. § 3009(b)(4), would permit this Commission's review of changes to existing IXC noncompetitive services on the basis of whether such changes are in '... compliance with applicable provisions regarding safety, adequacy, reliability and privacy of telecommunications services.'

AT&T's suggested interpretation may render unanswered the question of how this Commission is supposed to perform a review of the rates for IXC services that could be classified as noncompetitive under the premises of 66 Pa.C.S. § 3008(a)(1).

Pennsylvania Public Utility Commission v. AT&T Communications of Pennsylvania, Inc., Docket No. R-00953364, Order entered on June 8, 1995, at 4-5, emphasis in the original.

Although we sympathize with AT&T's position on the required flexibility for our evaluation standards of IXC noncompetitive services tariffs, we find its statutory interpretation on the scope of the available review standards to be disturbingly narrow. AT&T's interpretation will deprive this Commission of certain evaluation standards, inclusive of the cost information that may be of relevance to a particular tariff filing. This interpretation is unacceptable. As the trend of IXC noncompetitive service tariff filing evaluations demonstrates, following our Order at Docket No. R-00953364, the cost information issue or the cost-based rates of IXC tariff filings for noncompetitive services, have not become subjects of litigation before this Commission. Therefore, AT&T's concerns that the regulatory evaluation process for IXC noncompetitive service tariff filings would become unduly burdensome, have not materialized under our Interim Guidelines. However, in the remote possibility that cost data or information are legitimately needed in order to evaluate an IXC noncompetitive service tariff filing, this Commission and its staff cannot deprive themselves of the opportunity to seek such information in order to protect the broader public interest and the welfare of end-user consumers of telecommunications services.

We must also pay attention to the evaluation mechanism that will be used for existing IXC noncompetitive service tariff filings in the context of our proposed rules, since the same mechanism will be used for the evaluation of intraLATA toll rate changes by LECs under conditions of "1+" intraLATA toll dialing parity. We believe that AT&T and other IXCs will be hard pressed to argue that cost information and data are irrelevant in the evaluation

of toll rate changes that can and will be filed by LECs under the procedures contemplated in the instant rule-making. This is due to the traditional interest that IXCs have expressed and continue to express about LEC intraLATA toll service rate movements and their relationship to the LEC carrier access services and rates that are engaged by the IXCs for the origination, transport, switching and termination of toll calls within the Commonwealth.

We believe, however, that we can formally adopt additional flexibility in our rules regarding the evaluation standards for the IXC tariff filings with changes to their existing noncompetitive services. This flexibility largely reflects the decisions that we have already taken with respect to certain tariff filings from facilities-based IXCs such as AT&T and Sprint at Docket Nos. R-00953364 and R-00953388, respectively. Thus, we will include an additional subsection in our final regulation at § 63.105 (relating to noncompetitive services) to reflect these decisions as well as certain of the suggestions that have been made by AT&T in its comments. This subsection will essentially accomplish the following:

—It will eliminate the need of any review for IXC existing noncompetitive service tariff filings, on the basis of cost justification, cost-of-service, or revenue data if the proposed tariff changes reflect tariff changes for the same service that have become lawfully effective in the interstate jurisdiction or in several other states.

—Gives the IXC the opportunity to submit other reasonable justification for its proposed existing noncompetitive service tariff change, and provides the Commission and its staff the opportunity to request any other relevant data.

—It will eliminate the need for any review if the IXC requests a rate decrease for its existing noncompetitive service.

—It will eliminate the need for any review if the IXC proposed tariff change for an existing noncompetitive service involves terms and conditions for the service without any rate effects.

AT&T's Comments suggest that the regulations should "...explicitly permit a filing that reflects a negotiated or compromise version of the tariff supplement arrived at between the PUC staff and the interexchange carrier" and that "[e]xplicit recognition of this alternative may facilitate a compromise solution, saving time and resources for all concerned." AT&T Comments at 11 and Appendix A at 23-24. The IRRC Comments endorse this approach. We find great merit in this proposal. Thus, our final regulation regarding the evaluation of IXC tariff filings for existing noncompetitive services shall be modified accordingly to reflect this approach.

AT&T proposes that if a contested IXC tariff filing with a change in an existing noncompetitive service is brought before the Commission by the Commission's staff, such action should be taken at the next available Public Meeting following the issuance of the staff report that suspended the filing. Furthermore, AT&T suggests that if the Commission would fail "to reject the carrier's tariff at the next public meeting, the tariff filing shall be deemed approved and the carrier may place the service into effect upon one day's notice." AT&T Comments, Appendix A at 23.

We decline to accept AT&T's suggestion. We are aware that our staff strives to bring contested matters to our attention for resolution with all possible speed. Our

experience with contested IXC tariff filings for existing noncompetitive services clearly indicates that such matters were resolved without any undue delay. In addition, we cannot precisely forecast at this time if IXC tariff filings for their services may become contested matters because of the actions of other interested telecommunications carriers or parties. If past experience with proposed toll rate changes by certain ILECs in this Commonwealth is any indication, it is highly probable that our staff will be called to analyze such disputes and refer them to the Commission for final disposition. Under such circumstances, the Commission cannot limit the necessary time frame in which a contested matter can be timely resolved while following all due process requirements. Such a time frame cannot be bound by the time limits suggested by AT&T which we find to be highly arbitrary.

4. *New Competitive Services*

We agree with AT&T's comments that our proposed rule requirement for the submission of "comprehensive information" when a new IXC competitive service is filed, needs to be modified. Thus, we believe that AT&T's suggestion has merit in replacing the term "comprehensive" with "relevant." AT&T Comments at 8. We further agree with AT&T's Comments that if an IXC files a tariff for a new competitive service, the IXC will not need to submit any information regarding comparable services from other IXCs. AT&T Comments at 9. We believe that there is no need for such an administrative burden in automatically requesting such information from the IXCs. If there is a need to obtain such information in order to analyze the related IXC filing, such information can be obtained on a case-by-case basis.

5. *Reclassification of Services*

AT&T urges us to modify § 63.106 (relating to reclassification of services) of our proposed regulations in order to incorporate a time limit for the Commission to decide whether an IXC noncompetitive service is competitive. AT&T Comments at 15. AT&T suggests that although Chapter 30 contains a 180-day limit for such a decision if the service involved is an IXC noncompetitive service, the corresponding decision for an IXC noncompetitive service should be reached within 90 days from the date of commencement of the relevant proceeding. AT&T states in support that "... the strong presumption is that the General Assembly's characterization of a service as 'non-competitive' was a temporary phenomenon and, if an investigation under this section is initiated, the service likely will be found to be competitive." AT&T Comments at 16.

For generally similar reasons, AT&T argues that the IXC noncompetitive service reclassification to a competitive one should take place without the need for a hearing. AT&T contrasts the statutory language at 66 Pa.C.S. § 3008(c) where the Commission "shall have the authority to reclassify telecommunications services provided by an interexchange ...carrier as noncompetitive if, after notice and hearing, it determines, upon application of the criteria set forth in this chapter, that sufficient competition is no longer present," with 66 Pa.C.S. § 3008(a) where the telecommunications services "provided by an interexchange carrier shall be deemed to be competitive services ...except for the provision of the following interexchange services which will be deemed to be non-competitive services unless determined otherwise by the commission..." AT&T reaches the conclusion that "...since Chapter 30 does not require it, the [proposed regulation] section should be rewritten to acknowledge that the Commission can resolve a petition by an interexchange

carrier to reclassify a service from noncompetitive to competitive without *requiring* a hearing." AT&T Comments at 17, emphasis in the original.

As we have previously noted, the procedures contemplated in the instant rulemaking will also be utilized by other telecommunications carriers for the provision of their intraLATA toll services under conditions of "1+" intraLATA toll dialing parity. Thus, the need for maintaining competitive neutrality among the various competing carriers in the intraLATA toll services market, obliges us to adopt the existing statutorily specified *procedural* guidelines that are already contained in Chapter 30 that relate to the competitive reclassification of IXC noncompetitive services at 66 Pa.C.S. § 3005(a). Thus, the Commission will utilize both a 180-day period and a hearing in reaching its determination on whether an IXC noncompetitive service can be reclassified as competitive. We cannot fail to observe that the competitive reclassification of the IXC services to aggregator telephones and of IXC optional calling plans would in all likelihood require a hearing because of the multitude of issues involved and the potential effects on various interested parties and on the public interest in general.

6. *Annual Reporting Requirements*

AT&T argues against the proposed annual reporting requirement for intrastate service-by-service revenue and usage data. AT&T Comments at 18. The IRRC comments also question whether this Commission needs such data if an IXC files an annual report with the FCC, with more comprehensive information than that required under our proposed regulation, and the IXC also forwards a copy of its FCC annual report to this Commission as well. It should be noted that only AT&T was under the obligation of providing a comprehensive annual report to the FCC. Thus, it is imperative that this Commission shall obtain the necessary information on IXC operations within this Commonwealth. In this respect, we will not adopt AT&T's suggestion to eliminate the annual reporting requirement for revenue and usage data on a service-by-service basis. Furthermore, we note that we are requesting such information on "subject to data availability basis." Thus, such a reporting requirement will not be an undue administrative burden on smaller IXCs, while the larger ones maintain such data on a highly automated basis.

C. *Availability of Procedures to Local Exchange Carriers*

Under our previously discussed pronouncements, the procedures contained in the present final rule will also be available for ILEC and CLEC intraLATA toll rate changes once intraLATA "1+" dialing parity is implemented. This Commission will be issuing further directives regarding ILEC and CLEC rate changes for their respective toll services, including the disposition of AT&T's Petition for Clarification at Docket Nos. P-00961024 and P-00961081, *Commonwealth Ch. 30 Order*. Pending the issuance of such directives, ILECs and CLECs that plan to utilize the IXC procedures for intraLATA toll service rate changes once "1+" intraLATA toll dialing parity is implemented, are directed to propose intraLATA toll rate changes in *separate and distinct* tariff filings from those involving their local exchange and/or carrier access services. We intend to continue accepting, evaluating and resolving ILEC and CLEC tariff filings on a 60-day notice basis under the premises of Section 1308(a) of the Public Utility Code, 66 Pa.C.S. § 1308(a). Thus, ILEC and CLEC tariffs which may "intermix" proposed rate changes in intraLATA toll services under the procedures in the instant final regulations, with rate changes for local

exchange and/or carrier access services, will be deemed improper and will not be accepted for filing by this Commission.

Accordingly, under section 501 and section 3009(d) of the Public Utility Code, 66 Pa.C.S. §§ 501 and 3009(d), and the Commonwealth Documents Law (45 P. S. § 1201, et seq.) and regulations promulgated thereunder at 1 Pa. Code §§ 7.1—7.4, we amend the regulations at 52 Pa. Code § 63.101, et seq., Subchapter H, as noted above and as set forth in Annex A of this order; *Therefore,*

It is Ordered that:

1. The Interim Guidelines, currently in place, regarding the regulation of interexchange carriers operating or otherwise conducting business in this Commonwealth, and contained in Appendix A of the January 10, 1995 Declaratory Order, shall remain in effect until these regulations become effective upon publication in the *Pennsylvania Bulletin*.

2. The regulations of the Commission, 52 Pa. Code Chapter 63, are amended by adding §§ 63.101—63.110 to read as set forth in Annex A.

3. The Secretary shall submit this Order and Annex A to the Office of Attorney General for approval as to legality.

4. The Secretary shall submit this Order, together with Annex A, to the Governor's Budget Office for review of fiscal impact.

5. 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 the Independent Regulatory Review Commission.

6. The Secretary shall duly certify this Order and Annex A and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. Alternative formats of this document are available to persons with disabilities and may be obtained by contacting Shirley M. Leming, Regulatory Coordinator, Law Bureau at (717) 722-4597, or through AT&T Relay Center at 1-800-654-5988.

7. These regulations shall become effective upon publication in the *Pennsylvania Bulletin*.

By the Commission,

JOHN G. ALFORD,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 27 Pa.B. 2790 (June 7, 1997).)

Fiscal Note: Fiscal Note 57-155 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart C. FIXED SERVICE UTILITIES

CHAPTER 63. TELEPHONE SERVICE

Subchapter H. INTEREXCHANGE TELECOMMUNICATIONS CARRIERS

(Editors Note: As part of this regulatory package, the Commission is relettering subchapters in Chapter 63. The rulemaking inserts a new Subchapter H, §§ 63.101—63.110. The current Subchapter H, §§ 63.111—63.118 becomes Subchapter I, numbered sections do not change.

The current Subchapter I, §§ 63.131—63.137, becomes Subchapter J, numbered sections do not change.)

- Sec.
- 63.101. Statement of purpose and policy.
- 63.102. Definitions.
- 63.103. Existing competitive services.
- 63.104. New competitive services.
- 63.105. Noncompetitive services.
- 63.106. Reclassification of services.
- 63.107. Annual reporting requirements.

§ 63.101. Statement of purpose and policy.

On July 8, 1993, the General Assembly enacted sections 3001—3009 of the code (relating to alternative form of regulation of telecommunications services) (Chapter 30), which provided for the regulatory reform of the telephone industry in this Commonwealth. Sections 3008 and 3009(b)(4) of the code (relating to interexchange telecommunications and carrier; and additional powers and duties) have significant effect on the future regulation by the Commission of interexchange telecommunications carriers. The purpose of this subchapter is to codify the application of Chapter 30 to interexchange telecommunications carriers and codify the modification of procedures to address the application of Chapter 30.

§ 63.102. Definitions.

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

Code—The Public Utility Code, 66 Pa.C.S. §§ 101—3316.

Competitive services—Interexchange services other than noncompetitive services.

Existing service—A competitive or noncompetitive service which an interexchange telecommunications carrier offered prior to July 5, 1997, or a competitive or noncompetitive service previously introduced as a new service under either § 63.104 or § 63.105(b) (relating to new competitive services; and noncompetitive services).

Interexchange service to aggregator telephones—An interexchange service offered to consumers using telephones, including coin telephones, credit card telephones and telephones located in hotels, motels, hospitals and universities, which are made available to the transient public, customers or patrons. The term includes live and automated operator services and other services which are provided to consumers placing calls from aggregator telephones, but excludes prepaid debit calling card services.

Interexchange telecommunications carrier—A carrier other than a local exchange carrier or local telecommunications company authorized by the Commission to provide long distance telecommunications service. The term includes both interexchange transporters and interexchange resellers as those terms are defined in § 63.112 (relating to definitions).

New service—A competitive or noncompetitive service which an interexchange telecommunications carrier is proposing to offer not previously offered by that interexchange telecommunications carrier and which is not a modification to an existing service or an adjunct to an existing service.

Noncompetitive services—

(i) This term includes the following categories of service:

- (A) Interexchange service to aggregator telephones.
- (B) Optional calling plans required by the Commission under § 63.73 (relating to optional calling plans).

(C) Other interexchange services expressly determined by the Commission to be noncompetitive under § 63.106 (relating to reclassification of services).

(ii) The term does not include services incorporated within the service categories identified in subparagraph (i) which the Commission expressly determines to be competitive under § 63.106.

§ 63.103. Existing competitive services.

(a) An interexchange telecommunications carrier shall maintain in its tariff rates and service description information relating to each of its existing competitive services.

(b) Tariff supplements intended to modify existing competitive service rates or conditions of service may be filed to become effective on 1 days' notice. Supporting data and cost justification related to the modification contained in the tariff supplements are unnecessary. These tariff supplements shall become effective as filed and will not be subject to Commission approval.

(c) Tariff supplements intended to modify existing competitive services shall clearly indicate this purpose on each page of the tariff supplement.

(d) Tariff supplements intended to modify existing competitive services shall be in compliance with section 3008(d) of the code (relating to interexchange telecommunications carrier) and regulations promulgated thereunder.

(e) This section supersedes Chapter 53 (relating to tariffs for noncommon carriers) to the extent those provisions are inconsistent with this section.

§ 63.104. New competitive services.

(a) New competitive services shall be introduced through the filing of a tariff supplement and verified, supporting documentation which contains the following information:

- (1) An indication on each page of the tariff supplement that the page pertains to a new competitive service.
- (2) A description of the new competitive service.
- (3) The rates for the new competitive service.
- (4) An executive overview summarizing the reason for the filing which includes relevant information regarding the safety, adequacy, reliability and privacy considerations related to the new competitive service.

(b) New competitive service tariff supplements may be filed with the Commission to become effective on 16-days' notice.

(c) The Commission and Commission staff's review of new competitive service tariff supplements is restricted to reviewing whether the proposed service is a competitive service and is safe, adequate, reliable and consistent with privacy concerns. This review shall be conducted consistent with the following procedures:

(1) Within 14 days of the date of filing, Commission staff shall either issue a notice allowing the tariff supplement to become effective or issue a report which explains why the tariff supplement should not be permitted to become effective without modification. The staff report may identify modifications which would eliminate inadequacies in the tariff supplement. Commission staff will

deliver or transmit the notice or report to the filing interexchange telecommunications carrier at the time of issuance.

(2) When Commission staff issues a notice allowing the tariff supplement to go into effect, the tariff supplement will become effective, without modification, 16 days after the filing date. If the Commission staff does not issue a notice or report on the tariff supplement within the 14-day period, the tariff supplement will go into effect by operation of law at the end of the 16-day notice period.

(3) When Commission staff does not allow the tariff supplement to go into effect and issues a report addressing the inadequacies in the tariff supplement, the tariff supplement will be suspended pending consideration of the tariff supplement under paragraphs (4) and (5).

(4) The filing interexchange telecommunications carrier may file a response to a staff report suspending the carrier's tariff supplement. Responses shall be filed within 7 days of the issuance of the staff report. Contested staff reports shall be considered by the Commission at public meeting.

(5) In the alternative, the interexchange telecommunications carrier may withdraw the tariff supplement and file a tariff supplement which adopts the modifications addressed in the staff report. When a modified tariff supplement is filed, the modified tariff supplement shall become effective on 1 day's notice unless the modified tariff supplement is not in full compliance with the staff report.

(d) This section supersedes Chapter 53 (relating to tariffs for noncommon carriers) to the extent that Chapter 53 is inconsistent with this section.

§ 63.105. Noncompetitive services.

(a) Each noncompetitive service offered by an interexchange telecommunications company shall be included in the carrier's tariff in compliance with sections 1302 and 1303 of the code (relating to tariff filing and inspection; and adherence to tariffs).

(b) New noncompetitive services shall be introduced through the filing of a tariff supplement. The tariff supplement and verified, supporting documentation shall contain the following information:

- (1) An indication on each page of the tariff supplement that the page pertains to a new noncompetitive service.
- (2) A description of the new noncompetitive service.
- (3) The rates proposed for the new noncompetitive service.
- (4) Supporting data justifying the proposed rates for the noncompetitive service.
- (5) An executive overview summarizing the reason for the filing which includes relevant information regarding the safety, adequacy, reliability and privacy considerations related to the proposed service.

(c) Modifications to existing noncompetitive services shall be implemented through filing of a tariff supplement and verified supporting documentation. The tariff supplement and supporting documentation shall contain the information prescribed in subsection (b)(1)—(4). Supporting rate data is only required if the tariff supplement purports to increase an existing rate or surcharge.

(d) When a proposed change to an existing noncompetitive service is accompanied by information which satisfies one or more of the following provisions, the Commission and the Commission staff's review of the proposed change

will be based on a review of whether the proposed change in the noncompetitive service is safe, adequate, reliable and consistent with privacy requirements, and the submitting interexchange carrier is not required to submit cost justification, cost-of-service or revenue data relating to the proposed change if one of the following applies:

(1) The proposed change is designed to make the rates, terms or conditions for the service conform to the comparable rates, or conditions for the same service that have become lawfully effective in the interstate jurisdiction.

(2) The proposed change is designed to make the rates, terms or conditions that have become lawfully effective in several other states.

(e) An interexchange carrier may also satisfy the requirements of subsections (b)(4) and (c), and obtain approval for a rate change filed under this section, if the interexchange carrier submits other reasonable justification for the change, or if the Commission or the Commission's staff request any other relevant data.

(f) An interexchange carrier requesting rate decreases for its existing noncompetitive services will be permitted to put them in effect at the end of the specified 16-day notice period without any further review or approval by the Commission or the Commission's staff.

(g) An interexchange carrier requesting changes in the terms and conditions of its existing noncompetitive services, where the changes will not result in any rate changes, will be permitted to put them in effect at the end of the specified 16-day notice period without any further review or approval by the Commission or the Commission's staff.

(h) Noncompetitive service tariff supplements shall be filed to become effective on 16-days' notice.

(i) Review of noncompetitive service tariff supplements shall be conducted consistent with the following procedures:

(1) Within 14 days of the date of filing, Commission staff will either issue a notice allowing the tariff supplement to become effective or issue a report which explains why the tariff supplement should not be permitted to become effective without modification. The staff report may identify modifications which would eliminate inadequacies in the tariff supplement. Commission staff will deliver or transmit the notice or report to the filing interexchange telecommunications carrier at the time of issuance.

(2) When Commission staff issues a notice allowing the tariff supplement to go into effect, the tariff supplement will become effective, without modification, 16 days after the filing date. If the Commission staff does not issue a notice or report on the tariff supplement within the 14-day period, the tariff supplement will go into effect by operation of law at the end of the 16-days' notice period.

(3) When Commission staff does not allow the tariff supplement to go into effect and issues a report addressing the inadequacies in the tariff supplement, the tariff supplement will be suspended pending consideration of the tariff supplement under paragraphs (4) and (5).

(4) The filing interexchange telecommunications carrier may file a response to a staff report suspending the carrier's tariff supplement. Any response shall be filed within 7 days of the issuance of the staff report. Contested staff reports will be considered by the Commission at public meeting.

(5) In the alternative, the interexchange telecommunications carrier may withdraw the tariff supplement and file a tariff supplement which adopts the modifications addressed in the staff report or which reflects a version of the tariff supplement that has been agreed to by the carrier and the staff. When a modified tariff supplement is filed, the modified tariff supplement shall become effective on 1-days' notice.

(j) This section supersedes Chapter 53 (relating to tariffs for noncommon carriers) to the extent that Chapter 53 is inconsistent with this section.

§ 63.106. Reclassification of services.

(a) The Commission has authority, under section 3008(a) and (c) of the code (relating to interexchange telecommunications carrier), to, after notice and hearing, reclassify services defined as either a noncompetitive service or a competitive service.

(b) Commission review of whether a competitive service should be reclassified as a noncompetitive service will be performed either within the scope of a Commission investigation conducted under section 331(a) of the code (relating to powers of commission and administrative law judges), or upon consideration of a complaint filed under section 701 of the code (relating to complaints).

(c) Commission review of whether a noncompetitive service should be reclassified as a competitive service will be performed either within the scope of a Commission investigation conducted under section 331(a) of the code or upon consideration of a petition filed by the interexchange telecommunications carrier under § 5.41 (relating to petitions generally).

(d) When reviewing whether a service should be reclassified, the Commission will consider the following factors:

(1) The ease of entry by potential competitors into the market for the specific service at issue.

(2) The presence of other existing telecommunications carriers in the market for the specific service at issue.

(3) The ability of other telecommunications carriers to offer the service at competitive prices, terms and conditions.

(4) The availability of like or substitute service alternatives in the relevant geographic area for the service at issue.

(5) Other factors deemed relevant by the Commission.

§ 63.107. Annual reporting requirements.

(a) On or before May 31 of each calendar year, a certificated interexchange transporter, as defined in § 63.112 (relating to definitions), shall file with the Commission an annual report for the preceding calendar year. The annual report shall be filed with the appropriate office or bureau. The report shall be considered a proprietary document by the Commission.

(b) The annual report shall contain aggregate total revenue and traffic volume data measured in minutes of use for the carrier's intrastate operations during the preceding calendar year. Subject to data availability, this information should be disaggregated in the following service categories:

(1) Message toll service (MTS) and associated services including operator assisted and calling card services.

(2) Services corresponding to outbound Wide Area Telecommunications Services (WATS).

(3) Services corresponding to inbound WATS or "800" type services.

(4) Private line or dedicated communication path services.

(5) Dedicated network type services, including virtual network type services.

(c) Together with the annual report required by subsection (a), an interexchange telecommunications carrier which is required to file an annual report with the Federal Communications Commission (FCC), shall also file a copy of the FCC annual report. The FCC annual report shall be considered a public document by the Commission unless deemed to be proprietary in whole or in part by the FCC.

Subchapter I. INTEREXCHANGE RESELLERS

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(Editor's Note: Throughout the entire Chapter 63, Subchapter I (former Subchapter H), the term "aggregator" shall be changed to "nonpublic utility aggregator.")

Subchapter J. CONFIDENTIALITY OF CUSTOMER COMMUNICATIONS AND INFORMATION

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[Pa.B. Doc. No. 97-1078. Filed for public inspection July 3, 1997, 9:00 a.m.]

PROPOSED RULEMAKING

DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CH. 403]

Notice of Intent to Promulgate Regulations and Request for Public Participation

The Department of Transportation (Department), Bureau of Maintenance and Operations, under the authority contained in sections 6103 and 8302 of the Vehicle Code as amended (75 Pa.C.S. §§ 6103 and 8302), and consistent with the goals of Executive Order 1996-1, Regulatory Review and Promulgation, announces its intention to amend Title 67 of Department Regulations by amending Chapter 403, Hazardous Material Transportation.

The purpose of this rulemaking is to incorporate recently revised provisions of the Federal Hazardous Materials regulations and to remove the requirement for annual registration of transporters of hazardous materials.

The Department anticipates that this rulemaking will affect all transporters of hazardous materials of a type or quantity which require hazardous materials placarding as well as State and local police and enforcement personnel who are trained and certified in the enforcement of these regulations.

Accordingly, the Department is requesting that within 30 days of the publication of this notice in the *Pennsylvania Bulletin*, all interested persons desiring to participate in the development of this rulemaking or that have questions, suggestions, or comments should contact Daniel R. Smyser, P.E., Chief, Motor Carrier Division, 555 Walnut Street—7th Floor, Harrisburg, PA 17101-1900 (717) 787-7445.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 97-1079. Filed for public inspection July 3, 1997, 9:00 a.m.]

INSURANCE DEPARTMENT

[31 PA. CODE CHS. 1, 5, 7 AND 9]

Uniform Classification of Expenses

The Insurance Department (Department) proposes to amend Part I, Subpart A (relating to uniform classification of expenses) by deleting the following chapters: Chapters 1, 5, 7 and 9 (relating to operating expense classifications; composition of and allocation to expense groups; allocation to lines of business; and special instructions for the allocation of salaries and other expenses). The proposed amendments are set forth in Annex A. This rulemaking is published as a proposed rulemaking under the authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P.S. §§ 66, 186, 411 and 412); the act of May 9, 1949 (P.L. 1025, No. 298) (act) (40 P.S. §§ 1261—1264); and section 320 of The Insurance Company Law of 1921 (40 P.S. § 443). The regulations apply to property and casualty insurers, the State Workmen's Insurance Fund and title insurers. The regulations

prescribe accounting rules for allocating and classifying certain types of expenses in financial statements.

Purpose

The purpose of this rulemaking is to delete Chapters 1, 5, 7 and 9 to eliminate obsolete, unnecessary regulations. The regulations were initially adopted October 21, 1949, and last amended July 7, 1970, under the authority of the act. Specifically, sections 1 and 2 of the act (40 P.S. §§ 1261 and 1262) require property and casualty insurers, the State Workmen's Insurance Fund and title insurers to maintain uniform classifications of accounts and records as may be prescribed by the Insurance Commissioner and, in addition, to file reports in a form determined by the Insurance Commissioner. The regulations were adopted to prescribe uniform accounting rules for the classification of specific expenses.

Section 320(a) of The Insurance Company Law of 1921 requires insurers to file annual financial statements and, as amended by the act of December 18, 1992 (P.L. 792, No. 176) states, in pertinent part:

(a)(1) Every stock and mutual insurance company, association, and exchange, doing business in this Commonwealth, shall annually, on or before the first day of March, file in the office of the Insurance Commissioner and with the National Association of Insurance Commissioners a statement which shall exhibit its financial condition on the thirty-first day of December of the previous year . . . The Insurance Commissioner shall require each insurance company, association and exchange to report its financial condition on the statement convention blanks, in such form as adopted by the National Association of Insurance Commissioners . . . and may make such changes, from time to time, in the form of the same as shall seem best adapted to elicit from them a true exhibit of their financial condition.

(2) Unless otherwise provided by law, regulation or order of the Insurance Commissioner, each insurance company, association and exchange shall adhere to the annual or quarterly statement instructions and the accounting practices and procedures manuals prescribed by the National Association of Insurance Commissioners . . .

Under the authority of the act and section 320 of The Insurance Company Law of 1921, the Insurance Commissioner has determined that the form, instructions and manuals prescribed by the National Association of Insurance Commissioners (NAIC) sufficiently address the classification of the types of expenses covered in the regulations. Therefore, the Commissioner currently requires the insurers subject to the regulations, including the State Workmen's Insurance Fund, to adhere to the NAIC form, instructions and manuals for the classification and reporting of those expenses. The regulations in no manner enhance the NAIC instructions and manuals. Therefore, the regulations are outdated and redundant and are no longer needed.

Affected Parties

The deletion of the regulations affects property and casualty insurers, the State Workmen's Insurance Fund and title insurers.

Fiscal Impact

The current cost of the NAIC manual that includes the rules for classifying expenses is \$100. Because the af-

ected insurers are currently required to adhere to the NAIC instructions and manuals, the deletion of the regulations should have minimal fiscal impact.

Paperwork

The deletion of the regulations would impose no additional paperwork requirements on the Department or insurers.

Effectiveness/Sunset Date

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

Contact Person

Questions or comments regarding the proposed rulemaking may be addressed in writing to Stephen Johnson, Director, Bureau of Examinations, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 783-2142, within 30 days of its publication in the *Pennsylvania Bulletin*.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on June 3, 1997, the Department submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Insurance Committee and the Senate Banking and Insurance Committee. In addition to submitting the rulemaking, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1. A copy of the material is available to the public upon request.

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

GREGORY S. MARTINO,
Acting Insurance Commissioner

Fiscal Note: 11-152. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 31. INSURANCE

PART I. GENERAL PROVISIONS

Subpart A. UNIFORM CLASSIFICATION OF EXPENSES

CHAPTER 1. (Reserved)

(Editor's Note: As part of this proposal, the Department is proposing to rescind §§ 1.1—1.4, 1.11—1.14, 1.21—1.26, 1.31—1.34, 1.41, 1.42 and 1.51—1.67 which appear at 31 Pa. Code pages 1-7—1-30, serial numbers (223455), (223456) and (203327)—(203350).)

CHAPTER 5. (Reserved)

(Editor's Note: As part of this proposal, the Department is proposing to rescind §§ 5.1—5.5, 5.11—5.15, 5.21, 5.22 and 5.31—5.37 which appear at 31 Pa. Code pages 5-1—5-8, serial numbers (203353)—(203360).)

CHAPTER 7. (Reserved)

(Editor's Note: As part of this proposal, the Department is proposing to rescind §§ 7.1—7.4, 7.11 and 7.12 which appear at 31 Pa. Code pages 7-1—7-5, serial numbers (203361)—(203365).)

CHAPTER 9. (Reserved)

(Editor's Note: As part of this proposal, the Department is proposing to rescind §§ 9.1, 9.2, 9.11—9.20, 9.31, 9.32 and 9.41—9.48 which appear at 31 Pa. Code pages 9-1—9-16, serial pages (203367)—(203382).)

[Pa.B. Doc. No. 97-1080. Filed for public inspection July 3, 1997, 9:00 a.m.]

STATE BOARD OF CHIROPRACTIC

[49 PA. CODE CH. 5]

Volunteer License

The State Board of Chiropractic (Board) proposes to amend Chapter 5, by amending § 5.11a (relating to types of licensure and certification offered by the Board) and by adding § 5.20 (relating to volunteer license), to read as set forth in Annex A.

A. Effective Date

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

B. Statutory Authority

The Board is required to promulgate regulations governing the volunteer license category by section 5 of the Volunteer Health Services Act (act) (35 P. S. § 449.5) which became effective February 3, 1997. Section 5 of the act mandates regulations governing: (1) qualifications for placing an active license on volunteer status; (2) criteria under which a retired licensee who has allowed a license to become inactive may obtain a volunteer license; and (3) procedures under which a volunteer license holder may return to active status. The Board is authorized to adopt regulations necessary to the administration of its enabling statute under sections 302 and 1104 of the Chiropractic Practice Act (63 P. S. §§ 625.302 and 625.1104).

C. Background and Purpose

The purpose of the proposal is to implement the act. The act is intended to increase the availability of primary health services by establishing a procedure for chiropractors and other health care practitioners who have retired from active practice to provide professional services as volunteers in approved clinics. Primary health services are defined in the act as including such services as regular checkups, immunizations, school physicals, health education, prenatal and obstetrical care, early periodic screening and diagnostic testing and health education.

An approved clinic is defined in the act as an organized community-based clinic which offers services to: (1) individuals and families who cannot pay for their care; (2) Medical Assistance clients; or (3) residents of medically underserved or health professionals shortage areas. Examples of these clinics include Federal or State qualified and approved health centers or nonprofit community-based clinics.

The act permits persons who have been issued a license by the State Boards of Medicine, Osteopathic Medicine, Dentistry, Podiatry, Nursing, Optometry and Chiropractic to practice a component of the healing arts to apply for volunteer status. A volunteer license will be issued to a

retired individual who documents to the satisfaction of the Board that the individual will practice without remuneration in approved clinics.

The act exempts holders of a volunteer license from biennial renewal fees and professional liability coverage mandated by the Health Care Services Malpractice Act (40 P. S. § 1301.701) or section 508(a) of the Chiropractic Practice Act (63 P. S. § 625.508(a)). However, volunteer licenses will be subject to biennial renewal conditioned upon completion of any continuing education which the Board requires for biennial renewal generally.

D. Description of Amendments

The volunteer license category would be added to § 5.11a. New § 5.20 would provide the statutory references to the act, as well as the statutory basis for the volunteer license category. The Board has interpreted the act as permitting a volunteer license holder to practice exclusively in an organized community-based clinic without remuneration.

Under section 3 of the act, an active licensee shall possess a current, active, unrestricted license to qualify for a volunteer license. Section 4 of the act permits a licensee to apply who retired with a license in good standing. The Board has interpreted this qualification to mean a license which at the time of the application is not subject to an outstanding disciplinary action such as revocation or suspension. Accordingly, the Board uses the term "unrestricted license" as a qualification for the issuance of a volunteer license in § 5.20(b)(2). The criteria for obtaining a volunteer license are in new subsection (b). Both active licensees and retired chiropractors with inactive licenses may receive a volunteer license in order to practice as a volunteer without remuneration in an approved clinic. The act's definition of an "approved clinic" is included in subsection (b)(3).

Procedures to apply for a volunteer license are in § 5.20(c). Applicants would be requested to provide basic license information. In addition, the applicant would be requested to execute a verification that the applicant intends to practice exclusively within the scope of a volunteer license. Also, to provide proper enforcement of the limitation of the act, applicants will be required to file with the Board a letter of agreement from the clinic that the applicant will work in the clinic. Section 5.20(d) would make this notification a continuing obligation during the biennial period of the license.

Biennial renewal of the volunteer license would be provided for under § 5.20(e). Paragraph (2) would cross reference § 5.6 (relating to fees) pertaining to the renewal fee from which a volunteer license is exempt under the act.

Subsection (f) provides for return to active, remunerative practice by a volunteer by applying to the Board and meeting the general reactivation requirements.

Subsection (g) notifies the volunteer license holder that he continues to be subject to the disciplinary provisions of the Chiropractic Practice Act. In addition, subsection (g) proposes that a violation of the act or the regulations adopted thereunder may constitute independent grounds for discipline.

E. Compliance with Executive Order 1996-1

In accordance with the requirements of Executive Order 1996-1, in drafting and promulgating the amendments the Board solicited input and suggestions from the regulated community by providing drafts to organizations

and entities which represent the professionals and to nonprofit organizations who represent qualified providers of volunteer services.

F. Fiscal Impact and Paperwork Requirements

1. *Commonwealth*—The proposed amendments will create a new license for which no fee will be charged. As such, the expenses of the program will be borne as a part of the Board's overall operating expenses which are financed through biennial renewals of active licensees. Therefore, the administration and enforcement of a new license category may have a fiscal impact on overall Board costs. The net effect, however, is estimated to be minimal owing to the relatively small number of licensees who will seek a volunteer license compared with the number of active licensees. Additional paperwork will be incurred by the Board and the private sector to complete and file application forms.

2. *Political subdivisions*—There will be no adverse fiscal impact or paperwork requirements imposed.

3. *Private sector*—The proposed amendments will have a positive fiscal impact on individual licensees who restrict their professional activities to volunteer work since these individuals are exempt from maintaining professional liability insurance required under the Health Care Services Malpractice Act (40 P. S. §§ 1301.101—1301.1004) and the biennial renewal fee for licensure. The proposed amendments should impose no additional fiscal or paperwork requirements.

G. Sunset Date

The Board continuously monitors its regulations. Therefore, no sunset date has been assigned.

H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on June 24, 1997, the Board submitted a copy of these proposed amendments, to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. In addition to submitting the proposed amendments, the Board has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Board in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

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

I. Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendments to Wade A Fluck, Board Counsel, State Board of Chiropractic, P. O. Box 2649, 116 Pine Street, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed rulemaking. Reference No. 16A-439 (Volunteer License), when submitting comments.

MARY ANNE CRAWFORD, D.C.,
Chairperson

Fiscal Note: 16A-439. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 5. STATE BOARD OF CHIROPRACTIC

Subchapter B. LICENSURE, CERTIFICATION, EXAMINATION AND REGISTRATION PROVISIONS

§ 5.11a. Types of licensure and certification offered by the Board.

The Board will offer the following types of licensure and certification to candidates who qualify under the act and this chapter:

* * * * *

(5) Volunteer license.

§ 5.20. Volunteer license.

(a) *Purpose and scope.* The following subsections implement the Volunteer Health Services Act (35 P. S. §§ 449.41—449.50) and provide for the issuance of a volunteer license to a qualified individual who retires from active practice and seeks to provide professional services as a volunteer. A volunteer license authorizes the holder to practice only in an organized community-based clinic and without remuneration.

(b) *License.* A volunteer license may be issued to a licensee of the Board who meets one of the following conditions:

(1) Holds a currently renewed, active, unrestricted license in this Commonwealth and retires from active practice at the time the applicant applies for a volunteer license.

(2) Retires from active practice in this Commonwealth in possession of an unrestricted license which was allowed to lapse by not renewing it. A retired licensee shall meet any requirements of the act or the regulations pertaining to continued education or continued competency to be eligible for renewal. As used in this section, an "unrestricted license" is a license which is not restricted or limited by order of the Board under its disciplinary power.

(3) Documents to the satisfaction of the Board that the applicant will practice without personal remuneration in approved clinics. As used in this section, an "approved clinic" is an organized community-based clinic offering primary health care services to individuals and families who cannot pay for their care, to Medical Assistance clients or to residents of medically underserved areas or health professionals shortage areas. The term may include a State health center, nonprofit community-based clinic and Federally qualified health center, as designated by Federal rulemaking or as approved by the Department of Health or the Department of Public Welfare.

(c) *Applications.* An applicant for a volunteer license shall complete an application obtained from the Board. In addition to providing information requested by the Board, the applicant shall provide:

(1) An executed verification on forms provided by the Board certifying that the applicant intends to practice exclusively:

(i) Without personal remuneration for professional services.

(ii) In an organized community-based clinic offering primary health care services to one or more of the following:

(A) Individuals and families who cannot pay for their care.

(B) Medical Assistance clients.

(C) Residents of medically underserved areas or health professional shortage areas.

(2) A letter signed by the director or chief operating officer of the community-based clinic that the applicant has been authorized to provide volunteer services in the named clinic by the governing body or responsible officer of the clinic.

(d) *Validity of license.* A volunteer license shall be valid for the biennial period for which it is issued, subject to biennial renewal. During each biennial renewal period, the volunteer license holder shall notify the Board of any change in clinic or volunteer status within 30 days of the date of the change, or at the time of renewal, whichever occurs first.

(e) *Biennial renewal.* A volunteer license shall be renewed biennially on forms provided by the Board.

(1) As a condition of biennial renewal, the applicant shall satisfy the same continuing education requirements as the holder of an active, unrestricted license.

(2) The applicant shall be exempt from § 5.6 (relating to fees) pertaining to the biennial renewal fee and shall be exempt from section 508 of the Chiropractic Practice Act (63 P. S. § 625.508) with regard to the maintenance of liability insurance coverage under section 701 of the Health Care Services Malpractice Act (40 P. S. § 1301-701).

(f) *Return to active practice.* A volunteer license holder who desires to return to active practice shall notify the Board and apply for biennial registration on forms provided by the Board in accordance with § 5.17 (relating to biennial registration; unregistered status and inactive status; failure to renew; address of record).

(g) *Disciplinary provisions.* A volunteer license holder shall be subject to the disciplinary provisions of the act and this chapter. Failure of the licensee to comply with the Volunteer Health Services Act (35 P. S. §§ 449.41—449.50) or this section may also constitute grounds for disciplinary action.

[Pa.B. Doc. No. 97-1081. Filed for public inspection July 3, 1997, 9:00 a.m.]

STATEMENTS OF POLICY

Title 31—INSURANCE

INSURANCE DEPARTMENT

[31 PA. CODE CH. 90b]

Medicare Supplement Excess Benefit Policies

The Insurance Department (Department) deletes Chapter 90b (relating to health care practitioners medicare fee control—statement of policy) to read as set forth in Annex A. Since the chapter was issued as a statement of policy and not as regulations, it is not necessary to publish the deletion in proposed form. The statement of policy was announced under the authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412) and section 354 of The Insurance Company Law of 1921 (40 P. S. § 477b). The statement of policy provided guidelines for the implementation of section 31 of the Health Care Practitioners Medicare Fee Control Act (act) (35 P. S. § 449.31) which was signed into law on July 10, 1990.

Purpose

The purpose of this notice is to delete Chapter 90b to eliminate an obsolete statement of policy that no longer serves any compelling public interest. The statement of policy was issued on September 7, 1990, as a result of the passage of the act (35 P. S. §§ 449.31—449.36), which was signed into law on July 10, 1990. The act prohibits health care practitioners, primary health facilities and other entities from balance billing patients covered by the Medicare Program. "Balance billing" is defined as charging or collecting from a Medicare patient an amount in excess of the reasonable charge determined by the United States Secretary of Health and Human Services.

Section 90b.1 (relating to Department rate and form approval) advises that the Department would no longer approve rate and form filings for Medicare Supplement policies and certificates that provided benefits in excess of 20% of the approved Medicare reasonable charge. Because the transition period for filing rates and forms under the act is well expired, this section of the statement of policy is unnecessary and does not serve any compelling public interest.

In addition, the Department no longer approves Medicare Supplement policies and certificates under section 354 of The Insurance Company Law of 1921. Section 354 relating to the approval of accident and health forms was repealed insofar as it is inconsistent under The Accident and Health Filing Reform Act (relating to current policyholders and certificateholders; and submission of rate and form filings to conform to the Health Care Practitioners Medicare Fee Control Act (1990-81)), signed into law on December 18, 1996. Accordingly, Chapter 90b has been superseded by a change in the law.

Sections 90b.2 and 90b.3 list transition requirements relating to changes in policy forms and rates. These sections required insurers to allow then current policyholders the opportunity to eliminate excess benefit coverage during the policy term or at the next renewal. The statement of policy further required that insurers and health maintenance organizations make rate and form filings to conform with the act. Reviews under §§ 90b.2 and 90b.3 have not been applicable since 1991, the first year of implementation of the statement of policy. Sections 90b.2 and 90b.3 were transitional guidelines and

are not applicable to any new Medicare Supplement policies being issued in this Commonwealth. Therefore this guidance is obsolete and unnecessary.

Comments regarding the deletion of this statement of policy were solicited from the various trade associations representing the insurance industry, and other Commonwealth agencies. No comments were received.

Fiscal Impact

There will be no fiscal impact as a result of the deletion of this statement of policy.

Paperwork

There will be no impact on paperwork as a result of the deletion of this statement of policy.

Affected Parties

The deletion of these sections will affect all insurers who are licensed to sell Medicare supplement policies and certificates in this Commonwealth.

Effectiveness/Sunset Date

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

Contact Person

Information regarding this matter may be addressed in writing to Geoffrey Dunaway, Director, Accident and Health Bureau, 1311 Strawberry Square, Harrisburg, PA 17120, (717) 787-0684.

GREGORY S. MARTINO,
Acting Insurance Commissioner

(Editor's Note: The regulations of the Department are amended by deleting a statement of policy in §§ 90b.1—90b.3 to read as set forth in Annex A.)

Fiscal Note: 11-161. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 31. INSURANCE

PART IV. LIFE INSURANCE

CHAPTER 90b. (Reserved)

§§ 90b.1—90b.3. (Reserved).

[Pa.B. Doc. No. 97-1082. Filed for public inspection July 3, 1997, 9:00 a.m.]

Title 55—PUBLIC WELFARE

DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CH. 140]

Federal Poverty Income Guidelines for 1997

The Department of Public Welfare (Department) announces the implementation in this Commonwealth of the 1997 Federal Poverty Income Guidelines (FPIGs) which were issued by the Department of Health and Human Services and published at 62 FR 10856 on March 10, 1997.

The FPIGs are the basis for the income eligibility limits for several programs whose regulations are published in 55 Pa. Code and administered by the Department. These programs include the Healthy Beginnings Program for Pregnant Women and Qualified Children, Chapter 140, Subchapter A; the Healthy Horizons Program for the Elderly and Disabled, Chapter 140, Subchapter B; Extended Medical Coverage under the Categorically Needy

Program for AFDC/AFDC-U Related Categories*, Chapter 140, Subchapter C; and Transitional Child Care Programs, Chapter 168.

The percentages for the Healthy Beginnings, Healthy Horizons and Transitional Child Care Programs are set forth as follows:

Persons	100% of FPIG		120% of FPIG		133% of FPIG		185% of FPIG	
	Mo.	Annual	Mo.	Annual	Mo.	Annual	Mo.	Annual
1	\$657	\$7,890	\$789	\$9,468	\$874	\$10,494	\$1,216	\$14,597
2	\$884	\$10,610	\$1,061	\$12,732	\$1,175	\$14,111	\$1,635	\$19,629
3	\$1,110	\$13,330	\$1,333	\$15,996	\$1,477	\$17,729	\$2,055	\$24,661
4	\$1,337	\$16,050	\$1,605	\$19,260	\$1,778	\$21,347	\$2,474	\$29,693
5	\$1,564	\$18,770	\$1,877	\$22,524	\$2,080	\$24,964	\$2,893	\$34,725
6	\$1,790	\$21,490	\$2,149	\$25,788	\$2,381	\$28,582	\$3,313	\$39,757
7	\$2,017	\$24,210	\$2,421	\$29,052	\$2,683	\$32,199	\$3,732	\$44,789
8	\$2,244	\$26,930	\$2,693	\$32,316	\$2,984	\$35,817	\$4,151	\$49,821
Each Additional Person	\$226	\$2,720	\$272	\$3,264	\$301	\$3,618	\$419	\$5,032

These percentages apply as follows:

Healthy Beginnings—

- a. 185% for pregnant women and infants up to 1 year of age.
- b. 133% for children age 1 through 5 years of age; and
- c. 100% for children age 6 and older who were born after September 30, 1983.

Healthy Horizons—

- a. 100% for those persons eligible for the categorically needy and Medicare cost-sharing benefits.
- b. 120% for those persons eligible for the Specified Low-Income Medicare Beneficiaries and Medically Needy Only benefits.

(There are different resource limits for each of these programs.)

Transitional Child Care—185%

Additional information on the specific programs is available at the county assistance offices.

Effective Date

This statement of policy shall take effect upon publication in the *Pennsylvania Bulletin* and apply retroactively to March 10, 1997.

*These categories have been replaced by Temporary Assistance for Needy Families (TANF) related categories but 55 Pa. Code has not yet been revised to reflect this.

FEATHER O. HOUSTON
Secretary

Fiscal Note: 14-NOT-145. No fiscal impact; (8) recommends adoption. Increased costs have been included in estimated caseload projections.

Annex A
TITLE 55. PUBLIC WELFARE
PART II. PUBLIC ASSISTANCE MANUAL
Subpart C. ELIGIBILITY REQUIREMENTS
CHAPTER 140. SPECIAL MA ELIGIBILITY REQUIREMENTS
Subchapter C. ELIGIBILITY PROVISIONS FOR EMC UNDER THE CATEGORICALLY NEEDY PROGRAM FOR AFDC/AFDC-U RELATED CATEGORIES*
APPENDIX A
EXTENDED MEDICAL COVERAGE (EMC) MONTHLY INCOME LIMITS
185% OF THE 1997 FEDERAL POVERTY INCOME GUIDELINES

Family Size	185% of the Federal Poverty Income Guidelines
1	\$1,216
2	\$1,635
3	\$2,055
4	\$2,474
5	\$2,893
6	\$3,313
7	\$3,732
8	\$4,151
Each Additional Person	\$419

*These categories have been replaced by Temporary Assistance for Needy Families (TANF) related categories but 55 Pa. Code has not yet been revised to reflect this.

[Pa.B. Doc. No. 97-1083. Filed for public inspection July 3, 1997, 9:00 a.m.]

Title 61—REVENUE

DEPARTMENT OF REVENUE

[61 PA. CODE CH. 9]

Pennsylvania S Corporation Election

The Department of Revenue (Department) has adopted a revised statement of policy under the authority contained in § 3.2 (relating to statements of policy). This statement of policy revises § 9.13 (relating to Pennsylvania S Corporation elections) and shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

The purpose of the statement of policy is to advise the public of the effect of the Pennsylvania S Corporation provisions of Act 7 of 1997 (act). The Department has received numerous inquiries concerning the Department's interpretation of the act. Accordingly, it was determined to be necessary to expedite revisions to the Department's current statement of policy relating to Pennsylvania S Corporations.

The act incorporates many of the Federal S Corporation amendments of the Federal Small Business Job Protection Act of 1996. In general, the act affects the following areas: authorized number of shareholders, types of shareholders, affiliations with other corporations, creation of qualified Subchapter S subsidiaries and reelection of Pennsylvania S Corporation tax treatment after termination of an S election. The revised statement of policy incorporates the Pennsylvania S Corporation amendments of the act. These amendments are retroactive in effect to taxable years beginning on or after January 1, 1997.

Specific questions relating to information provided in this statement of policy may be directed to the Department of Revenue, Office of Chief Counsel, Dept. 281061, Harrisburg, PA 17128-1061.

(*Editor's Note:* The regulations of the Department, 61 Pa. Code Chapter 9, are amended by amending § 9.13 to read as set forth in Annex A, with ellipses referring to the existing text of the statement of policy.)

ROBERT A. JUDGE, Sr.,
Secretary

Fiscal Note: 15-388. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 61. REVENUE

PART I. DEPARTMENT OF REVENUE

Subpart A. GENERAL PROVISIONS

CHAPTER 9. REVENUE PRONOUNCEMENTS—STATEMENTS OF POLICY

§ 9.13. Pennsylvania S Corporation election.

(a) *Generally.* The shareholders of a corporation which qualifies as a "small corporation" under subsection (b) may elect to be taxed as a Pennsylvania S Corporation. The shareholders' election of Pennsylvania S Corporation status is valid only if all shareholders of record on the day the election is filed sign a consent to the election. If an election is made, each shareholder will be subject to Pennsylvania Personal Income Tax on each shareholder's pro rata share of the S Corporation income, whether distributed or not. For taxable years beginning on or after January 1, 1998, the taxable income of a Pennsylvania S Corporation for corporate net income tax purposes is the

corporation's net recognized built-in gain as determined for Federal income tax purposes under section 1374(d)(2) of the IRC (26 U.S.C.A. § 1374(d)(2)).

(b) *Pennsylvania S Corporation election.* A Pennsylvania S Corporation election may be made by the shareholders of any small corporation that is subject to the Pennsylvania corporate net income tax or that owns directly, or through a wholly owned subsidiary, 100% of the stock of a qualified Subchapter S subsidiary that is subject to the Pennsylvania corporate net income tax. A corporation is a small corporation if it meets all of the following requirements:

(1) The corporation has a valid election in effect under Subchapter S of the IRC of 1986 (26 U.S.C.A. §§ 1361—1379).

(2) The corporation would have qualified as a Federal S Corporation under Subchapter S of the IRC of 1986, as amended to January 1, 1997.

(3) The corporation does not have passive investment income in excess of 25% of its gross receipts.

(c) *Passive investment income.* Passive investment income means gross receipts derived from royalties, rents, dividends, interest, annuities and sales or exchanges of stock or securities. Gross receipts from the sale or exchange of stock or securities are taken into account only to the extent of gains therefrom.

* * * * *

(5) For purposes of the passive investment income limitation defined in this subsection, a qualified Subchapter S subsidiary owned by a small corporation may not be treated as a separate corporation. All gross receipts and passive investment income of a qualified Subchapter S subsidiary shall be treated as earned by the parent corporation. In addition, all payments or distributions between the parent corporation and any qualified Subchapter S subsidiaries shall be eliminated for purposes of the passive investment income limitation.

(d) *Form and method of election.*

(1) Except as provided in paragraph (5), a Pennsylvania S Corporation election shall be filed with the Department on Form REV 1640 on or before the 15th day of the third month of the current taxable year to be effective for that year. All shareholders of record on the day the election is filed shall consent to the election by signing either Form Rev 1640 or a separate statement of consent, which may be attached to the Pennsylvania form. The separate consent shall contain the following:

(i) The name, address, Pennsylvania Corporation Tax account (box) number, if applicable, and Federal employer identification number of the corporation.

* * * * *

(2) The corporation shall attach a schedule to the Pennsylvania S Corporation election identifying the name, address, Pennsylvania Corporation Tax account (box) number, if applicable, and Federal employer identification number of each qualified Subchapter S subsidiary owned by the corporation.

(3) The corporation shall submit a copy of the Federal Notification of Approval with its Pennsylvania S Corporation election. If the corporation's Federal S Corporation election is pending at the time the Pennsylvania S Corporation election is filed, the corporation shall indicate that Federal approval is pending, and shall submit a copy of the Federal approval to the Department within 30 days of receipt.

(4) The Pennsylvania S Corporation election shall be filed with the Department by mailing the original executed Form REV 1640 to the Department by certified mail. The election shall be deemed filed on the date the envelope transmitting the election is postmarked by the United States Postal Service. Presentation of a certified mail receipt issued to the small corporation by the United States Postal Service shall be evidence of the filing of the election on the postmark date indicated on the receipt.

(5) For purposes of implementing the Pennsylvania S Corporation amendments of the act of May 7, 1997 (P. L. ___, No. 7) that are retroactive in effect to taxable years beginning on or after January 1, 1997, a Pennsylvania S Corporation election may be filed with the Department on or before September 15, 1997, to be effective for taxable years that commenced between January 1, 1997, through July 1, 1997. Elections filed with the Department after September 15, 1997, for a corporation that had a taxable year which commenced between January 1, 1997, through July 1, 1997, shall be effective for the following taxable year if the requirements in subsection (b) are met.

(e) *Late elections.* Pennsylvania S Corporation elections filed with the Department after the 15th day of the third month of the current taxable year shall be effective for the following taxable year if the requirements in subsection (b) are met.

(f) *Newly formed and foreign corporations.*

(1) A newly formed corporation may elect Pennsylvania S Corporation tax treatment for its first taxable year in Pennsylvania by filing a Pennsylvania S Corporation election with the Department within 75 days of incorporation. If the corporation does not commence business immediately, the election may be filed within 75 days of the date of first activity to be effective for the corporation's taxable year during which activities were commenced.

(2) A foreign corporation may elect Pennsylvania S Corporation tax treatment for its first taxable year in this Commonwealth by filing a Pennsylvania S Corporation election with the Department within 75 days of the commencement of its first taxable year in this Commonwealth. A foreign corporation's first taxable year in this Commonwealth commences on the date the corporation begins doing business in this Commonwealth and becomes subject to the Corporate Net Income Tax imposed under Article IV of the TRC (72 P. S. §§ 7401—7411).

(g) *Revocation or termination of S status.*

(1) A Pennsylvania S Corporation election may be revoked if shareholders holding more than one-half of the shares of stock of the corporation execute their consent to the revocation.

(i) The portion of the taxable year before the revocation takes effect shall be treated as a short taxable year during which the corporation was an S Corporation.

(ii) The portion of the taxable year after the revocation takes effect shall be treated as a short taxable year during which the corporation is subject to Corporate Net Income Tax.

(2) A Pennsylvania S Corporation election shall be terminated for failure to meet the requirements of subsection (b). The termination applies retroactively to the beginning of the corporation's taxable year.

(3) If a Pennsylvania S Corporation election is revoked by the shareholders under paragraph (1) or terminated

for exceeding the passive investment income limitation, the corporation will not be eligible to be taxed as a Pennsylvania S Corporation until the fifth taxable year after the taxable year for which the revocation or termination was effective.

Example 1: REV, Inc. is a calendar year taxpayer that has a valid Pennsylvania S Corporation election in effect since January 1, 1990. The shareholders of REV, Inc. revoke their Pennsylvania S Corporation election effective for the taxable year beginning January 1, 1997. REV, Inc. is not eligible to be taxed as a Pennsylvania S Corporation until the taxable year beginning January 1, 2002.

Example 2: MID REV, Inc. is a calendar year taxpayer that has a valid Pennsylvania S Corporation election in effect. The shareholders of MID REV, Inc. revoke their Pennsylvania S Corporation election effective July 1, 1997. MID REV, Inc. will be treated as a Pennsylvania S Corporation for the period from January 1, 1997, through June 30, 1997. MID REV, Inc., will not be treated as a Pennsylvania S Corporation from July 1, 1997, through the remainder of the taxable year. The period from July 1, 1997, through December 31, 1997, shall be treated as a short taxable year for corporate net income tax purposes. MID REV, Inc. is not eligible to be taxed as a Pennsylvania S Corporation until the taxable year beginning January 1, 2002.

Example 3: TERM, Inc. is a calendar year taxpayer that has a valid Pennsylvania S Corporation election in effect. 35% of the gross receipts of TERM, Inc. for the taxable year beginning January 1, 1997, are derived from passive investment income. The Pennsylvania S Corporation election of TERM, Inc. is terminated effective for the taxable year beginning January 1, 1997. TERM, Inc. is not eligible to be taxed as a Pennsylvania S Corporation until the taxable year beginning January 1, 2002.

Example 4: FED TERM 1, Inc. is a calendar year taxpayer that has a valid Pennsylvania S Corporation election in effect. The Federal S Corporation election of FED TERM 1, Inc. is terminated effective for the taxable year beginning January 1, 1997. The Internal Revenue Service determines that the termination was inadvertent and reinstates the Federal S Corporation election of FED TERM 1, Inc. effective for the taxable year beginning January 1, 1997. The Pennsylvania S Corporation election of FED TERM 1, Inc. is not terminated and FED TERM 1, Inc. will be taxed as a Pennsylvania S Corporation for the taxable year beginning January 1, 1997.

Example 5: FED TERM 2, Inc. is a calendar year taxpayer that has a valid Pennsylvania S Corporation election in effect. The Federal S Corporation election of FED TERM 2, Inc. is terminated effective for the taxable year beginning January 1, 1997. The Internal Revenue Service determines that the termination was inadvertent and reinstates the Federal S Corporation election of FED TERM 2, Inc. effective for the taxable year beginning January 1, 1999. The Pennsylvania S Corporation election of FED TERM 2, Inc. is terminated effective for the taxable year beginning January 1, 1997. FED TERM 2, Inc. will not be taxed as a Pennsylvania S Corporation for taxable years beginning on or after January 1, 1997. FED TERM 2, Inc. is not eligible to be taxed as a Pennsylvania S Corporation until the taxable year beginning January 1, 1999. FED TERM 2, Inc. shall file a new Pennsylvania S Corporation election to be taxed as a Pennsylvania S Corporation for taxable years beginning on or after January 1, 1999.

(h) Qualified Subchapter S subsidiaries.

(1) A Pennsylvania S Corporation election filed by the parent Federal S Corporation of a qualified Subchapter S subsidiary shall be effective for the qualified Subchapter S subsidiary. A qualified Subchapter S subsidiary is not required to file a separate Pennsylvania S Corporation election.

(2) A qualified Subchapter S subsidiary is not eligible to elect Pennsylvania S Corporation tax treatment independent of its parent Federal S Corporation. A qualified Subchapter S subsidiary will not receive Pennsylvania S Corporation tax treatment if its parent Federal S Corporation does not have a valid Pennsylvania S Corporation election in effect.

(3) As used in this section, the term "qualified Subchapter S subsidiary" means a corporation that is a qualified Subchapter S subsidiary of a Federal S corporation as determined by the Internal Revenue Service under section 1308(b)(3)(B) of the IRC (26 U.S.C.A. § 1308(b)(3)(B)).

(i) *Instructions.* The Pennsylvania S Corporation tax report instructions provide further explanation of the taxation of Pennsylvania S Corporations and their shareholders.

[Pa.B. Doc. No. 97-1084. Filed for public inspection July 3, 1997, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending June 24, 1997.

BANKING INSTITUTIONS

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-19-97	Susquehanna Interim Bank, Bryn Mawr, and Founders' Bank, Bryn Mawr Surviving Institution— Susquehanna Interim Bank, Bryn Mawr, With a Change in Corporate Title to "Founders' Bank"	Bryn Mawr	Approved
Subject merger is being effected solely to facilitate the acquisition of Founders' Bank, Bryn Mawr, by Susquehanna Bancshares, Inc., Lititz, a bank holding company.			

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-16-97	USBANCORP Trust Company Johnstown Cambria County	Oakley Park II Route 30 East Greensburg Westmoreland County	Opened
6-16-97	USBANCORP Trust Company Johnstown Cambria County	110 Regent Court Suite 104 State College Centre County	Opened
6-18-97	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	Morrell Plaza Shopping Center 9910 Frankford Avenue Philadelphia Philadelphia County	Filed
6-23-97	Franklin First Savings Bank Wilkes-Barre Luzerne County	15 South Franklin St. Wilkes-Barre Luzerne County	Opened
6-23-97	Peoples Thrift Savings Bank Morristown Montgomery County	1535 Locust Street Philadelphia Philadelphia County	Filed
6-23-97	First Columbia Bank and Trust Company Bloomsburg Columbia County	Columbia Mall Hemlock Township Columbia County	Filed

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-20-97	First Commonwealth Bank Indiana Indiana County	<i>To:</i> 545 W. Mahoning St. (300 Feet West) Punxsutawney Jefferson County <i>From:</i> 545 W. Mahoning St. Punxsutawney Jefferson County	Filed

Articles of Amendment

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
6-23-97	New Century Bank (In Organization) Phoenixville Chester County	To provide for a change in the principal place of business and to provide for the addition of three Directors.	Approved and Effective

SAVINGS ASSOCIATIONS

No activity.

CREDIT UNIONS

No activity.

RICHARD C. RISHEL,
Secretary

[Pa.B. Doc. No. 97-1085. Filed for public inspection July 3, 1997, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Conservation and Natural Resources Advisory Council; Meeting Notice

Notice is hereby given of a meeting of the Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources on Tuesday, July 15, 1997. The meeting will be held at 9 a.m. at the Bel Aire Hotel/Motel, 2800 West 8th Street, Erie, PA.

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

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

MAURICE FORRESTER,
Chairperson

[Pa.B. Doc. No. 97-1086. Filed for public inspection July 3, 1997, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

[National Pollution Discharge Elimination System Program (NPDES)]

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

(Part I Permits)

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

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

Persons wishing to comment on the proposed permit are invited to submit a statement to the office noted above the application 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 Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant.

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

The application and related documents, 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 office indicated above the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodations to participate in the 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.

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 0020303. Sewage, **Schwenksville Borough Authority** P. O. Box 458, 248 Main Street, Schwenksville Borough, **Montgomery County**.

This application is for renewal of an NPDES permit to discharge treated sewage from Schwenksville Borough Sewage treatment plant in Schwenksville Borough, Montgomery County. This is an existing discharge to Perkiomen Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 0.206 mgd (0.3 mgd after rerating) are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			
(5-1 to 10-31)	20	30	40
(11-1 to 4-30)	25	40	50
Suspended Solids	30	45	60
Ammonia (as N)			
(5-1 to 10-31)	3.0	4.5	6.0
(11-1 to 4-30)	9.0	13.5	18.0
Phosphorus (as P)			
(4-1 to 10-31)	2.0	3.0	4.0
Total Residual Chlorine			
(Issuance through year 2)	0.8		2.0
(Year 3 through expiration)	0.5		1.2
Fecal Coliform	200 colonies/100 ml as a geometric average		
Dissolved Oxygen	monitor/report		Inst-min. monitor/report
pH	within limits of 6.0—9.0 standard units at all times		

Other Conditions:

The EPA waiver is in effect.
Conditions for future permit modification.
Effective disinfection.

PA 0055395. Sewage, **Green Top Mobile Home Park**, 107 Green Top Road, Sellersville, PA 18960.

This application is for renewal of an NPDES permit to discharge treated sewage from Green Top Mobile Home Park STP in West Rockhill Township, **Bucks County**. This is an existing discharge to the tributary to Tohickon Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 7,000 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Suspended Solids	30	60
Ammonia (as N)		
(5-1 to 10-31)	1.7	3.4
(11-1 to 4-30)	5.1	10.2
Phosphorus (as P)	0.5	1.0
Total Residual Chlorine		
(issuance through year 2)	0.5	1.2
(year 3 through expiration)	0.03	0.07
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 5.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

The proposed effluent limits for outfall 001, based on an average flow of 12,000 gpd (after rerating of the plant) are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Suspended Solids	30	60

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Ammonia (as N) (5-1 to 10-31)	1.7	3.4
(11-1 to 4-30)	3.0	11.0
Phosphorus (as P)	0.5	1.0
Total Residual Chlorine (issuance through year 2)	0.5	1.2
(year 3 through expiration)	0.02	0.05
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 5.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

Other Conditions.

The EPA waiver is in effect.

Conditions for future permit modification.

Final water quality based effluent limitations for Total Residual Chlorine.

PA 0057177. Sewage, **J. Randall Plummer**, 7004 Mathers Lane, Fort Washington, PA 19034.

This application is for issuance of an NPDES permit to discharge treated sewage from single residence sewage treatment plant in Whitmarsh Township, **Montgomery County**. This is a new discharge to unnamed tributary to Wissahickon Creek.

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

The proposed effluent limits for Outfall 001, based on an average flow of 400 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10	20
Suspended Solids	20	40
Total Residual Chlorine	monitor/report	monitor/report
Fecal Coliform	200 colonies/100 ml as a geometric average	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

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

PA 0070254. Sewerage, **Lynn Township Sewer Authority**, Donald M. Christ, Chairperson, P. O. Box 208, New Tripoli, PA 18066.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into Ontelaunee Creek in Lynn Township, **Lehigh County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply (PWS) considered during the evaluation is City of Reading Maiden Creek Water Filtration Plant in Ontelaunee Township, Berks County.

The proposed effluent limits for Outfall 001, based on a design flow of 0.080 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅ (5-1 to 10-31)	15.0	30.0
(11-1 to 4-30)	25.0	50.0
Total Suspended Solids	30.0	60.0
NH ₃ -N (5-1 to 10-31)	4.0	8.0
(11-1 to 4-30)	12.0	24.0
Dissolved Oxygen	a minimum of 5.0 mg/l at all times	
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean	
(10-1 to 4-30)	2,000/100 ml as a geometric mean	
pH	6.0—9.0 standard units at all times	
Total Residual Chlorine	0.3	0.7

The EPA waiver is in effect.

PA 0012505. Industrial waste. SIC: 3241, **LaFarge Corporation**, 5160 Main Street, Whitehall, PA 18052.

This proposed action is for renewal of an NPDES permit to discharge untreated noncontact cooling water and stormwater runoff into the Lehigh River in Whitehall Township, **Lehigh County**.

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

The proposed effluent limits are as follows:

Outfall 001—Flow 1.33 mgd

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	30	50	50
pH	6.0—9.0 at all times		

Outfall 002—Flow 0.44 mgd

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	30	50	50
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

PA 0036081. Sewage, **Wynnewood Sewer Corporation**, Attention: Joseph H. Margusity, President, P. O. Box 704, Pottstown, PA 19464.

This proposed action is for renewal of an NPDES permit to discharge sewage into the Lehigh River in Whitehall Township, **Lehigh County**.

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

The proposed effluent limits based on a design flow of 0.0519 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25.0	50.0
Total Suspended Solids	30.0	60.0
NH ₃ -N	20.0	40.0
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	
pH	6.0—9.0 standard units at all times	
Total Residual Chlorine		
1st Month—24th Month	monitor and report	
25th Month—Expiration	1.2	2.8

The EPA waiver is in effect.

PA 0063622. Sewerage, **John Giambra**, 31 Slocum Avenue, Exeter, PA 18643.

This proposed action is for issuance of an NPDES permit to discharge treated sewage into Sutton Creek in Exeter Township, **Luzerne County**.

The receiving stream is classified for the following uses: cold water, 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 water supply on Susquehanna River.

The proposed effluent limits for Outfall 001 based on a design flow of .0075 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Total Suspended Solids	30	60
Dissolved Oxygen	a minimum of 5.0 mg/l at all times	
Fecal Coliform		
(5-1 to 9-30)	200/100 ml as a geometric mean	
(10-1 to 4-30)	2,000/100 ml as a geometric mean	
pH	6.0—9.0 standard units at all times	
Total Residual Chlorine	1.2	2.8

The EPA waiver is in effect.

PA 0063011. Industrial waste, **Hazleton City Authority Water Department**, Robert Zientek, 400 East Arthur Gardner Parkway, Hazleton, PA 18201.

This proposed action is for renewal of an NPDES permit to discharge water from the Lehigh River into Dreck Creek Reservoir—Dam F in Hazle Township, **Luzerne County**.

The receiving stream is classified for the following uses: high quality, cold 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 Dreck Creek Reservoir—Dam F.

The proposed effluent limits based on a design flow of 2.50 mgd are:

Outfall 001

The applicant will be required to perform a third quarter (July—September) biological assessment during the first year of this permit, consisting of physio-chemical and macrobenthic data collected upstream of the discharge site, downstream of the discharge site, and at the withdrawal location.

The EPA waiver is in effect.

PA 0046795. Industrial waste, SIC: 5171, **Agway Petroleum Corporation**, c/o Dennis W. Trautman, P. O. Box 4852, Syracuse, NY 13221.

This proposed action is for renewal of an NPDES permit to discharge stormwater into an unnamed tributary of Collins Creek in Pittston Township, **Luzerne County**.

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

The proposed effluent limits are:

Outfall 001 and Outfall 002

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Recoverable Petroleum Hydrocarbons		monitor only	

Other Requirements: Special conditions for controlling product contaminated stormwater run-off from petroleum marketing terminals.

The EPA waiver is in effect.

PA 0036811. Industrial waste. SIC: 4613, **Interstate Energy Company**, Gilbert Terminal, 2525 Applebutter Road, Hellertown, PA 18055.

This proposed action is for renewal of an NPDES permit to discharge treated stormwater into the Lehigh River in Lower Saucon Township, **Northampton County**.

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 are as follows:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>
Total Recoverable Petroleum Hydrocarbons	monitor only

The EPA waiver is in effect.

PA 0062600. Industrial waste. SIC, **Agway Petroleum Corporation**, Attention: Dennis W. Trautman, Schuylkill Haven Bulk Plant, P. O. Box 4852, Syracuse, NY 13221.

This proposed action is for renewal of an NPDES permit to discharge treated stormwater into an unnamed tributary of Mahoney Creek in North Manheim Township, **Schuylkill County**.

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

The proposed effluent limits for Outfall 001 are:

<i>Parameter</i>	
Total Recoverable Petroleum Hydrocarbons	monitor only

This permit also contains special conditions pertaining to control of product contaminated stormwater run-off from petroleum marketing terminals.

The EPA waiver is in effect.

PA 0043885. Sewerage. **Greater Pottsville Area Sewer Authority**, 401 North Center Street, P. O. Box 1163, Pottsville, PA 17901.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into the Schuylkill River in Pottsville City, **Schuylkill County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is the Pottstown Water Authority located on the Schuylkill River.

The proposed effluent limits for Outfall 001 based on a design flow of 4.50 mgd are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25.0	40.0	50.0
Total Suspended Solids	30.0	45.0	60.0
Color*	150 units		250 units
Total Copper	monitor and report		
Total Lead	monitor and report		
Dissolved Oxygen	a minimum of 5.0 mg/l at all times		
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	2,000/100 ml as a geometric mean		
pH	6.0—9.0 standard units at all times		
Total Residual Chlorine:			
1st month—24th month	monitor and report		
25th month—Expiration	0.6		1.0

*Platinum-Cobalt scale or equivalent

Point sources 002 through 054 serve as combined sewer reliefs necessitated by stormwater entering the sewer system and exceeding the hydraulic capacity of the sewers and/or the treatment plant. In accordance with the Department's EPA approved SCO strategy, a special permit requirement is included in Part C of this permit. The permittee shall develop and submit a plan of action and an implementation schedule as provided for the permit.

This permit is also subject to the following Part C Special Conditions: Whole Effluent Toxicity Test, Pretreatment Operating and Reporting Requirements, and Combined Sewer Overflows.

The EPA waiver is not in effect.

PA 0062651. Industrial waste, SIC: 5171, **Agway Petroleum Corporation**, Attention: Dennis W. Trautman, P. O. Box 4852, Syracuse, NY 13221.

This proposed action is for renewal of an NPDES permit to discharge stormwater into Slat Lick Creek in New Milford Borough, **Susquehanna County**.

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

The proposed effluent limits for Outfall 001 are:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Recoverable Petroleum Hydrocarbons	monitor only		

The EPA waiver is in effect.

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

PA 0010251. SIC: 9711. Industrial waste, **Department of the Army**, Headquarters Carlisle Barracks, Carlisle, PA 17013-5020.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to an unnamed tributary to Letort Spring Run, in North Middleton Township, **Cumberland County**.

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

The proposed effluent limits for Outfall 001 for a design flow of .036 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>
Flow (mgd)	XXX	XXX
pH (S. U.)	from 6.0—9.0 inclusive	
Total Suspended Solids	monitor and report	monitor and report
Total Dissolved Solids	XXX	71,500
Osmotic Pressure (mos/kg)	XXX	2,000

The EPA waiver is in effect.

PA 0087513. SIC: 4952. Sewage, **Mapleton Area Joint Municipal Authority**, P. O. Box 415, Mapleton Depot, PA 17052.

This application is for issuance of an NPDES permit for a new discharge of treated sewage to Hares Valley Creek, in Union Township, **Huntingdon County**.

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

The proposed effluent limits for Outfall 001 for a design flow of 0.1 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	25.0	40.0		50.0
Total Suspended Solids	30.0	45.0		60.0
NH ₃ -N				
(5-1 to 10-31)	5.0			10.0
(11-1 to 4-30)	15.0			30.0
Total Residual Chlorine	0.4			1.3
Dissolved Oxygen	minimum of 5.0 at all times			
pH	from 6.0 to 9.0 inclusive			
Fecal Coliforms				
(5-1 to 9-30)	200/100 ml as a geometric average			
(10-1 to 4-30)	4,500/100 ml as a geometric average			

The EPA waiver is in effect.

PA 0083470. SIC: 4952. Sewage, **Paradise Township Sewer Authority**, 196 Blackhorse Road, Paradise, PA 17562.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to Pequea Creek, in Paradise Township, **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 Holtwood Power Plant located in Martic Township, Lancaster County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.12 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
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)	4,600/100 ml as a geometric average			

The EPA waiver is in effect.

PA 0020214. SIC: 4952, Sewage, **Borough of Mount Union**, Nine West Market Street, Mount Union, PA 17066.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to the Juniata River, in Mount Union Borough, **Huntingdon County**.

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

supply intake considered during the evaluation was Dauphin Consolidated located in Susquehanna Township, Dauphin County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.625 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	1.0		2.0
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)	66,000/100 ml as a geometric average		

The EPA waiver is in effect.

PA 0043257. SIC: 4952. Sewage, **New Freedom Borough Authority**, 150 East Main Street, New Freedom, PA 17349.

This application is for renewal of an NPDES permit for an existing discharge of treated sewage to South Branch Codorus Creek, in Railroad Borough, **York County**.

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

The proposed effluent limits for Outfall 001 for a design flow of 2.3 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N (5-1 to 10-31)	1.0		2.0
(11-1 to 4-30)	3.0		6.0
Total Phosphorus	2.0		4.0
Total Residual Chlorine	monitor and report		monitor and report
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)	2,000/100 ml as a geometric average		

The EPA waiver is not in effect.

PA 0085120. SIC: 4941. Industrial waste, **Altoona City Authority**, 20 Greenwood Road, Altoona, PA 16602.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Blair Gap Run, in Juniata Township, **Blair County**.

The receiving stream is classified for trout stocking fishes, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was United Water Company located near Harrisburg. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of .028 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	XXX	XXX	XXX
pH (S. U.)	from 6.0—9.0 inclusive		
Total Aluminum	monitor and report		

The EPA waiver is in effect.

NPDES Minor Renewals

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

<i>NPDES No.</i>	<i>Facility Name and Address</i>	<i>County and Municipality</i>	<i>Tributary Stream</i>	<i>New Permit Requirements</i>
PA0070424	Caernarvon Twp. Mun. Sew. Auth. P. O. Box 291 Morgantown, PA 19543	Berks Caernarvon Twp.	Conestoga River	TRC
PA0081329	S. Londonderry Twp. Mun. Auth. Box 3 Campbelltown, PA 17010-0003	Lebanon S. Londonderry Township	Conewago Creek	TRC

Northcentral Region: Environmental Program Manager, Water Management Program, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (717) 327-3670.

PA 0113778. Sewerage, SIC: 4952, **Brookside Associates**, 215 West Church Road, Suite 105, King of Prussia, PA 19406-3207.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to unnamed tributary to the Susquehanna River in South Centre Township, **Columbia County**.

The receiving stream is classified for the following uses: cold 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 Danville Borough Water Company located at Danville.

The proposed effluent limits for Outfall 001, based on a design flow of 0.0298 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
TSS	30		60
Ammonia-N			
(6-1 to 10-31)	6		12
(11-1 to 5-31)	18		36
Total Cl ₂ Residual			
1st month—36th month	report		
37th month—permit expiration date	0.5		1.3
Fecal Coliforms			
(5-1 to 9-30)	200 col/100 ml as a geometric mean		
(10-1 to 4-30)	2,000 col/100 ml as a geometric mean		
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

PA 0112054. Sewerage, SIC: 4952, **Joel K. Hart**, R. R. 4, Box 203-17, Jersey Shore, PA 17740.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to Larrys Creek in Mifflin Township, **Lycoming County**.

The receiving stream is classified for the following uses: warm 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 0.0132 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
TSS	30		60
Total Cl ₂ Residual			
1st month—36th month	report		
37th month—permit expiration date	1.0		2.3
Fecal Coliforms			
(5-1 to 9-30)	200 col/100 ml as a geometric mean		
(10-1 to 4-30)	2,000 col/100 ml as a geometric mean		
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

PA 011571. Sewerage. SIC: 4952, **Pennsylvania Power and Light Company**, Two North Ninth Street, Allentown, PA 18101-1179.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to an unnamed tributary of Bennetts Run in Fairfield Township, **Lycoming County**.

The receiving stream is classified for the following uses: warm 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 0.0091 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	15		30
TSS	15		30
Total Cl ₂ Residual	report		
Fecal Coliforms (5-1 to 9-30)	200 col/100 ml as a geometric mean		
(10-1 to 4-30)	2,000 col/100 ml as a geometric mean		
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

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

PA 0097047. Sewerage. **Redevelopment Authority of the County of Westmoreland**, 601 Courthouse Square, Greensburg, PA 15601.

This application is for amendment of an NPDES permit to discharge treated sewage from the Nike No. 37 Site Sewage Treatment Plant in Sewickley Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as a drainage swale to Little Sewickley Creek, which are classified as a trout stocked 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 McKeesport MWA.

Outfall 001: existing discharge, new design flow of .008 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
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
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 0205711. Sewerage. **Ernest F. Buck**, 1601 North Road, McDonald, PA 15057.

This application is for renewal of an NPDES permit to discharge treated sewage from the Buck Single Residence Sewage Treatment Plant in North Fayette Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as an unnamed tributary of North Branch Robinson Run, 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 West View Borough Municipal Water Authority on the Ohio River.

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	25			50
Suspended Solids	30			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	monitor and report			

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA 0205869. Sewage, **West Branch Sewer Authority**, P. O. Box 278, Barnesboro, PA 15714.

This application is for renewal of an NPDES permit to discharge treated sewage from the West Branch Sewer Authority STP in Susquehanna Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as the West Branch Susquehanna River, which are classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the PA American Water Company—Milton Division.

Outfall 001: existing discharge, design flow of 0.9 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)	5,000/100 ml as a geometric mean			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA 0217646. Sewage. **Dunbar Borough Sanitary Authority**, R. D. 2, Box 234, Dunbar, PA 15431.

This application is for issuance of an NPDES permit to discharge treated sewage from Dunbar Borough Sanitary Authority in Dunbar Borough, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Dunbar Creek, which are classified as a trout stock fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Westmoreland County Municipal Authority.

Outfall 001: new discharge, design flow of .300 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅ (5-1 to 10-31)	15	23		30
(11-1 to 4-30)	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen (5-1 to 10-31)	3	4.5		6
(11-1 to 4-30)	9	13.5		18
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	3,500/100 ml as a geometric mean			
Total Residual Chlorine 1st month—36th month	monitor and report			
37th month—expiration	0.35			1.1
Dissolved Oxygen	not less than 3 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

PA 0005029, Amendment No. 1. Sewage, **Pennsylvania Electric Company—Piney Generating Station**, Piney Reservoir, Clarion, PA 16214.

This application is for an amendment of an NPDES permit to discharge Clarion River to Allegheny River in Piney Township, **Clarion County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is New Kensington Municipal Water Company located at New Kensington, approximately 70 miles below point of discharge.

The proposed discharge limits, based on a design flow of .000422 mgd, are:

Outfall No. 005

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25		50
TSS	30		60
Fecal 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	1.2		2.8
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

PA 0100129. Sewage. **Seneca Hills Bible Conference**, Box 288, Franklin, PA 16323.

This application is for renewal of an NPDES permit to discharge treated sewage to Sandy Creek in Victory Township, **Venango 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 the Emlenton Municipal Water Authority on the Allegheny River located at Emlenton, approximately 24 miles below point of discharge.

The proposed effluent limits, based on a design flow of 0.017 mgd, are:

Outfall No. 001

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
TSS	30	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	1.2	2.8
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

PA 0102288. Industrial waste. **McKean County Solid Waste Authority**, P. O. Box 448, Mount Jewett, PA 16740.

This application is for renewal of an NPDES permit, to discharge treated municipal landfill leachate and stormwater to Little Sicily Run in Sergeant Township, **McKean County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is Western PA Water Company and Clarion River located at Clarion, approximately 75 miles below point of discharge.

The proposed discharge limits, based on a design flow of .03 mgd, are:

Outfall No. 001 (Treated Municipal Landfill Leachate)

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX		
CBOD ₅	100	200	250
Total Suspended Solids	100	200	250
NH ₃ -N			
(5-1 to 10-31)	12.5		31.25
(11-1 to 4-30)	20		50
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		
Oil and Grease	15		30
Antimony	0.014	0.028	0.035
Aluminum	0.275	0.55	0.687
Barium	0.3	0.6	0.75

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Boron	3	6.0	7.5
Cobalt	0.03	0.06	0.075
Total Iron	2.1	4.2	5.25
Dissolved Iron	0.43	0.86	1.075
Manganese	1	2	2.5
Arsenic	0.05	0.1	0.125
Beryllium	0.005	0.01	0.0125
Cadmium	0.0023	0.0046	0.00575
Chromium, (hex)	0.014	0.028	0.035
Copper	0.016	0.032	0.04
Lead	0.012	0.024	0.03
Mercury**	0.000017	0.000034	0.0000425
Silver	0.003	0.006	0.0075
Thallium	0.003	0.006	0.0075
Vanadium	0.009	0.018	0.0225
Zinc	0.097	0.194	0.2425
Benzene	0.006	0.012	0.015
Methylene Chloride	0.031	0.062	0.0775
Tetrachloroethylene	0.0046	0.0092	0.0115
Toluene	0.05	0.1	0.125
Trichloroethylene	0.019	0.038	0.0475
Chlorobenzene	0.05	0.1	0.125
Ethylbenzene	0.7	1.4	1.75
Chloroform	0.01	0.02	0.025
Chloromethane	0.1	0.2	0.25
1,2 Trans-Dichloroethylene	0.03	0.06	0.075
Acetone	0.109	0.218	0.2725
4-Methyl 2-Pentanone	0.015	0.03	0.0375
Phenol	0.02	0.04	0.05
Bis (2-ethylehexyl) Phthalate	0.012	0.024	0.03
1,4, Dichlorobenzene	0.01	0.02	0.025
Phenolics, (T)	0.028	0.056	0.07
Butylbenzyl Phthalate	0.01	0.02	0.025
Diethyl Phthalate	0.025	0.05	0.0625
Isophorone	0.05	0.1	0.125
Lindane	0.00012	0.00024	0.0003
Alpha Endosulfan	0.000081	0.00016	0.0002
4,4'-DDT**	0.0000014	0.0000028	0.0000035
Benzanoic Acid	5.5	11	13.75
1,2,3 Trichloropropane	0.1	0.2	0.25
Tetrahydrofuran	0.025	0.05	0.0625
Xylene	0.01	0.02	0.025
p-Cresol	0.05	0.1	0.125
pH	6.0—9.0 at all times		

XX—Monitor and Report on monthly DMR.
 **—Refer to Special Condition M in Part C.

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

Outfall No. 002 (Stormwater)

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Chemical Oxygen Demand			XX
Oil and Grease			XX
Total Dissolved Solids			XX
Total Organic Carbon			XX
Barium (Total)			XX
Cadmium (Total)			XX
Chromium (Total)			XX
Lead (Total)			XX
Mercury (Total)			XX
Magnesium (Total)			XX
Magnesium (Dissolved)			XX
Selenium (Total)			XX
Silver (Total)			XX
Ammonia			XX
Arsenic (Total)			XX

NOTICES

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Cyanide (Total)			XX
Nitrate plus Nitrite Nitrogen			XX
Iron (Dissolved)			XX
pH	6.0—9.0 at all times		

XX—Monitor and Report on monthly DMR.

*—Refer to Special Condition H in Part C.

The EPA waiver is in effect.

PA 0222348. Sewage, **Thomas L. Holden**, P. O. Box 274, Sheffield, PA 16347.

This application is for a new NPDES permit, to discharge sewage to an Unnamed Tributary to the South Branch Tionesta Creek in Sheffield Township, **Warren County**. This is a new discharge.

The receiving water is classified for the following uses: high quality-cold water fishery, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Emlenton Water Company on the Allegheny River located at river mile 90 in Emlenton, approximately 102.44 miles below point of discharge.

The proposed discharge limits, based on a design flow of 0.13 mgd, are:

Outfall No. 001

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10		20
TSS	20		40
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a geometric average 2,000/100 ml as a geometric average		
Total Residual Chlorine	monitor and report		
pH	6.0—9.0 at all times		

The EPA waiver is in effect

PA 0034789. Industrial waste. SIC: 4941. **St. Marys Area Water Authority**, 429 Ridgeway Road, P. O. Box 33, St. Marys, PA 15857.

This application is for revoke/reissue of an NPDES permit, to discharge industrial waste to Laurel Run in St. Marys, **Elk County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is Clarion River and PA American Water Company located at Clarion, approximately 68 miles below point of discharge.

The proposed discharge limits, based on a design flow of .12 mgd, are:

Outfall No. 001

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX		
Total Suspended Solids	30	60	75
Aluminum	1.1	2.2	2.8
Total Iron	2.0	4.0	5.0
Manganese	1.0	2.0	2.5
Total Residual Chlorine	.2		.6
pH	6.0—9.0 at all times		

XX—Monitor and Report on monthly DMR's

The EPA waiver is in effect.

**DISCHARGE OF CONTROLLED INDUSTRIAL
WASTE AND SEWERAGE WASTEWATER**

**Applications under the Pennsylvania Clean
Streams Law**

(Part II Permits)

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

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

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

Applications received for Industrial Waste and Sewerage Applications under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

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

A. 0195402 (Amendment 97-1). Sewage. Submitted by **Stacy D. Martin**, 110A Woodside Road, Gettysburg, PA 17325 in Straban Township, **Adams County** to change the design of her single family sewage treatment plant was received in the Southcentral Region on June 13, 1997.

A. 0597404. Sewage. Submitted by **Todd Gorsuch**, 714 North Spring Street, Everett, PA 15537 in West Providence Township, **Bedford County** to construct a small flow sewage treatment plant to serve their single family residence was received in the Southcentral Region on June 17, 1997.

A. 3697405. Sewage. Submitted by **Lancaster Municipal Authority**, 120 North Duke Street, P. O. Box 1599, Lancaster, PA 17603 in Lancaster Township, **Lancaster County** to upgrade and expand the Maple Grove Pump Station was received in the Southcentral Region on June 16, 1997.

A. 6797201. Industrial waste. Submitted by **P. H. Glatfelter Company**, 228 South Main Street, Spring Grove, PA 17362 in North Codorus Township, **York County** to construct a duplicate sludge thickener, a

sludge holding basin and two pump station was received in the Southcentral Region on June 19, 1997.

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

A. 0297406. Sewerage. **Borough of Glassport**, Fifth and Monongahela Avenues, Glassport, PA 15045. Application for the installation and operation of approximately 15,000 linear feet of 8-inch PVC gravity sewer, 2 pump stations, approximately 1,680 linear feet of 2-inch PVC force main, approximately 1,390 linear feet of 4-inch PVC force main and 110 manholes and restoration to serve the Washington Boulevard Area located in Glassport Borough, **Allegheny County**.

The Pennsylvania Infrastructure Investment Authority (Pennvest) which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

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 discharged.

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

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

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

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

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

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

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

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

NPDES Permit PAS10Q141. Stormwater. **Western Lehigh Valley Corporation**, 740 Hamilton Mall, Allentown, PA 18101 has applied to discharge stormwater from a construction activity located in North Whitehall Township, **Lehigh County**, to Coplay Creek.

Pike County Conservation District, District Manager, HC 6, Box 6770, Hawley, PA 18428, (717) 226-8220.

NPDES Permit PAS10V013-1. Stormwater. **Delaware Valley School District**, HC 77, Box 379A, Milford, PA 18337 has applied to discharge stormwater from a construction activity located in Westfall Township, **Pike County**, to the Delaware River.

NPDES Permit PAS10V017. Stormwater. **Harry Lee Subdivision**, 22 N. 7th Street, Stroudsburg, PA 18360 and **Kevin Fruck**, RKR Hess Associates, 112 N. Cortland Street, E. Stroudsburg, PA 18301 have applied to discharge stormwater from a construction activity located in Lehman Township, **Pike County**, to Saw Creek.

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

NPDES Permit PAS10W064. Stormwater. **Pennsylvania Department of Transportation**, P. O. Box 459, Uniontown, PA 15419 has applied to discharge stormwater from a construction activity located in Amwell Township, **Washington County**, to Ten Mile Creek.

SAFE DRINKING WATER

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

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

A. 0297502. Springdale Borough, 325 School Street, Springdale, PA 15144. Construction of a water storage tank serving Springdale Borough, **Allegheny County**.

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 must provide a brief description of the location of the site, a list of known contaminants at the site, the proposed remediation measures for the site, and a description of the intended future use of the site. A person who 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, contact the Department of Environmental Protection Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

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

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

Major Oil Co., City of Philadelphia, **Philadelphia County**. Michael J. Cody, Cody Ehlers Group, 140 Sherman St., Fairfield, CT, 06430, has submitted a Notice of Intent to Remediate site soils and groundwater contaminated with BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet the Statewide health standard.

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 below. During this comment period a municipality may request that the person identified below, as the remediator of a site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of a site. For further information concerning the content of a Notice of Intent to Remediate, contact the Department of Environmental Protection Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

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

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

US Can Company. City of Philadelphia, **Philadelphia County.** Leonard G. Rafalko, Environmental Resources Management, 2666 Riva Rd., Suite 200, Annapolis, MD 21401, has submitted a Notice of Intent to Remediate site soil contaminated with petroleum hydrocarbons and polycyclic aromatic hydrocarbons, and groundwater contaminated with solvents. The applicant proposes to remediate the site to meet site-specific standards for soil and background standards for groundwater. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Daily News* on June 2, 1997.

Langhorne Square Shopping Center, Middletown Township, **Bucks County.** Gianni O. Chieruzzi, P. E., P. G., ManTech Environmental Corp., 14119-A Sullyfield Circle, Chantilly, VA 20151, has submitted a Notice of Intent to Remediate groundwater contaminated with solvents. The applicant proposes to remediate the site to meet site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Bucks County Courier Times* on April 4, 1997.

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

Halstead Industries, Plant #1, West New Castle Street, **County of Butler,** has submitted a Notice of Intent to Remediate groundwater. The site has been found to be contaminated with solvents. The applicant proposes to remediate the site to meet the site-specific Standard. A summary of the Notice of Intent to Remediate will be published in the *Butler Eagle* on June 19, 1997.

SOLID AND HAZARDOUS WASTE

PREVIOUSLY UNPERMITTED CLASS OF SPECIAL HANDLING WASTE

INFECTIOUS OR CHEMOTHERAPEUTIC WASTE

Renewal applications received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6) and regulations for license to transport infectious and chemotherapeutic waste.

Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Carlucci Construction Company, Inc., 401 Meadow Street, Cheswick, PA 15024; Donald D. Carlucci, President; License No. **PA-HC 0015** application received June 12, 1997.

Lancaster General Services Business Trust DBA Enviro-Tech Disposal, 607 North Duke Street, Lancaster, PA 17602; Curt E. Stager, Manager; License No. **PA-HC 0046** application received June 13, 1997.

Applications received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); and the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6) covering general permits for the processing of infectious or chemotherapeutic waste.

Central Office: Division of Municipal and Residual Waste, 14th Floor, Rachel Carson State Office Building, 400 Market St., Harrisburg, PA 17101-2301.

General Permit Application No. WMGI010. SmithKline Beecham Research Co., 1250 S. Collegeville Road, Collegeville, PA 19426-0989. An application for chemical inactivation of biological tissues using sodium hydroxide at elevated temperatures.

Comments on the general permit application may be submitted to Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, P. O. Box 8472, Harrisburg, PA 17105-8472. Persons interested in examining the application may make arrangements by calling the Division of Municipal and Residual Waste at (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Arrangements can also be made for persons with disabilities who wish to inspect the application. Public comments must be submitted to the Department within 60 days of the date of this notice and may recommend revisions to, and approval or denial of the application.

AIR POLLUTION OPERATING PERMITS

Construct, modify or activate air contaminant sources

25 Pa. Code § 129.1

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

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

22-2007A. The Department intends to issue an Air Quality Operating Permit with Federally-enforceable conditions to the **Harrisburg Authority** (One Keystone Plaza, Suite 104, Front and Market Streets, Harrisburg, PA 17101) for the Harrisburg Materials, Energy, Recycling and Recovery Facility located in Harrisburg, **Dauphin County**.

Notice of Intent to Issue

Title V Operating Permit Permit No. TV-22-05010

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

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

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

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

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

Title V Operating Permit Permit No. TV-31-05003

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

An appointment to review the application and other pertinent documents at the Southcentral Regional Office

may be scheduled by contacting Mary DiSanto at (717) 540-5018 between 8 a.m. and 3:30 p.m., Monday through Friday, except holidays.

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

Comments may be submitted during the 30-day period immediately following the publication of this notice. Each comment must include the name, address and telephone number of the person submitting the comments along with the reference number of the permit (TV-31-05003).

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

Title V Operating Permit Permit No. TV-50-05001

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

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

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

Comments may be submitted during the 30-day period immediately following the publication of this notice. Each comment must include the name, address and telephone number of the person submitting the comments along with the reference number of the permit (TV-50-05001).

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

PLAN APPROVALS

Applications under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to con- struct, modify or reactivate air contamination sources.

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

06-05063A. Modification of a sand handling system controlled by a fabric collector by **EAFCO, Inc.** (Spring and Schaeffer Streets, Boyertown, PA 19512) in Boyertown, **Berks County**.

06-1007G. Construction of a batch furnace controlled by a low NOx burner by **Carpenter Technology Corporation** (P. O. Box 14662, Reading, PA 19612-4662) in Reading, **Berks County**.

06-1035C. Modification of a storage tank controlled by a vent by **The Glidden Company** (301 Bern Street, Reading, PA 19612-1252) in Reading, **Berks County**. The source is subject to 40 CFR 60, Subpart Kb, Standards of Performance for New Stationary Sources.

MINING

CONDUCT COAL AND NONCOAL ACTIVITIES

MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (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. Such NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52 and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity and pH. In addition to the above, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit when necessary for compliance with water quality standards (in accordance with 25 Pa. Code 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.

Hawk Run District Office, P. O. Box 209, Hawk Run, PA 16840.

Coal Applications Received

18860101. Lobb, Inc. (R. D. 1, Box 344, Snow Shoe, PA 16874), major permit revision to an existing bituminous surface mine permit to apply biosolids (stabilized sewage sludge) to enhance vegetation, Bald Eagle Township, **Clinton County** affecting 75.7 acres, application received May 25, 1997.

17840117. K & J Coal Co., Inc. (P. O. Box 189, Westover, PA 16692), major permit revision to an existing bituminous surface mine permit to apply biosolids (stabilized sewage sludge) to enhance vegetation, Jordon Township, **Clearfield County** affecting 76.6 acres, application received June 11, 1997.

17830111. K & J Coal Co., Inc. (P. O. Box 189, Westover, PA 16692), major permit revision to an existing bituminous surface mine permit to apply biosolids (stabilized sewage sludge) to enhance vegetation, Jordan Township, **Clearfield County** affecting 76.6 acres, application received June 11, 1997.

17890103. Thunder Coal Company (R. D. 1, Box 477, Grampian, PA 16838), transfer and renewal of an existing bituminous surface mine permit from R. B. Contracting, Penn Township, **Clearfield County**. This application also includes a change in permit acreage from 100 to 101.5 acres. Receiving streams unnamed tributaries 1, 2, 3 and 4 to Kratzer Run to Anderson Creek to West Branch Susquehanna River, application received June 12, 1997.

Knox District Office, P. O. Box 669, Knox, PA 16232.

33920104R. Dutch Run Coal Co., Inc. (R. D. 2, Shelocta, PA 15774). Renewal of an existing bituminous surface strip and auger operation in Ringgold Township, **Jefferson County**, affecting 68.8 acres. Receiving streams two unnamed tributaries to Painter Run to Redbank Creek to the Allegheny River. Application for reclamation only. Application received June 19, 1997.

61920101R. D.W.L. Coal Co. (1201 W. Main Street, Grove City, PA 16127). Renewal of an existing bituminous surface strip and auger operation in Scrubgrass Township, **Venango County**, affecting 40.5 acres. Receiving streams two unnamed tributaries to Little Scrubgrass Creek to the Allegheny River. Application for reclamation only. Application received June 19, 1997.

10910103R. D.W.L. Coal Co. (1201 W. Main Street, Grove City, PA 16127). Renewal of an existing bituminous surface strip, auger and tipple refuse disposal operation in Cherry Valley Borough, **Butler County**, affecting 126.0 acres. Receiving streams South Fork, Little Scrubgrass Creek, and two unnamed tributaries to South Fork, to the Allegheny River. Application for reclamation only. Application received June 19, 1997.

Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

35870201R2. Fell Coal Company (11 East 44th Street, New York, NY 10017-3608), renewal to existing SMP operation in Fell Township, **Lackawanna County**,

affecting 173.7 acres, receiving stream Lackawanna River. Application received June 9, 1997.

54921305R. Three Way Coal Company (Box 112, Llewellyn, PA 17944), renewal of an existing underground mine operation in Cass Township, **Schuylkill County** affecting 15.9 acres, receiving stream none. Application received June 9, 1997.

Knox District Office, P. O. Box 669, Knox, PA 16232.

Noncoal Applications Received

20830301. Berkey Nursery (P. O. Box 215, Spartansburg, PA 16434-0215), transfer of an existing gravel operation in Sparta Township, **Crawford County** affecting 21.9 acres. There is no discharge from this mine site. Transfer from Durwood Rogers. Application received June 19, 1997.

Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

7975SM5A3C5. Warner Company (600 Tyburn Road, Morrisville, PA 19067), renewal to existing NPDES Permit #PA0118338 in Falls Township, **Bucks County**, affecting 454.3 acres, receiving stream Delaware River. Application received June 5, 1997.

7774SM2A1C2. Berks Products Corporation (726 Spring Street, Reading, PA 19603), correction to an existing quarry operation to include a portable washing system in Ontelaunee Township, **Berks County** affecting 152.0 acres, receiving stream Maiden Creek. Application received June 5, 1997.

APPLICATIONS RECEIVED UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT

ENCROACHMENTS

The following Dam Safety and Encroachment permit applications and requests for Environmental Assessment approval and requests for water quality certification have been received by the Department of Environmental Protection (Department).

In addition to permit applications, the Bureau of Dams, Waterways and Wetlands (BDWW) and the Regional Office Soils and Waterways Sections have assumed primary responsibility for processing requests for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)), for projects requiring both a Dam Safety and Encroachments Permit, and a United States Army Corps of Engineers (ACOE) permit. Section 401(a) of the Federal Water Pollution Control Act requires the State to certify that the involved projects will not violate the applicable provision of 33 U.S.C.A. §§ 1301—1303, 1306 and 1307, as well as relevant State requirements. Initial requests for 401 Certification will be published concurrently with the BDWW permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Safety or Encroachment Permit, or the approval of Environmental Assessments must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the Bureau or Field Office indicated as the responsible office.

Applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under section 401 of the Federal Water Pollution Control Act.

Southwest Regional Office: Program Manager; Water Management Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

E46-776. Encroachment. Line Lexington Management Corporation, 768 North Bethlehem Pike, Suite 201, Lower Gwynedd, PA 19002. To construct and maintain 50 linear feet of 40-foot by 9-foot roadway arch culvert in and along the West Branch of the Neshaminy Creek for the proposed Sterling Drive. Sterling Drive will provide an access to a future phase of an existing industrial park. This site is located approximately 3,200 feet Northwest from the intersection of Orvilla Road and Route 309 (Telford, PA Quadrangle N: 6.9 inches; W: 4.1 inches) in Hatfield Township, **Montgomery County**.

Northeast Regional Office: Regional Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-5485.

Permit No. E35-283. Encroachment. Dale Siniawa, Box 44, R. R. 2, Olyphant, PA 18447. To construct and maintain a private residential crossing consisting of a single span steel I-beam bridge having a span of approximately 29 feet with an underclearance of 10 feet across Hull Creek (CWF). The project is located on the north side of S. R. 0347 approximately 0.8 mile northwest of the intersection of S. R. 0347 and S. R. 0006 (Olyphant, PA Quadrangle N: 21 inches; W: 16 inches) in Blakely Borough, **Lackawanna County** (Baltimore District, Army Corps of Engineers).

Southcentral Regional Office: Water Management Program, Soils and Waterways Section, One Ararat Boulevard, Room 126, Harrisburg, PA 17110, (717) 657-4590.

E22-368. Encroachment. Jacob's Creek, Inc., Donald Lechleitner, 1106 Cocoa Avenue, Hershey, PA 17033. To construct and maintain a 16-foot × 4.17-foot concrete box culvert, to replace an existing structure of 43-inch × 64-inch CMP arch culvert and to place fill in 0.68 acre of wetlands in and along the channel of a tributary to Spring Creek at a point downstream of McCorkel Road (Hershey, PA Quadrangle N: 0.0 inches; W: 2.0 inches) in Derry Township, **Dauphin County**. The permittee is required to provide 0.68 acre of replacement wetlands.

E34-087. Encroachment. James Fogle, P. O. Box 800, R. R. 1, McAlisterville, PA 17049. To maintain an existing 8-foot × 6-foot arch culvert in the channel of Little Lost Creek at a point approximately 1,000 feet upstream of Route 235 (McClure, PA Quadrangle N: 2.9 inches; W: 3.0 inches) in Fayette Township, **Juniata County**.

E67-603. Encroachment. Cornerstone Development Group, Inc., John Huenke, P. O. Box 179, Felton, PA 17322. To construct and maintain 250 feet of 60-inch × 46-inch pipe-arch culvert for enclosure of a tributary to Ebaugh's Creek for a bank parking lot and Bailey Drive, for access to 111 units of Carriage House cluster housing, and a Convenience Center in Bailey Springs. 0.38 acre of wetlands will be filled for a Community Center parking lot and the grading of Bailey Drive. The site is located along the south side of Hill Street (SR 0851) (Stewartstown, PA Quadrangle N: 8.0 inches; W: 13.7 inches) in Hopewell Township and Stewartstown Borough, **York County**.

Northcentral Region, Water Management, Soils and Waterways Section, F. Alan Sever, Chief, 208 West Third St., Suite 101, Williamsport, PA 17701.

E08-319. Encroachment. **DCNR**, Bureau of State Parks, P. O. Box 8451, Harrisburg, PA 17105. To remove the existing structure and to construct and maintain a single span steel stringer bridge 51 feet in length and average underclearance of 10.6 feet over Mill Creek at the spillway of Stephen Foster Lake (East Troy, PA Quadrangle N: 9.2 inches; W: 3.8 inches) in West Burlington Township, **Bradford County**.

E41-401. Encroachment. **Sun Pipe Line Co.**, John Nyce, Vice President, Ten Penn Center, 1801 Market St., Philadelphia, PA 19103-1699. Construct, operate and maintain two 8-inch diameter pipelines for the transmission of petroleum product beneath the West Branch Susquehanna River. The work shall consist of directional drilling beneath the existing river bed and installing two 8-inch diameter pipes that measure 765 linear feet which will not impact wetlands while impacting a width of 20-feet beneath the riverbed. The project is located along the southern right-of-way of SR 0180 approximately 2.5 miles south of the intersection of approximately 2.5 miles south of the intersection of SR 2039 and SR 0180 (Montoursville South, PA Quadrangle N: 20.8 inches; W: 10.1 inches) in Armstrong and Loysock Townships, **Lycoming County**. Stream classification is WWF.

E59-344. Encroachment. **Elkland Borough**, 105 Parkhurst St., Elkland, PA 16920. Remove gravel build-up from Camp Brook to along its entire length within Elkland Borough on an as-needed basis for a period of 5 years to mitigate flooding of low lying residential areas. The project location starts approximately 2,400 feet upstream from the intersection of Camp Brook and Morgan Avenue (Elkland, PA Quadrangle N: 21.5 inches; W: 5.7—10.9 inches) in Elkland Borough, **Tioga County**. Estimated stream disturbance is approximately 2.7 miles of waterway; stream classification is warm water fisheries.

E59-345. Encroachment. **Elkland Borough**, 105 Parkhurst St., Elkland, PA 16920. To remove gravel bars and reestablish the eroded toe of dike at various locations along a 3 mile stretch of the Cowanesque River for a period of 5 years in the Borough of Elkland. The proposed locations are as follows: 1) gravel bar (west) 675 feet long, 30 feet wide, 2 feet deep; 2) wash out (west) 400 feet, 10 feet high, 8 feet deep; 3) gravel bar (west under Rt. 49 bridge) 250 feet long, 30 feet wide, 2 1/2 feet deep; 4) wash out (north bank east of Rt. 49 bridge) 450 feet long, 8 feet high, 9 feet deep; 5) gravel bar (east of Rt. 49 bridge) 300 feet long, 40 feet wide, 2 feet deep; 6) gravel bar (east of N. Buffalo bridge) 100 feet long, 20 feet wide, 1 foot deep; 7) gravel bar (east of Oak Ave. Access) 520 feet long, 30 feet wide, 2 feet deep; 8) wash out (near drainage structure #6) 200 feet long; 9) gravel bar (Osceola Township) 345 feet long, 90 feet wide, 5 feet deep (Elkland, PA Quadrangle N: 20 inches; W: 6.11 inches) in the Borough of Elkland, **Tioga County**. Estimated stream disturbance is approximately 3,000 feet of waterway, stream classification is Cold Water Fishery.

Southwest Regional Office: Soils and Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

E02-1191. Encroachment. **Steel City Env. Services, Inc.**, 210 Washington Ave., Dravosburg, PA 15034. To operate and maintain existing barge mooring facility in the Monongahela River (WWF) between River Mile

Marker 16.5 and 17.3 (Glassport, PA Quadrangle N: 1.5 inches; W: 1.7 inches) in Dravosburg Borough, **Allegheny County**.

E02-1194. Encroachment. **Moon Township**, 1000 Beaver Grade Rd., Moon Township, PA 15108-2984. To remove the existing structure and to construct and maintain a single span bridge having a span of 33.0 feet and an underclearance of 5.0 feet across Flaugherty Run. The bridge is located on Becks Run Road (T-114) approximately 90 feet south of the intersection of Becks Run Road and Flaugherty Run Road (Ambridge, PA Quadrangle N: 5.2 inches; W: 16.2 inches) in Moon Township, **Allegheny County**.

E03-363. Encroachment. **Armstrong County Commissioners**, Administration Bldg., 450 Market St., Kittanning, PA 16201. To remove existing structures and to construct and maintain a single 105.85-foot clearspan bridge with an underclearance of 12.0 feet in Pine Run (CWF) located on T-771 Station 4+51.75 (Distant, PA Quadrangle N: 15.5 inches; W: 0.9 inch) in Redbank Township, **Armstrong County**.

E03-364. Encroachment. **PA Dept. of Transportation**, P. O. Box 429, Indiana, PA 15701. To remove the existing bridges and to construct and maintain three single span, prestressed concrete spread box beam bridges over Garratts Run (WWF); bridge 1 with a normal span of 46.0 feet and an underclearance of 8.7 feet; bridge 2 with a normal span of 50.0 feet and an underclearance of 9.1 feet; and bridge 3 having a normal span of 36.0 feet and underclearance of 9.8 feet. Temporary stream diversions will be maintained in the stream channel. The project is located along SR 2025 between 1,000 feet and 2,000 feet southeast of its intersection with SR 0066 (Kittanning, PA Quadrangle) in Manor Township, **Armstrong County**.

E04-246. Encroachment. **PA Dept. of Transportation**, 45 Thoms Run Rd., Bridgeville, PA 15017. To remove existing structure and to construct and maintain a low profile metal box culvert having a normal span of 14.5 feet and an underclearance of 7.7 feet in an unnamed tributary to Raccoon Creek (WWF); to relocate 83.0 feet of the same stream channel downstream from the bridge and to place and maintain fill in a de minimis area of emergent wetlands less than or equal to 0.05 acre. The project is located along SR 0030 approximately 3.5 miles west of the Village of Clinton (Clinton, PA Quadrangle N: 22.1 inches; W: 14.9 inches) in Independence Township, **Beaver County**.

E04-247. Encroachment. **Beaver County**, 469 Constitution Boulevard, New Brighton, PA 15066. To remove existing structure and to maintain the remaining six piers and to construct a temporary causeway approximately 693 feet long, 11.5 feet high and 15 feet wide downstream of existing bridge as part of the demolition of the 10th Street Bridge over the Beaver River (WWF) located 1,800 feet upstream of the SR 18 bridge (Beaver, PA Quadrangle N: 9.1 inches; W: 21.8 inches) in Beaver Falls and New Brighton Borough, **Beaver County**.

E11-253. Encroachment. **Pa. Dept. of Transportation**, 1620 N. Juniata St., Hollidaysburg, PA 16648. To remove existing structure and to construct and maintain a precast concrete box culvert having a normal span of 12.0 feet and an effective underclearance of 5.5 feet in Solomon Run (WWF). The culvert invert will be depressed 1.0 foot. A temporary stream diversion consisting of a 42.0 inch cmp pipe will be maintained in Solomon Run. The project is located along Solomon Run Road (SR 3033) immediately east of the Walters Avenue Interchange of

SR 0056 (Geistown, PA Quadrangle N: 9.9 inches; W: 14.2 inches) in Richland Township, **Cambria County**.

E26-237. Encroachment. **PA DCNR**, P. O. Box 8451, Harrisburg, PA 17105-8451. To remove existing structure and to construct and maintain three concrete and steel ford crossings across Cucumber Run (CWF) in Ohiopyle State Park located approximately 2,800 feet, 3,000 feet and 4,600 feet upstream of Cucumber Falls (Fort Necessity, PA Quadrangle N: 19.8 inches; W: 1.7 inches) in Stewart Township, **Fayette County**.

E56-278. Encroachment. **Somerset County Commissioners**, 111 East Union St., Suite 100, Somerset, PA 15501. To remove existing structure and to construct and maintain the New Baltimore Covered Bridge over the Raystown Branch of the Juniata River (CWF, stocked trout) located on Town Hill Road (T-813) approximately 400 feet north of Washington Street (New Baltimore, PA Quadrangle N: 20.4 inches; W: 3.2 inches) in Allegheny Township, **Somerset County**.

E65-669. Encroachment. **PA Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106-7676. To construct and maintain the following structures in unnamed tributaries as part of a service plaza parking area expansion and rehabilitation: a 22-foot extension to existing 42-inch RCCP on the deceleration ramp, Station 13+07.5; a 52-foot extension to existing 7-foot × 15-foot CMP arch on the truck ramp, Station 24+50; and a 30-foot extension to existing 60-inch RCCP on the acceleration lane. The project is located at the New Stanton Service Plaza (Mt. Pleasant, PA Quadrangle N: 14.7 inches; W: 9.1 inches) in Hempfield Township, **Westmoreland County**.

E65-670. Encroachment. **Harry F. Anderson**, 611 E. Pittsburgh St., Greensburg, PA 15601. To construct and maintain a steel plate arch culvert 10 foot × 3.87 feet × 30 feet long in an unnamed tributary Sewickley Creek (WWF) for the purpose of accessing a proposed residence located approximately 100 feet downstream of SR 66 Toll Road (Mount Pleasant, PA Quadrangle N: 19.0 inches; W: 14.0 inches) in the Borough of New Stanton, **Westmoreland County**.

E65-671. Encroachment. **Chris Miller**, 102 Woodland Drive, Apollo, PA 15613. To remove existing structure and to construct and maintain a low flow culvert in an unnamed tributary to Pine Run (WWF) consisting of three low flow 15-inch culverts 15 feet long for purpose of accessing a vehicle garage at a point approximately 500 feet northwest of Pine Run Road (Vandergrift, PA Quadrangle N: 7.9 inches; W: 16.0 inches) in Washington Township, **Westmoreland County**.

Northwest Regional Office: Soils and Waterways Section, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.

E10-263. Encroachment. **S. Graham Hamilton**, P. O. Box 2024, Winter Park, FL 32790. To construct and maintain a 44-inch by 72-inch arch culvert (Crossing #1) in Robinson Run (CWF) and to fill 0.08 acre of floodway wetlands for the construction of a private drive in the Hamilton development located on Robinson Road (T-490) approximately 3,800 feet north of its intersection of Dinnerbell Road (SR 2012) (Butler, PA Quadrangle N: 3.2 inches; W: 4.4 inches) located in Penn Township, **Butler County**. The applicant plans to replace 0.1 acre of wetland on site.

E20-446. Encroachment. **Pennsylvania Department of Transportation**, District 1-0, 1140 Liberty Street, Franklin, PA 16323-1251. To remove the existing single span bridge and to install and maintain a 2-span concrete

box beam bridge with a new pier. Each span is 49.16 feet clear normal width; bridge will have an average underclearance of 10.35 feet over Conneaut Creek (WWF and stocked trout fishery). New pier construction will require the construction of a temporary causeway to mid-channel. The project is located on S. R. 198, approximately 700 feet west of its intersection with S. R. 18 (Conneautville, PA Quadrangle N: 1.4 inches; W: 16.5 inches) located in Conneautville Borough, **Crawford County**.

E43-260. Encroachment. **PA Department of Transportation, Engineering District 1-0**, 1140 Liberty Street, Franklin, PA 16323. To pave the streambed with concrete to a depth of 1 foot below the existing streambed elevation under the existing bridge located on S. R. 0062 across Pine Run (WWF, TSF). This project will protect the existing structure from further scour damage. The project is located on S. R. 0062 across Pine Run approximately 1,500 feet west of the intersection of S. R. 0062 and S. R. 0518 (Sharon East, PA Quadrangle N: 19.3 inches; W: 16.6 inches) located in the City of Sharon, **Mercer County**.

ENVIRONMENTAL ASSESSMENT

The following Dam Safety and Encroachment permit applications, requests for Environmental Assessment approval and requests for water quality certification have been received by the Department of Environmental Protection. Section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)) requires the State to certify that the involved projects will not violate the applicable provisions of 33 U.S.C.A. §§ 1311—1313, 1316 and 1317, as well as relevant State requirements. Initial requests for 401 certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Safety or Encroachment Permit or the approval of Environmental Assessments must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted above the application.

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

Requests for Environmental Assessment approval under 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, 6th Floor; P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.

EA15-020C0. Environmental assessment. **G. William and James R. Freese** (203 Hilltop Road, Oxford, PA 19363). To construct and maintain a nonjurisdictional dam across a tributary to Little Elk Creek (HQ-TSF; MF) for the purpose of stormwater management at a proposed residential subdivision on the Freese Tract located immediately north of the intersection of Hickory Hill Road (S. R. 0472) and Freese Road (T-334) (Oxford, PA Quadrangle N: 2.9 inches; W: 8.3 inches) in East Nottingham Township, **Chester County**.

D18-016EA. Environmental assessment. **Snaveley's Mill, Inc.** (R. D. 3, Box 365, Mill Hall, PA 17751). To breach and remove the Snaveley's Mill Dam for the

purpose of restoring Fishing Creek (HQ-CWF) to a free-flowing condition. The dam is located approximately 1,400 feet upstream of the S. R. 2004 bridge across Fishing Creek in Clintondale (Beech Creek, PA Quadrangle N: 3.15 inches; W: 3.55 inches) in Porter Township, **Clinton 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.

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514), and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. 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.

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

Actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

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

NPDES Permit No. PA 0052159. Industrial waste. **Philadelphia Suburban Water Company**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489.

The following notice reflects changes to the notice published in the May 3, 1997, *Pennsylvania Bulletin*:

An additional Outfall 002 has been added to the permit, this outfall will only be used in emergency situations. The proposed effluent limits for Outfall 002 are as follows:

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Maximum Daily (mg/l)</i>
Total Suspended Solids		60
Total Aluminum		8.0
Total Iron		4.0
Total Manganese		2.0
pH		within limits of 6.0 to 9.0
Chloroform		standard units at all times.
Chlorodibromomethane		monitor/report
Dichlorobromomethane		monitor/report
Total Residual Chlorine		monitor/report
(Years 1 and 2)	monitor only	
(Years 3, 4 and 5)	0.5	

The proposed effluent limits for dissolved oxygen for Outfall 001 is deleted. The proposed effluent limits for Outfall 001, for the parameter Total Residual Chlorine, have been changed to the following:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Residual Chlorine		
(Years 1 and 2)	monitor/report	monitor/report
(Years 3, 4 and 5)	0.5	1.0

The proposed effluent limit for Outfall 004, for the parameter Total Residual Chlorine, has been added as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Residual Chlorine		
(Years 1 and 2)	monitor/report	monitor/report
(Years 3, 4 and 5)	0.5	1.0
pH	within limits of 6.0 to 9.0 standard units at all times	

Actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

Permits Issued

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

NPDES Permit No. PA-0061182. Sewerage. **Big Boulder Corporation**, P. O. Box 707, Blakeslee, PA 18610-0707 is authorized to discharge from a facility located in Kidder Township, **Carbon County** to an unnamed tributary to Tunkhannock Creek.

NPDES Permit No. PA-0062570. Sewerage. **Covington Township Sewer Authority**, Box 266, Moscow, PA 18444 is authorized to discharge from a facility located in Covington Township, **Lackawanna County** to Roaring Brook Creek.

NPDES Permit No. PA-0060267. Sewerage. **North Pocono School District**, Church Street, Moscow, PA 18444 is authorized to discharge from a facility located in Jefferson Township, **Lackawanna County** to an unnamed tributary to West Branch of Wallenpaupack Creek.

NPDES Permit No. PA-0061123. Sewerage. **Moscow Sewer Authority**, P. O. Box 525, Moscow, PA 18444 is authorized to discharge from a facility located in Moscow Borough, **Lackawanna County** to Roaring Brook Creek.

NPDES Permit No. PA-0061646. Industrial waste. **Pennsylvania—American Water Company** (Scranton Area Water Treatment Plant) 20 East Union Street, Wilkes-Barre, PA 18701 is authorized to discharge from a facility located in Roaring Brook Township, **Lackawanna County** to Stafford Meadow Brook.

NPDES Permit No. PA-0041009. Industrial waste. **Pipeline Petroleum, Inc.**, Shippers Road, Macungie, PA 18067 is authorized to discharge from a facility located in Lower Macungie Township, **Lehigh County** to an unnamed tributary to Little Lehigh Creek.

NPDES Permit No. PA-0044270. Sewerage. **Keystone Mobile Home Park**, Box H, Laury's Station, PA 18509 is authorized to discharge from a facility located in North Whitehall Township, **Lehigh County** to Lehigh River.

NPDES Permit No. PA-0053872. Sewerage. **Red Hill Water Authority**, Box 26, Red Hill, PA 18076 is authorized to discharge from a facility located in Upper Milford Township, **Lehigh County** to a drainage swale to Perkiomen Creek.

NPDES Permit No. PA-0035629. Sewerage. **Commonwealth of Pennsylvania, Department of Transportation**, 7th Floor, Forum Place, 555 Walnut Street, Harrisburg, PA 17101-0900 is authorized to discharge from a facility located in Foster Township, **Luzerne County** to Linesville Creek.

NPDES Permit No. PA-0033529. Sewerage. **The Pennsylvania State University (Wilkes-Barre Campus)**, Office of Physical Plant Building, University Park, PA 16802 is authorized to discharge from a facility located in Lehman Township, **Luzerne County** to East Fork Harvey's Creek.

NPDES Permit No. PA-0062774. Industrial waste. **Pilot Corporation**, P. O. Box 10146, Knoxville, TN 37939-0146 is authorized to discharge from a facility located in Sugarloaf Township, **Luzerne County** to an unnamed tributary to Nescopeck Creek.

NPDES Permit No. PA-0029874. Sewerage. **Skytop Lodges, Inc.**, Route 390, Skytop, PA 18357 is authorized to discharge from a facility located in Barrett Township, **Monroe County** to Leavitt Branch.

NPDES Permit No. PA-0061361. Sewerage. **Smithfield Township Sewer Authority**, Box 5209, East Stroudsburg, PA 18301 is authorized to discharge from a facility located in Smithfield Township, **Monroe County** to Little Sambo Creek.

NPDES Permit No. PA-0062791. Industrial waste. **Just Born, Inc.**, 1300 Stefko Blvd., P. O. Box 1158, Bethlehem, PA 18016 is authorized to discharge from a facility located in the City of Bethlehem, **Northampton County** to the City of Bethlehem Storm Sewer to the Lehigh River.

NPDES Permit No. PA-0043915. Sewerage. **River Road Utilities, Inc.**, R. R. 1, River Road, Mount Bethel, PA 18343 is authorized to discharge from a facility located in Upper Mount Bethel Township, **Northampton County** to Delaware River.

NPDES Permit No. PA-0031364. Sewerage. **Wallenpaupack Area School District**, Box 17, Star Route 2, Hawley, PA 18428 is authorized to discharge from a facility located in Palmyra Township, **Pike County** to Lake Wallenpaupack.

NPDES Permit No. PA-0070203. Sewerage. **Craftex Mills, Inc.**, R. R. 2, Route 895 West, Auburn, PA 17922 is authorized to discharge from a facility located in West Brunswick Township, **Schuylkill County** to Pine Creek.

NPDES Permit No. PA-0061468. Sewerage. **Liberty Mobile Home Park**, R. R. 3, Box 205, Montrose, PA 18801-8809 is authorized to discharge from a facility located in Liberty Township, **Susquehanna County** to an unnamed tributary to Snake Creek.

NPDES Permit No. PA-0062332. Sewerage. **Eaton Sewer and Water Co.**, 25 West Tioga Street, Tunkhannock, PA 18657 is authorized to discharge from a facility located in Eaton Township, **Wyoming County** to the north branch of the Susquehanna River.

Permit No. 4096403. Sewerage. **Mountaintop Area Joint Sewer Authority**, 290 Mario Drive, Mountaintop, PA 18707. Permit to increase the capacity of their existing treatment plant, located in Dorrance Township, **Luzerne County**.

Permit No. 4597401. Sewerage. **Smithfield Township Authority**, R. R. 5, Box 5229, East Stroudsburg, PA 18301. Permit to construct and operate three new pump stations, force main and sanitary sewer to serve the Marshalls Creek area, located in Smithfield Township, **Monroe County**.

Permit No. 5296402. Sewerage. **East Stroudsburg Area School District**, P. O. Box 298, East Stroudsburg, PA 18301-0298. Permit to construct and operate a Sewage Treatment Plant with Spray Irrigation, to serve the Bushkill Road School Complex, located in Lehman Township, **Pike County**.

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

Permit No. 0271418-T1, Amendment No. 1. Sewerage. **West Mifflin Sanitary Sewer Municipal Authority**, 302 Lower Bull Run Road, West Mifflin, PA 15122-2902. Application for the construction of Equalization Tankage and Treatment Plant Improvements located in

the Borough of West Mifflin, **Allegheny County** to serve the New England Sewage Treatment Plant.

Permit No. 0297405. Sewerage, **Henry L. and Deanna D. Betcher, Jr.**, 301 Forest Edge Court, Wexford, PA 15090. Construction of a Single Residence Sewage Treatment Plant located in the Township of Kilbuck, **Allegheny County** to serve the Betcher Single Residence Sewage Treatment Plant.

NPDES Permit No. PA0002488. Industrial waste, **Lafarge Corporation**, 6715 Tippecanoe Road, Building C, Canfield, OH 44406 is authorized to discharge from a facility located at Georgetown Road, Georgetown, **Beaver County** to Ohio River.

NPDES Permit No. PA0003107. Industrial waste, **Anchor Glass Acquisition Corporation**, P. O. Box

<i>Parameter</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
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Outfalls 002 and 003 shall consist solely of uncontaminated stormwater runoff.

NPDES Permit No. PA0090301. Industrial waste, **Solid Waste Disposal, Inc.**, R. D. 1, Brunner Road, Zelenople, PA 16063 is authorized to discharge from a facility located at Solid Waste Disposal, Inc., Brighton Township, **Beaver County** to unnamed tributary to Sixmile Run.

NPDES Permit No. PA0091685. Industrial waste, **U. S. Steel Group**, A Unit of USX Corporation, 600 Grant Street, Pittsburgh, PA 15219-2749 is authorized to discharge from a facility located at Taylor Industrial Landfill, West Mifflin Borough, **Allegheny County** to unnamed tributaries to Streets Run.

NPDES Permit No. PA0097110. Industrial waste, **Shade Landfill, Inc.**, Cairnbrook, PA 15924 is authorized to discharge from a facility located at Shade Landfill, Shade Township, **Somerset County** to Laurel Run.

NPDES Permit No. PA0098124. Industrial waste, **Duquesne Light Company**, 411 Seventh Avenue, P. O. Box 1930, Pittsburgh, PA 15230-1930 is authorized to discharge from a facility located at Elrama Ash Disposal Site, Union Township, **Washington County** to unnamed tributary of the Monongahela River.

NPDES Permit No. PA0110655. Industrial waste, **FirstMiss Steel, Inc.**, P. O. Box 509, Route 601, Hollsopple, PA 15935-0509 is authorized to discharge from a facility located at Stony Creek Mill, Quemahoning Township, **Somerset County** to Stony Creek.

NPDES Permit No. PA0205834. Industrial waste, **PMAC, Ltd.**, 4th Avenue near 39th Street, West Mayfield, Beaver Falls, PA 15010 is authorized to discharge from a facility located at PMAC, Ltd., West Mayfield, Beaver Falls, **Beaver County** to Wallace Run (Outfall 001), Beaver River (Outfall 002) and Walnut Bottom Run (Outfall 003).

NPDES Permit No. PA0217395. Industrial waste, **Interforest Corporation**, 119 A.I.D. Drive, P. O. Box 444, Darlington, PA 16115 is authorized to discharge from a facility located at Darlington Township, **Beaver County** to North Fork of Little Beaver Creek.

NPDES Permit No. PA0025992, Amendment No. 1. Sewage, **McCandless Township Sanitary Authority**, 9600 Perry Highway, Pittsburgh, PA 15237 is authorized to discharge from a facility located at Longvue No. 1 STP, Township of McCandless, **Allegheny County**.

30182, Tampa, FL 33630-3182 is authorized to discharge from a facility located at South Connellsville, **Fayette County** to Youghiogheny River.

NPDES Permit No. PA0004839. Industrial waste, **Kennametal, Inc.**, P. O. Box 231, Latrobe, PA 15650 is authorized to discharge from a facility located at Kingston Plant, Derry Township, **Westmoreland County** to Loyalhanna Creek (001) and unnamed tributary of Loyalhanna Creek (002-005).

NPDES Permit No. PA0090301. Industrial waste, **Solid Waste Disposal, Inc.**, R. D. 1, Brunner Road, Zelenople, PA 16063.

This notice reflects changes from the notice published in the April 26, 1997 *Pennsylvania Bulletin*.

NPDES Permit No. PA0026506, Amendment No. 2. Sewage, **West Mifflin Sanitary Authority**, 1302 Lower Bull Run Road, West Mifflin, PA 15122 is authorized to discharge from a facility located at Thompson Run Sewage Treatment Plant, Borough of West Mifflin, **Allegheny County**.

NPDES Permit No. PA0090018. Sewage, **North Strabane Township Municipal Authority**, 1929 B Route 519 South, Canonsburg, PA 15317 is authorized to discharge from a facility located at Willolake Sewage Treatment Plant, North Strabane Township, **Washington County** to unnamed tributary of Chartiers Creek.

NPDES Permit No. PA0093432. Sewage, **West Penn Power Company**, 300 Pleasant Valley Road, Connellsville, PA 15425 is authorized to discharge from a facility located at Pleasant Valley Service Center, (Formerly known as Laurel Division Operating Center), Sewage Treatment Plant, Bullsken Township, **Fayette County** to unnamed tributary of Mounts Creek.

NPDES Permit No. PA0097411. Sewage, **Glendale School District**, 1466 Beaver Valley Road, Flinton, PA 16640-8900 is authorized to discharge from a facility located at Glendale High School STP, White Township, **Cambria County** to tributary to Dutch Run.

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

NPDES Permit No. PA 0101389. Sewage, **PennCrest School District**, Maplewood Elementary School, R. D. 1, Box 808, Saegertown, PA 16433 is authorized to discharge from a facility located in Townville Borough, **Crawford County** to Muddy Creek.

WQM Permit No. 2597406. Sewage, **Fairview Township Sewer Authority**, P. O. Box U, Fairview, PA 16415. This project is for the installation of a gravity sanitary sewer along with all required manholes and appurtenant activities encompassing 2.0 acres more or less in Fairview Township, **Erie County**.

WQM Permit No. 2597412. Sewage, **Honey Estates, Inc.**, 1209 Ponderosa Drive, Erie, PA 16509. This project is for the construction and operation of a nonmunicipal sewage treatment facility to serve the proposed 13-dwelling Honey Estates on South Hill Road in Summit Township, **Erie County**.

**INDIVIDUAL PERMITS
(PAS)**

The following approvals for coverage under NPDES Individual Permit for Discharge of Stormwater from Construction Activities have been issued.

These actions of the Department of Environmental Protection (Department) may be appealed to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483, by any aggrieved person under The Environmental Hearing Board Act (35 P. S. § 7514); 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Appeals

must be filed with the Board within 30 days from the date of this issue of the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Department's regulations governing practice and procedure before the Board may be obtained from the Board.

The following NPDES Individual Permits for Discharges of Stormwater from Construction Activities have been issued.

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10-D072	309 Venture Partners c/o The Wolfson Group, Inc. 801 East Germantown Pike Suite F-2 Norrstown, PA 19401	Richland Township Quakertown Borough Bucks County	Licking Run
PAS10-D075	Toll Brothers, Inc. 3103 Philmont Avenue Huntingdon Valley, PA 19006	Northampton Twp. Bucks County	Churchville Reservoir
PAS10-T076	Comrack Associates c/o Matrix Realty, Inc. 100 Tournament Drive Horsham, PA 19044	Horsham Twp. Montgomery County	Tributary to Park Creek
PAS10-T089	Limekiln Partners, LP 2421 Bristol Road Warrington, PA 18975	Horsham Twp. Montgomery County	Tributary to Little Neshaminy Creek and Unnamed tributaries to Little Neshaminy and Park Creeks

Southcentral Regional Office: Water Management Program, Soils and Waterways Section, One Ararat Boulevard, Room 126, Harrisburg, PA 17110, (717) 657-4590.

PAS-10-H068. Individual NPDES. **Hugh Simpson**, Real Source Development, 619 S. Market Street, Mechanicsburg, PA 17055. To implement an Erosion and Sedimentation Control Plan for a single family residential subdivision called Lindenwood on 66.6 acres in Upper Allen Township, **Cumberland County**. The project is located along PA 114 about 500 feet south of its intersection with Winding Hill Road (Lemoyne, PA Quadrangle N: 11.6 acres; W: 16.4 inches). Drainage will be to Trindle Spring Run.

PAS-10-P025. Individual NPDES. **PA Dept. of Military Affairs**, Environmental Office, Fort Indiantown Gap Military Reservation, St. Rt. 934, Annville, PA 17003-5002. To implement an Erosion and Sedimentation Control Plan for a tracked vehicle maneuvering area (TVMA) on 713 acres in Union Township, **Lebanon County**. The

project is located at Fort Indiantown Gap Military Reservation (Indiantown Gap, PA Quadrangle N: 15 inches; W: 16.3 inches. Drainage will be to Indiantown Run and Trout Run.

PAS-10-Y025-1. Individual NPDES. **PA Dept. of Transportation District 8-0**, 2140 Herr Street, Harrisburg, PA 17103-1699. To implement an Erosion and Sedimentation Control Plan for rehabilitation work of SR 0083, section 832 on 50 acres in Manchester, East Manchester, Conewago and Newberry Townships, **York County**. The project is located beginning south of SR 0921 underpass to north of SR 4016 overpass, 5 1/2 miles total length (Dover, PA Quadrangle N: 15.0 inches; W: 2.2 inches). Drainage will be to Bennet Run, Big Conewago Creek and Little Conewago Creek.

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10E063	Community Development Corporation of Butler County	Butler County, Connoquenessing Twp.	Unnamed tributary to Connoquenessing Crk.

**INDIVIDUAL PERMITS
(PAR)**

APPROVALS TO USE NPDES GENERAL PERMITS

The following parties have submitted Notices of Intent (NOI) for Coverage under General NPDES Permit(s) to discharge wastewater into the surface waters of this Commonwealth. The Department of Environmental Protection approves the following coverages under the specified General Permit. This approval is subject to applicable effluent limitations, monitoring and reporting requirements and other conditions set forth in the respective General Permit.

The EPA Region III Regional Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.24.

The applications and related documents, effluent limitations and special conditions, and other information are on file and may be inspected and arrangements made for copying at the contact office noted.

List of NPDES General Permits issued by Department of Environmental Protection:

NPDES

General Permit Type

PAG-1	General Permit For Discharges From Stripper Oil Well Facilities
PAG-2	General Permit For Discharges of Stormwater From Construction Activities
PAG-3	General Permit For Discharges of Stormwater From Industrial Activities
PAG-4	General Permit For Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit For Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit For Wet Weather Overflow Discharges From Combined Sewer Systems

<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>
Adams County Conewago Twp.	PAR100051	Smith/Richards Partnership P. O. Box 688 Hanover, PA 17321	Plum Creek	Adams C. D. (717) 334-0636
Allegheny County Bethel Park	PAR10A083-1	Mercy-Bethel 1400 Locust St. Pittsburgh, PA 15219	N/A	Allegheny C. D. (412) 921-1999
Allegheny County City of Pittsburgh	PAR10A208	Pittsburgh Economic and Indus. Development Corp. 200 Ross St. Pittsburgh, PA 15219	Allegheny River	Allegheny C. D. (412) 921-1999
Berks County Wyomissing Borough	PAR10C095A	Thomas Reinsel 2000 Cambridge Ave. Wyomissing, PA 19610	Wyomissing Creek	Berks C. D. (610) 372-4657
Carbon County Penn Forest Twp.	PAR101312	Tom Schafer HC #1, Box 22 Jim Thorpe, PA 18229	Berry Run	Carbon C. D. (610) 377-4894
Centre County Patton Twp.	PAR10F059	Diversified Realty Inc. 1522 Woodledge Circle State College, PA 16803	UNT of Big Hollow Run	Centre C. D. (814) 355-6817
Cumberland County Middlesex Twp.	PAR10H127	Middlesex Township, Suite 1 350 N. Middlesex Rd. Carlisle, PA 17013	Spring Run	Cumberland C. D. (717) 240-7812
Dauphin County Washington Twp.	PAR10I114	Scott Kimmel P. O. Box 1 Lykens, PA 17048	Wiconisco Creek	Dauphin C. D. 921-8100
Dauphin County L. Paxton Twp.	PAR10I115	Glimcher Devcor Inc. 500 Grant Street Pittsburgh, PA	Spring Creek	Dauphin C. D. (717) 921-8100
Delaware County Tinicum Twp.	PAR10J093	James Morrissey Inc. 9119 Frankford Ave. Philadelphia, PA 19114	Delaware River	Delaware C. D. (610) 892-9484
Erie County Summit Twp.	PAR10K079	Composiflex Inc. 2101 Peninsula Drive Erie, PA 19506	UNT to Walnut Crk.	Erie C. D. (814) 796-4203
Erie County Fairview Twp.	PAR10K080	One Ten Corporation 3939 W. Ridge Road Erie, PA 16506	UNT to Lake Erie	Erie C. D. (814) 796-4203

<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>
Indiana County White Twp.	PAR103133	First Assembly of God Church 1455 Church Street Indiana, PA	UNT to McCarthy Run	Indiana C. D. (412) 463-7702
Jefferson County Bell Twp.	PAR103318	Bell Township R. D. 2, Box 56A Punxsutawney, PA 15767	Cold Spring Run Canoe and Mahoning Creeks	Jefferson C. D. (814) 849-7463
Lancaster County Mount Joy Borough	PAR10-O-247	LJL Inc. 618 Donegal Springs Road Mount Joy, PA 17522	Chickies Creek	Lancaster C. D. (717) 299-5361
Lawrence County Neshannock Twp.	PAR103723	Gale Measel 3009 Wilmington Rd. New Castle, PA 16105	UNT to Shenango River	Lawrence C. D. (412) 652-4512
Montgomery County Abington Twp.	PAR10T317	Rydal Development Corp. P. O. Box 546 Jenkintown, PA 19046	Meadow Brook Creek	Montgomery C. D. (610) 489-4506
Montour County Liberty Twp.	PAR104712	Pa. Dept. of Transportation 715 Jordan Ave. Montoursville, PA 17754	Chillisquague Crk.	Montour C. D. (717) 271-1140
Northampton County L. Saucon Twp.	PAR10U050	Saucon Valley Square LP 961 Marcon Blvd. Allentown, PA	Saucon Creek	Northampton C. D. (610) 746-1971
Northampton County Bethlehem Twp.	PAR10U067	Bethlehem Township 2740 5th St. Bethlehem, PA 18017	Nancy Run	Northampton C. D. (610) 746-1971
Somerset County Shade Twp.	PAR106123	DEP—BAMR P. O. Box 8476 Harrisburg, PA 17105	UNT to Dark Shade Creek	Somerset C. D. (814) 445-4652
Center Co. Spring Twp.	PAR204803	Cerro Metal Products Company Route 144 South P. O. Box 388 Bellefonte, PA 16823	Spring Creek	Northcentral (717) 327-3664
Clinton Co. Wayne Twp.	PAR504804	Clinton County Solid Waste Authority P. O. Box 209 McElhattan, PA 17748	UNT to West Branch Susquehanna	Northcentral (717) 327-3664
Snyder Co. Middlecreek Twp.	PAR224828	Bingaman & Son Lumber Inc. P. O. Box 24 Kreamer, PA 17833	Middlecreek	Northcentral (717) 327-3664
Northumberland Co. Watsontown Boro	PAR234810	F. B. Leopold Company, Inc. P. O. Box 128 Watsontown, PA 17777	UNT to Spring Run Crk.	Northcentral (717) 327-3664
Northumberland Co. Herndon Boro	PAR324803	Creative Playthings LTD P. O. Box 306 Herndon, PA 17830-0306	Susquehanna	Northcentral (717) 327-3664
Clearfield Co. Sandy Twp.	PAR704814	Dubois Asphalt Plant #4 P. O. Box D, Route 210 N Dubois, PA 15801	Unnamed Tributary to Sand Lick Creek	Northcentral (717) 327-3664
Lycoming Co. Armstrong Twp.	PAR804814	South Williamsport Gulf Terminal P. O. Box 221 South Williamsport, PA 17703	West Branch Susquehanna	Northcentral (717) 327-3664
Northumberland Co. Milton Boro.	PAR804815	Central Transport Inc. 180 Sodom Road Milton, PA 17847	Susquehanna	Northcentral (717) 327-3664
Northumberland Co. W. Chillisquaque Twp.	PAR804838	New Penn Express Inc. Milton Industrial Park 130 Sodom Road Milton, PA 17847	UNT to West Branch Susquehanna River	Northcentral (717) 327-3664

<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 Co. Williamsport	PAR124802	Frito Lay Inc. North Reach Road Williamsport, PA 17701	UNT North Bank of Susquehanna	Northcentral (717) 327-3664
Cameron Co. Shippen Twp.	PAR224835	Mallery Lumber Corp. Star Route Box 1 Emporium, PA 15834	Driftwood Branch Sinnemahoning	Northcentral (717) 327-3664
Snyder Co. Shamokin Dam Boro	PAR704805	Pa. Power & Light Co. Environmental Mgr. Div TW-8 Two North Ninth St. Allentown, PA 18101-1179	Rolling Green Run to Susquehanna	Northcentral (717) 327-3664
Montour Co. Washingtonville Boro	PAR704802	Pa. Power & Light Co. Environmental Mgd. Div TW-8 Two North Ninth St. Allentown, PA 18101-1179	Mud Creek Chillisquaque Crk.	Northcentral (717) 327-3664
Lycoming Co. Muncy Boro.	PAR114801	Andritz Inc. Sherman St. Muncy, PA 17756	West Branch Susquehanna	Northcentral (717) 327-3664
York Co. Shrewsbury Twp.	PAG043573	R. D. 1, Box 1647 New Freedom, PA 17349	UNT to Deer Creek	Southcentral Regional Office (717) 657-4590
Adams Co. Straban Twp.	PAG043510 (97-1)	110A Woodside Rd. Gettysburg, PA 17325	UNT to Conewago Crk.	Southcentral Regional Office (717) 657-4590
Bedford Co. West Providence Twp.	PAG043574	714 N. Spring Rd. Everett, PA 15537	UNT to Clear Crk.	Southcentral Regional Office (717) 657-4590
Cumberland Co. Middlesex Twp.	PAG043575	238 Birch Lane Carlisle, PA 17013	FEMA Stream A Conodoguinet Crk.	Southcentral Regional Office (717) 657-4590
Northumberland Co. Shamokin Twp.	PAG044935	Corbett Shaffer R. R. 1, Box 197 Paxinos, PA 17860	UNT Shamokin Crk.	Northcentral (717) 327-3664
Snyder Co. Washington Twp.	PAG044937	Richard Moore 210 West 70th St., No. 911 New York, NY 10023	Dry Run	Northcentral (717) 327-3664
Bradford Co. Troy Twp.	PAG044940	Burt L. Cleveland R. R. 2, Box 34 Troy, PA 16947	Inter Stream	Northcentral (717) 327-3664
Allegheny Co. Kilbuck Twp.	PAG046124	Henry L. & Deanna D. Betcher, Jr. 301 Forest Edge Court Wexford, PA 15090	Tributary to Lowries Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Dr. Pittsburgh, PA 15222-4745 (412) 442-4000

SEWAGE FACILITIES ACT

PLAN APPROVAL

Plan approvals granted under the Pennsylvania Sewage Facilities Act (35 P.S. §§ 750.1—750.20).

Northcentral Regional Office: Water Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (717) 327-0530.

Location: Old Lycoming and the Lycoming Townships, Lycoming County.

Project Description: The approved plans call for construction of a major sewer extension to serve approxi-

mately 600 EDUs in the Antes addition area of Old Lycoming Township and the Fairlawn area of Lycoming Township. Wastewater collected from these areas will be conveyed by existing Old Lycoming and Loyalsock Township sewer lines to the Williamsport Sanitary Authority's West Sewage Treatment Plant for treatment and discharge of the treated effluent to the West Branch of the Susquehanna River.

The Department's review of the sewage facilities update revision has not identified any significant negative environmental impacts resulting from this proposal.

Location: Chapman and Union Townships, Snyder County.

Project Description: The approved plan calls for construction of a new sewage collection system and treatment facility to serve the Port Trevorton and Kellertown areas of Union Township. Depending upon the timing of the project, the Chapman and Independence areas of Chapman Township may also be included in the project. The new wastewater treatment facility will have a design capacity of 80,000 gallons per day with discharge of the treated effluent to the Susquehanna River.

The Department's review of the sewage facilities update revision has not identified any significant negative environmental impacts resulting from this proposal.

SAFE DRINKING WATER

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

Bureau of Water Supply Management, Division of Drinking Water Management, 400 Market Street, Harrisburg, PA 17105, Contact: Godfrey C. Maduka, (717) 787-9037.

A. 9996451. The Crystal Spring Water Company, One Keuka Business Park, 2258 Route 54A, Penn Yan, NY 14527; Daniel Jepson, President, Board of Directors. Applicant requests Department approval to sell bottled water in Pennsylvania under the brand name: The Crystal Spring Natural Spring Water.

Actions taken 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.

Permit No. 4697502. Public water supply. **Audubon Water Company,** Martha M. Russell, 2650 Eisenhower Avenue, Norristown, PA 19403. A permit has been issued to Audubon Water Company for the deepening of existing well no. AWC-2 from 150 feet to 400 feet in Lower Providence Township, **Montgomery County.**

Type of Facility: Water Supply System.

Consulting Engineer: Berkshire Environmental Associates, Inc., 409 Penn Avenue, Sinking Spring, PA 19608.

Permit to Construct Issued: May 27, 1997.

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

Permit No. 2297503. Public water supply. **Pennsylvania—American Water Company,** Derry Township, **Dauphin County,** (David V. Modeer, Vice-President-Operations, PA American Water Company—Westford System, 800 West Hershey Park Drive, Hershey, PA 17033), installation of corrosion control treatment at Westford Water System to achieve compliance with lead and copper rule. Caustic soda and corrosion inhibitor to be added at well no. 5. Corrosion inhibitor to be added at well no. 2.

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

Permit No. 6597504. Public water supply. **Municipal Authority of Westmoreland County,** P. O. Box 730, Greensburg, PA 15601.

Type of Facility: Hankey Farms storage tank.

Permit to Construct Issued: June 16, 1997.

Permit No. 0285502-A2. Public water supply. **Cheswick Borough,** 220 South Atlantic Avenue, P. O. Box 235, Cheswick, PA 15024.

Type of Facility: Cheswick Borough Water Treatment System.

Permit to Operate Issued: June 16, 1997.

Northwest Regional Office: Regional Manager, 230 Chestnut Street, Meadville, PA, (814) 332-6899.

Permit No. 6206444. Public water supply. **Saegertown Beverages, Inc.,** 341 Grant St., Saegertown, PA 16433. A permit has been issued for the installation and use of a distillation unit and water softener in Saegertown Borough, **Crawford County.**

Type of Facility: Bottled Water Plant.

Consulting Engineer: Richard A. Deiss, P. E., Richard A. Deiss & Associates, 9342 Pettis Road, Meadville, PA 16335.

Permit to Construct Issued: June 16, 1997.

SOLID AND HAZARDOUS WASTE

LICENSE TO TRANSPORT HAZARDOUS WASTE

Renewal licenses issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.

Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Eco-tron Transportation, Inc., 6947-A Promway NW, North Canton, OH 44720; License No. **PA-AH 0393;** renewal license issued June 20, 1997.

Envirco Transportation, Inc., 61 1/2 Railroad St., Canfield, OH 44406; License No. **PA-AH 0361;** renewal license issued June 20, 1997.

First Piedmont Hauling, Inc., P. O. Drawer 1069, Chatham, VA 24531; License No. **PA-AH S212;** renewal license issued June 16, 1997.

Fuel Tank Maintenance Service, Inc., P. O. Box 305, Ridgefield Park, NJ 07660; License No. **PA-AH 0491;** renewal license issued June 16, 1997.

Nappi Trucking Corporation, 305 State Route #34, Matawan, NJ 07747; License No. **PA-AH 0278;** renewal license issued June 20, 1997.

License issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.

Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Allstate Environmental Services/North Atlantic, 31 Waldron Way, Portland, ME 04103; License No. **PA-AH 0566,** license issued June 12, 1997.

Envirocon Services, Inc., 116 Billamy Place, Stockbridge, GA 30281; License No. **PA-AH 0565,** license issued June 12, 1997.

Lionetti Oil Recovery, Inc., d/b/a Lorco, R. D. 1, Box 5-A, Old Bridge, NJ 08857; License No. **PA-AH 0567,** license issued June 17, 1997.

License expired under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.

Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Envirite Corporation, 1600 Pennsylvania Avenue, York, PA 17404; License No. **PA-AH 0131**; license expired on June 2, 1997.

University of Pittsburgh of the Commonwealth System of Higher Education, 2409 Cathedral of Learning, Pittsburgh, PA 15260; License No. **PA-AH 0083**, license expired June 2, 1997.

BENEFICIAL USE DETERMINATIONS

Approval of determination of applicability under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and residual waste regulations for a general permit to operate residual waste processing facilities and the beneficial use of residual waste other than coal ash.

Central Office: Division of Municipal and Residual Waste, 14th Floor, Rachel Carson State Office Building, 400 Market St., Harrisburg, PA 17101-2301.

General Permit Determination of Applicability No. WMGR017D003. Leroy Zimmerman, 327 Stackstown Road, Marietta, PA 17547. This determination of applicability under permit WMGR017 is for the beneficial use of drinking water treatment sludge generated by a water supply treatment facility as a soil additive on agricultural lands. The determination of applicability was issued by Central Office on June 12, 1997.

Application denied under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and residual waste regulations for a general permit to operate residual waste processing facilities and the beneficial use of residual waste other than coal ash.

Central Office: Division of Municipal and Residual Waste, 14th Floor, Market Street State Office Building, 400 Market St., Harrisburg, PA 17101-2301.

General Permit Application No. WMGR048. Mitchell Technologies Group, LLC, 218 Oxford Drive, Lititz, PA 17543-2908. An application for bioremediation of hydrocarbon contaminated soil, sludge and absorbents. The application was denied by Central Office on June 11, 1997.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and regulations to operate solid waste processing or disposal area or site.

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

Permit I. D. No. 301304. Big Gorilla Pit Demonstration Facility, Northeastern Power Company, P. O. Box 7, McAdoo, PA 18237-0007. A permit authorizing the construction and operation of this residual waste demonstration facility, located in Kline Township, **Schuylkill County**. The permit allows for a demonstration, not previously conducted in Pennsylvania, for the use of residual waste coal ash from the Northeastern Power Company Co-Generation Plant, to reclaim the 16.6 acre Big Gorilla Pit. The coal ash will be end dumped, eventually displacing all of the water and reclaiming the pit in such a manner as to promote public safety, adjust acidic water pH, and reduce acid mine drainage. The permit was issued in the Regional Office on June 16, 1997.

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

Regional Office: Regional Solid Waste Manager, One Ararat Boulevard, Harrisburg, PA 17110.

A. 101100. Mountain View Reclamation, Community Refuse, Ltd. (9760 Letzburg Road, Greencastle, PA 17225). Application for modification to change to the post-closure monitoring program for pads 9 and 10 in Antrim and Montgomery Townships, **Franklin County**. Application denied in the Regional Office June 18, 1997.

PREVIOUSLY UNPERMITTED CLASS OF SPECIAL HANDLING WASTE

INFECTIOUS OR CHEMOTHERAPEUTIC WASTE

Renewal licenses issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6) and regulations for license to transport infectious and chemotherapeutic waste.

Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Chambers Medical Technologies, Inc., 3011 Smallman Street, Pittsburgh, PA 15201; License No. **PA-HC 0162**; renewal license issued June 18, 1997.

AIR POLLUTION

OPERATING PERMITS

Construct, modify or activate air contaminant sources

25 Pa. Code § 129.1

Administrative Amendment of Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulation 25 Pa. Code § 127.450 to operate air contamination sources and associated air cleaning devices.

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

The Department issued an administrative amendment the following Air Quality Operating Permit for the operation of the air contamination sources and associated air cleaning devices described below for the specified companies.

Permit: **46-318-039**
 Source: Minor Facility VOC
 Administrative Amendment: 04/18/97
 Company: **Dickinson Fleet Services, LLC formerly, Ryder Truck Rental, Inc.**
 Location: Upper Hanover
 County: **Montgomery**

Operating Permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

The Department has issued the following air quality operating permits for the operation of the air contamination sources and associated air cleaning devices described below for the specified companies.

Permit: **09-318-070**
 Source: 2 Spray Paint Booths and 1 Vapor Degreaser
 Issued: May 8, 1997
 Company: **Boekel Industries, Inc.**
 Location: Lower Southampton
 County: **Bucks**

Permit: **09-310-042B**
 Source: Portable Stone Crushing Plant
 Issued: May 8, 1997
 Company: **Naceville Materials**
 Location: Plumstead
 County: **Bucks**

Permit: **15-318-010D**
 Source: Production Scrubber System I Modification
 Issued: June 2, 1997
 Company: **Johnson Matthey, Inc.**
 Location: Tredyffrin
 County: **Chester**

Permit: **46-399-103**
 Source: Granulating Process
 Issued: June 2, 1997
 Company: **Novartis Consumer Health, Inc.**
 Location: Upper Dublin
 County: **Montgomery**

Permit: **23-302-130**
 Source: One Boiler
 Issued: June 10, 1997
 Company: **Mercy Fitzgerald Hospital**
 Location: Darby
 County: **Delaware**

Permit: **46-323-017**
 Source: Furniture Cleaning Process
 Issued: June 10, 1997
 Company: **The Knoll Group**
 Location: East Greenville
 County: **Montgomery**

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.

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

General Plan Approval and Operating Permit No. BAQ-GPA/GP-1 for small combustion units was issued to the following:

Permit: **23-312-209GP**
 Source: Storage Tank No. 93
 Issued: May 23, 1997
 Company: **Tosco Refining Company**
 Location: Trainer
 County: **Delaware**

Permit: **23-312-210GP**
 Source: Storage Tank No. 94
 Issued: May 23, 1997
 Company: **Tosco Refining Company**
 Location: Trainer
 County: **Delaware**

Permit: **23-312-211GP**
 Source: Storage Tank No. 3
 Issued: June 9, 1997
 Company: **Sun Company, Inc.**
 Location: Upper Chester
 County: **Delaware**

PLAN APPROVALS

Administrative Amendment of Plan Approval issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

The Department made an administrative amendment to the following Air Quality Plan Approvals, for the construction of the air contamination sources and associated air cleaning devices described below for the specified companies.

Permit: **46-399-056A**
 Source: Three Diesel Engines
 Administrative Amendment: April 18, 1997
 Company: **MM Biogas Power, LLC formerly, O'Brien Energy Products**
 Location: Upper Merion
 County: **Montgomery**

Plan Approvals issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate and operate air contaminant sources or air cleaning devices.

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

The Department has issued the following air quality plan approvals for the specified companies described below:

Permit: **46-320-033**
 Source: Flexographic Press
 Issued: May 8, 1997
 Company: **Global Packaging, Inc.**
 Location: Upper Providence
 County: **Montgomery**

Permit: **15-320-021**
 Source: 1 Non-Heatset Offset Lithographic
 Issued: May 7, 1997

Company: **McCroquodale Security Cards, Inc.**
 Location: West Whiteland
 County: **Chester**

Permit: **09-318-073**

Source: Paint Booth

Issued: May 13, 1997

Company: **Cleveland Steel Container Corp.**

Location: Quakertown

County: **Bucks**

Permit: **09-399-044**

Source: 2 Hard Chromium Electroplating Process Tanks

Issued: May 16, 1997

Company: **CMS Gilbreth Packaging Systems**

Location: Bristol

County: **Bucks**

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

05-233-006. On June 10, 1997, the Department issued a MACT (Maximum Achievable Control Technology) Plan Approval to **Creative Pultrusions** (P. O. Box 6, Alum Bank, PA 15521) for the construction of a PVC Hexmaster Scrubber at their location in Pleasantville Industrial Park in West Saint Clair Township, **Bedford County**. The source is subject to 40 CFR 63, Subpart N, National Emission Standards for Hazardous Air Pollutants.

06-310-020B. On June 9, 1997, the Department issued a Plan Approval to **Martin Stone Quarries, Inc.** (P. O. Box 297, Bechtelsville, PA 19505) for the modification of a soil plant with wet suppression at their Bechtelsville Quarry in Colebrookdale Township, **Berks County**. The source is subject to 40 CFR 60, Subpart OOO, Standards of Performance for New Stationary Sources.

REASONABLY AVAILABLE CONTROL TECHNOLOGY

(RACT)

Administrative Amendments of Operating Permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to comply with 25 Pa. Code § 127.450 for Reasonable Available Control Technology.

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

The Department made an administrative amendment to the following Air Quality Operating Permits for the operation of the air contamination sources and associated air cleaning devices described below for the specified companies:

Permit: **OP-23-0032**

Source: Facility NOx/VOC Sources

Administrative Amendment: April 15, 1997 and May 16, 1997

Company: **DELCORA WRTP**

Location: City of Chester

County: **Delaware**

Permit: **OP-23-0004**

Source: Facility VOC and NOx

Administrative Amendment: April 21, 1997

Company: **American Ref-Fuel Co. of Delaware County, formerly Waste Resource Energy**

Location: City of Chester

County: **Delaware**

Permit: **OP-46-0022**

Source: Facility NOx Sources

Administrative Amendment: June 10, 1997

Company: **Elf Atochem North America, Inc.**

Location: Upper Merion

County: **Montgomery**

Permit: **OP-46-0015**

Source: Facility NOx/VOC Sources

Administrative Amendment: June 9, 1997

Company: **Occidental Chemical Corp.**

Location: Lower Pottsgrove

County: **Montgomery**

Permit: **OP-46-0026**

Source: Facility VOC Sources

Administrative Amendment: April 21, 1997

Company: **Global Packaging, Inc.**

Location: Upper Providence

County: **Montgomery**

Permit: **CP-46-0005**

Source: Facility VOC/NOx Sources

Administrative Amendment: May 5, 1997

Company: **Merck & Co., Inc.**

Location: Upper Gwynedd

County: **Montgomery**

Permit: **CP-23-0003**

Source: Facility NOx/VOC Sources

Administrative Amendment: June 2, 1997

Company: **Bayway Refining/Tosco, formerly B P Oil Refinery Co.**

Location: Trainer

County: **Delaware**

Plan Approvals issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations for a Plan Approval permit to comply with 25 Pa. Code § 129.91 for Reasonable Available Control Technology.

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

The Department has issued the following air quality plan approval permit for the construction of the air contamination sources and associated air cleaning devices described below for the specified companies:

Permit: **PA-46-0081**

Source: VOC Facility

Issued: June 9, 1997

Company: **Markel Corporation**

Location: Plymouth

County: **Montgomery**

Permit: **PA-15-0016A**

Source: Coil Coating Line

Issued: June 9, 1997

Company: **Worthington Steel**

Location: East Whiteland

County: **Chester**

Operating Permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations for an Operating Permit to comply with 25 Pa. Code § 129.91 for Reasonable Available Control Technology.

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

The Department has issued the following Air Quality Operating Permit for the operation of the air contamination sources and associated air cleaning devices described below for the specified companies:

Permit: **OP-46-0041**
 Source: Facility VOC Sources
 Issued: April 18, 1997
 Company: **Jefferson Smurfit Corp.**
 Location: Upper Providence
 County: **Montgomery**

Permit: **OP-46-0030A**
 Source: Synthetic NOx and VOC Facility
 Issued: May 7, 1997
 Company: **Lockheed Martin, Valley Forge Operations**
 Location: King of Prussia
 County: **Montgomery**

Permit: **OP-46-0075**
 Source: 32 Printing Presses
 Issued: May 19, 1997
 Company: **American Bank Note**
 Location: Horsham
 County: **Montgomery**

Permit: **OP-46-0054**
 Source: Facility NOx Sources
 Issued: May 20, 1997
 Company: **Abington Memorial Hospital**
 Location: Abington
 County: **Montgomery**

Permit: **OP-46-0056**
 Source: Synthetic Minor NOx/VOC Facility
 Issued: June 2, 1997
 Company: **Hale Products, Inc.**
 Location: Conshohocken
 County: **Montgomery**

Permit: **OP-23-0005**
 Source: Facility VOC Sources
 Issued: June 4, 1997
 Company: **PPG Industries, Inc.**
 Location: Folcroft
 County: **Delaware**

MINING

CONDUCT COAL AND NONCOAL ACTIVITIES

MINING ACTIVITY ACTIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 water quality certification. Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Quality Control Act (35 P.S. §§ 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).

Ebensburg District Office, 437 South Center Street, P. O. Box 625, Ebensburg, PA 15931-0625.

Coal Applications Issued

56803093. Stream encroachment, **Croner, Inc.** (R. D. 4, Box 83C, Berlin, PA 15530). The proposed stream crossing modification is located on an unnamed tributary of Buffalo Creek in Brothersvalley Township, **Somerset County**, PA. The crossing is located approximately 570 feet upstream and southeast of the unnamed tributary's intersection with another unnamed tributary which flows into Buffalo Creek. The proposed activities will take place at an existing haul road crossing of the unnamed tributary located approximately 1,450 feet southeast of Salco, PA on the eastern side of S. R. 2023. Approximately 0.1 acre will be disturbed along a 20-foot length of the unnamed tributary. Encroachment received April 30, 1997. Encroachment issued June 16, 1997.

Hawk Run District Office, P. O. Box 209, Hawk Run, PA 16840.

17910114. **River Hill Coal Company, Inc.** (Kylertown, PA 16847), renewal of an existing bituminous surface mine permit in Karthaus Township, **Clearfield County** affecting 300 acres, receiving streams unnamed tributaries to Dutch Hollow Run, Dutch Hollow Run, a tributary to Mosquito Creek and Mosquito Creek, application received March 26, 1997, permit issued June 3, 1997.

Knox District Office, P. O. Box 669, Knox, PA 16232.

24920101. **Tamburlin Bros. Coal Co., Inc.** (P. O. Box 1419, Clearfield, PA 16830), renewal of an existing bituminous strip and auger operation in Fox Township, **Elk County** affecting 33.8 acres. Receiving streams unnamed tributary of Little Toby Creek. Application received April 28, 1997. Permit issued June 10, 1997.

10920107. **Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001), renewal of an existing bituminous strip and auger operation in Clay and Cherry Townships, **Butler County** affecting 94.3 acres. Receiving streams two unnamed tributaries to South Branch Slippery Rock Creek. Application received April 7, 1997. Permit issued June 10, 1997.

10860121. **Thomas J. Smith, Inc.** (R. D. 1, Box 260-D, Shelocta, PA 15774), renewal of an existing bituminous strip and auger operation in Summit Township, **Butler County** affecting 56.2 acres. This renewal is issued for reclamation only. Receiving streams four unnamed tributaries to Bonnie Brook. Application received April 14, 1997. Permit issued June 12, 1997.

37840101. **Kerry Coal Company** (Route 2, Box 19, Portersville, PA 16051), renewal of an existing bituminous strip, auger and tippel refuse disposal operation in Little Beaver and Darlington Townships, **Lawrence and Beaver Counties** affecting 655.6 acres. This renewal is issued for reclamation only. Receiving streams six unnamed tributaries of the North Fork of Little Beaver Creek and North Fork Little Beaver Creek. Application received April 10, 1997. Permit issued June 16, 1997.

102327-24900103-E-1. **Energy Resources, Inc.** (P. O. Box 259, Brockway, PA 15824), application for a stream encroachment to mine through and reconstruct a portion of unnamed tributary A to Boderocco Run in Fox and Horton Townships, **Elk County**. Receiving streams McCauley Run, Curry Run, Boderocco Run, Brandy Camp Creek and unnamed tributaries to Little Toby Creek. Application received April 11, 1997. Permit issued June 16, 1997.

Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

54851336C4. Summit Anthracite, Inc. (R. R. 1, Box 12A, Klingerstown, PA 17941), correction to an existing anthracite deep mine operation in Porter Township, **Schuylkill County** affecting 12.8 acres, receiving stream Good Spring Creek. Correction issued June 17, 1997.

54861601R2. Schuylkill Coal Processing, Inc. (P. O. Box 134, Ashland, PA 17921), renewal of an existing coal preparation plant operation in Butler Township, **Schuylkill County** affecting 11.9 acres, receiving stream none. Renewal issued June 19, 1997.

19881301C3. UAE CoalCorp Associates (P. O. Box 0306, Mt. Carmel, PA 17851), correction to an existing anthracite underground mine operation in Conyngham and Mt. Carmel Twps., **Columbia and Northumberland Counties** affecting 26.5 acres, receiving stream underground mine workings. Correction issued June 19, 1997.

Knox District Office, P. O. Box 669, Knox, PA 16232.
Noncoal Permits Issued

37880304. Quality Aggregates, Inc. (P. O. Box 9347, Neville Island, PA 15225), revision to an existing limestone operation to add 16.5 acres in Slippery Rock Township, **Lawrence County**. Total acreage is now 227.5 acres. Receiving streams two unnamed tributaries of Slippery Rock Creek. Application received March 10, 1997. Permit issued June 12, 1997.

42850302. Wayne Gravel Products (R. D. 2, Box 572, Shinglehouse, PA 16748), revision to an existing sand and gravel operation to add 8.8 acres in Ceres Township, **McKean County**. Total acreage is now 11.0 acres. Receiving streams unnamed stream of Oswayo Creek. Application received November 22, 1996. Permit issued June 5, 1997.

Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

44960301. Sandy Bend, Inc. (R. R. 1, Box 53, Belleville, PA 17004), commencement, operation and restoration of a quarry operation in Bratton Township, **Mifflin County** affecting 117.0 acres, receiving stream none. Permit issued June 16, 1997.

47950301. Royer's Lime Quarries (R. R. 2, Box 420, Milton, PA 17847), commencement, operation and restoration of a quarry operation in Limestone Township, **Montour County** affecting 30.4 acres, receiving stream none. Permit issued June 19, 1997.

Knox District Office, P. O. Box 669, Knox, PA 16232.
Coal Denied

16940104. Cookport Coal Co., Inc. (425 Market Street, Kittanning, PA 16201), revision to an existing bituminous strip operation to change the post-mining land-use from forestland to pastureland/land occasionally cut for hay on the T & E Coal Company property in Toby Township, **Clarion County**. Receiving streams one unnamed tributary to Cherry Run. Application received February 24, 1997. Permit denied May 29, 1997.

Hawk Run District Office, P. O. Box 209, Hawk Run, PA 16840.

Small Industrial Mineral Authorizations Granted

14960801. Two Rock Stone Company (P. O. Box 411, Pine Grove Mills, PA 16868), commencement, operation and restoration of a Small Industrial Mineral (Sandstone) permit in Curtin Township, **Centre County** affecting 2 acres, receiving streams Eddy Lick Run, tributary to Beech Creek, application received May 15, 1996, authorization granted June 11, 1997.

08950801. William W. Walter, Sr. (R. R. 1, Box 40, Sugar Run, PA 18846), commencement, operation and restoration of a Small Industrial Mineral (Flagstone) permit in Wilmot Township, **Bradford County** affecting 1 acre, receiving streams Sugar Run Creek, tributary to North Branch Susquehanna, application received March 2, 1995, authorization granted June 16, 1997.

08970804. Dale Allis (R. R., Box 171, Wyalusing, PA 18853), commencement, operation and restoration of a Small Industrial Mineral (Bluestone) permit in Orwell Township, **Bradford County** affecting 1 acre, receiving stream South Creek, application received March 21, 1997, authorization granted June 16, 1997.

Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

General Small Noncoal Authorizations Granted

58970818. Daniel Acker (R. R. 2, Box 135A4, Montrose, PA 18801), commencement, operation and restoration of a bluestone quarry operation in Kingsley Township, **Susquehanna County** affecting 1.0 acres, receiving stream none. Authorization granted June 17, 1997.

ACTIONS TAKEN UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT

ENCROACHMENTS

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment Approval, and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Actions on applications filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and sections 5 and 402 of The 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.*)

Northeast Regional Office: Regional Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-5485.

Permit No. E35-279. Encroachment. **Dr. Carl C. and Kathryn V. Reynolds**, Drawer M, Waverly, PA 18471. To construct and maintain a road crossing 174 feet in length by 10 feet in width through a de minimus area of wetland less than or equal to 0.05 acre to provide access to a proposed single family residence. This project is located on the east side of Reynolds Road (T-456) approximately 1,000 feet north of S. R. 632 (Dalton, PA Quadrangle N: 5.7 inches; W: 6.2 inches) in North Abington Township, **Lackawanna County**.

Permit No. E39-316. Encroachment. **Washington Township Board of Supervisors**, P. O. Box 27, Slatedale, PA 18079. To place fill in 0.23 acre of wetlands to maximize the development area for a multi-purpose recreational park. This project is located in the southeast corner of the intersection of Eagle Road (T-855) and Best Station Road (LR39054) (Slatedale, PA Quadrangle N: 16.2 inches; W: 0.4 inch) in Washington Township, **Lehigh County**. Issuance of this permit also constitutes approval of the Environmental Assessment for a nonjurisdictional stormwater detention dam proposed at the project site. The permittee is required to provide 0.23 acre of replacement wetlands.

Permit No. E54-225. Encroachment. **Schuylkill Economic Development Corporation**, P. O. Box 659, 915 Progress Avenue, Pottsville, PA 17091-0659. To construct and maintain two 96 inch diameter, C.M.P. stream enclosures, 130 feet in length and 100 feet apart in the split channel of a tributary to the West Branch Schuylkill River. This project provides the main access road (Keystone Boulevard) to the High Ridge Business Park located in the southeastern quadrant of the intersection of Interstate 81 and S. R. 0901 (Minersville, PA Quadrangle N: 17.1 inches; W: 10.8 inches) in Foster Township, **Schuylkill County**.

Permit No. E54-230. Encroachment. **Orwigsburg Borough**, 209 North Warren Street, Orwigsburg, PA 17961. To remove the existing structure and to construct and maintain a 20-foot by 4-foot pre-cast concrete box culvert in the channel of Mahannon Creek. This project is located along Ridge Road, approximately 300 feet west of North Liberty Street (Orwigsburg, PA Quadrangle N: 4.5 inches; W: 14.5 inches) in Orwigsburg Borough, **Schuylkill County**.

Southcentral Regional Office: Water Management Program, Soils and Waterways Section, One Ararat Boulevard, Room 126, Harrisburg, PA 17110, (717) 657-4590.

E01-179. Encroachment. **John L. Rautzhan**, Pa. Dept. of Transportation, District 8-0, 2140 Herr Street, Harrisburg, PA 17103-1699. To remove the existing structure, construct and maintain a precast reinforced concrete box culvert having a normal span of 18.0 feet with a minimum underclearance of 7.5 feet across the

Conococheague Creek on S. R. 0233, Section 004, Segment 0010, offset 1065 (Caledonia Park, PA Quadrangle N: 7.2 inches; W: 13 inches) in Franklin Township, **Adams County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E05-243. Encroachment. **Peter Bancroft**, 600 Somerset Rd., Baltimore, MD 21210. To maintain an existing bridge across Flintstone Creek along the west side of T-304 about 2.4 miles south of the Beans Cove Village (Beans Cove, PA Quadrangle N: 1.53 inches; W: 11.75 inches) in Southampton Township, **Bedford County**. This permit was issued under section 105.13(e) "Small Projects."

E06-490. Encroachment. **Neill Dekker**, Pa. Dept. of Transportation, Engineering District 5-0, 1713 Lehigh Street, Allentown, PA 18103. To extend an existing culvert in the channel of a tributary to the Schuylkill River and to place fill for a roadway widening in the floodway of Pigeon Creek at a point along Route 61 (Hamburg, PA Quadrangle N: 2.0 inches; W: 12.7 inches and Temple, PA Quadrangle N: 22.4 inches; W: 12.2 inches) in Perry Township, **Berks County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E21-264. Encroachment. **John Rautzahn**, Pa. Dept. of Transportation, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103. To remove the existing structure and to construct and maintain a prestressed adjacent box beam bridge having a normal span of 28 feet with a minimum underclearance of 5 feet 3 inches across Toms Run on SR 3008, STA 17+64, Segment 0010, offset 1747 located about 1,800 feet east of its intersection with PA 233 in Pine Grove Furnace (Dickinson, PA Quadrangle N: 6.1 inches; W: 6.8 inches) in Cooke Township, **Cumberland County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

Northcentral Region: Water Management—Soils and Waterways, F. Alan Sever, Chief, 208 West Third St., Williamsport, PA 17701.

Permit No. E14-303. Encroachment. **Pa. Dept. of Conservation and Natural Resources**, Bureau of Forestry, P. O. Box 952, Clearfield, PA 16830. To construct and maintain three foot bridges for the Allegheny Front Hiking Trail. The 30 inches—36 inch wide bridges will be supported by small gabions on either side outside stream channel. Bridge site 1 crosses Moshannon Creek about 700 feet upstream from its confluence with Benner Run (N: 14.6 inches; W: 5.8 inches). Bridge site 2 crosses Benner Run about 100 feet upstream from its confluence with Moshannon Creek (N: 14.9 inches; W: 5.5 inches). Bridge site 3 crosses Benner Run about 5,000 feet upstream from its confluence with Moshannon Creek (N: 12.7 inches; W: 4.2 inches). All sites located on Black Moshannon, PA Quadrangle in Rush Township, **Centre County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

Permit No. E14-307. Encroachment. **Timothy Hasinger**, P. O. Box 55, Aaronsburg, PA 16820. To construct and maintain a concrete water supply intake 18 inches in diameter with a 4-inch diameter PVC pipeline and control valve for the purpose of directing water to three fish ponds from an unnamed tributary to a sinkhole which eventually resurfaces and empties into Elk Creek. Also to construct and maintain a 2-inch diameter PVC pipeline

with a control valve to maintain existing water flow to an exceptional value wetland (Millheim, PA Quadrangle N: 7.9 inches; W: 12.4 inches) in Haines Township, **Centre County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

Permit No. E18-230. Encroachment. **Pa. DCNR**, P. O. Box 8451, Harrisburg, PA 17105-8451. To remove an existing structure and to construct and maintain a pre-cast reinforced concrete box culvert, depressed 12 inches below the streambed, with cast in place wingwalls. The waterway opening will have a normal span of 14 feet and an inlet underclearance of 4 feet 3 inches, R-8 rock is to be used for scour protection. The culvert will be located under Sandy Run Road (Pfoutz Valley Road) in Paddy Run approximately 2.5 miles north of Hensel Fork Road (Tamarack, PA Quadrangle N: 10.8 inches; W: 7.8 inches) in Leidy Township, **Clinton County**.

Denied. A. E17-307. Encroachment. **Glyn D. and Mary Powell**, R. R Box 668H, Houtzdale, PA 16651. To (1) remove an existing stream enclosure and to restore and maintain the channel of an unnamed tributary to Beaver Run; (2) remove and restore 0.13 acre of impacted wetland associated with an unnamed tributary to Beaver Run and (3) place and maintain fill in 0.47 acre of wetland associated with an unnamed tributary to Beaver Run for development of a commercial facility. As proposed, the work shall consist of (1) removing 255.0 linear feet of stream enclosure and constructing 255.0 linear feet of rock lined trapezoidal stream channel; (2) removing fill from 0.13 acre wetlands and restoring the wetland cross-section and hydrology; and (3) placing and maintain fill in 0.47 acre of wetland. The project is located along the western right-of-way of SR 0053 approximately 0.95 mile north of the intersection of SR 0253 and SR 0053 (Houtzdale, PA Quadrangle N: 13.9 inches; W: 12.9 inches) in Woodward Township, **Clearfield County**. The 0.47 acre of permanently impacted wetlands shall be mitigated with 2.0 acres of replacement wetlands by the applicant. Estimated stream disturbance is 255 linear feet; stream classification is Cold Water Fishery.

Northwest Regional Office: Soils and Waterways Section, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.

E24-199. Encroachment. **City of St. Marys**, 808 South Michael Road, P. O. Box 1994, St. Marys, PA 15857-1994. To replace the north abutment and to rehabilitate and maintain the existing bridge having a clear span of approximately 42 feet and an underclearance of 8 feet across West Creek on Jackson Road approximately 100 feet southeast of West Creek Road (S. R. 1008 at Swissmont (Rathbun, PA Quadrangle N: 18.3 inches; W: 15.3 inches) located in the City of St. Marys, **Elk County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E62-329. Encroachment. **Pennsylvania American Water Company**, 1789 Route 286 South, Indiana, PA 15701-3389. To remove the existing 10-inch diameter waterline and to install and maintain approximately 1,750 feet of 16-inch diameter ductile iron water line across the Allegheny River and Browns Run approximately 300 feet upstream of the Glade Bridge (S. R. 006 Business) (Clarendon, PA Quadrangle N: 13.5 inches; W: 16.0 inches) in the City of Warren, Glade Township and Mead Township, **Warren County**.

DAM SAFETY

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)).

Permits Issued and Actions on 401 Certification

Central Office: Bureau of Waterways Engineering, 400 Market Street, 6th Floor, P. O. Box 8554, Harrisburg, PA 17105-8554.

D07-087. Dam. **The DeGol Organization** (3229 Pleasant Valley Boulevard, Altoona, PA 16602). To modify, operate and maintain an existing dam at the Scotch Valley Country Club across a tributary to New Creek located in Frankstown Township, **Blair County**.

D09-226. Dam. **The Buckingham Group** (773 Sumneytown Pike, Lansdale, PA 19466). To construct, operate and maintain a stormwater detention dam, Basin No. 1, located across a tributary to Watson Creek in Buckingham Township, **Bucks County**. The proposed facility is part of the stormwater management plan for the Buckingham Forest shopping center and residential subdivision.

D09-227. Dam. **The Buckingham Group** (773 Sumneytown Pike, Lansdale, PA 19466). To construct, operate and maintain a stormwater detention dam, Basin No. 2, located across a tributary to Watson Creek in Buckingham Township, **Bucks County**. The proposed facility is part of the stormwater management plan for the Buckingham Forest shopping center and residential subdivision.

D09-228. Dam. **The Buckingham Group** (773 Sumneytown Pike, Lansdale, PA 19466). To construct, operate and maintain a stormwater detention dam, Basin No. 3, located across a tributary to Watson Creek in Buckingham Township, **Bucks County**. The proposed facility is part of the stormwater management plan for the Buckingham Forest shopping center and residential subdivision.

D09-229. Dam. **The Buckingham Group** (773 Sumneytown Pike, Lansdale, PA 19466). To construct, operate and maintain a stormwater detention dam, Basin No. 4, located across a tributary to Watson Creek in Buckingham Township, **Bucks County**. The proposed facility is part of the stormwater management plan for the Buckingham Forest shopping center and residential subdivision and will also be a roadway crossing.

D30-045A. Dam. **Consol Pennsylvania Coal Company** (1800 Washington Road, Pittsburgh, PA 15241). To modify, operate and maintain the existing Sedimentation Pond No. 2 at the Bailey Mine across a tributary to Enlow Fork Wheeling Creek located in Richhill Township, **Greene 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.

EA09-012C0. Environmental Assessment. **Kenneth Grosse** (Dover Corporation Ltd., 66 County Line Road,

Souderton, PA 18964). To construct and maintain a nonjurisdictional dam across a tributary to Mill Creek (TSF) for the purpose of stormwater management at the proposed Telford Chase residential development located approximately 500 feet northeast of the intersection of County Line Road (S. R. 4027) and Summit Avenue (Telford, PA Quadrangle N: 12.9 inches; W: 9.6 inches) in Telford Borough, **Bucks County**.

[Pa.B. Doc. No. 97-1087. Filed for public inspection July 3, 1997, 9:00 a.m.]

Availability of Technical Guidance

Governor's Office List

Once a year on the first Saturday in August, the Governor's Office publishes a list of the nonregulatory guidance documents of all State agencies in the *Pennsylvania Bulletin*. The next publication of this list will be in the August 2, 1997, *Pennsylvania Bulletin*.

DEP's Technical Guidance Document Inventory

DEP publishes a list of its technical guidance documents in its Technical Guidance Document Inventory twice a year. DEP will place the June 1997 edition of the Inventory on DEP's World Wide Web site soon. DEP's Web address is <http://www.dep.state.pa.us>. To go to the location of the Inventory once on the DEP home page, persons should choose the Public Participation Center/Technical Guidance Document/Inventory.

Bound paper copies of the June 1997 Inventory will become available in July for those who do not have access to the Web site. DEP automatically mails a paper copy of the June 1997 Inventory to persons who received a bound paper copy of the December 1996 Inventory. Persons who wish to add their address to the mailing list should call Nina Huizinga at (717) 783-8727.

DEP's Technical Guidance Documents on the World Wide Web

DEP's Web address is <http://www.dep.state.pa.us>. To go to the location of DEP's Technical Guidance Documents once on the DEP home page, persons should choose the Public Participation Center. The Center contains several links to DEP's Technical Guidance Documents. Persons should look under the heading "Proposals Open to Comment" for the link to "Draft Technical Guidance." Persons should look under the heading "Proposals Recently Finalized" for the link to "Technical Guidance." Persons should look under the heading "Technical Guidance" for one link to the "Basic Inventory" and a second link to "Final Guidance." The final documents menu will list DEP's bureaus. Persons should click on the name of the bureau to get to the list of the documents from that bureau that are currently on the Web. Then, to get to see a document, persons should click on the ID number of the document. DEP will be adding its revised documents to the Web throughout 1997.

Help Protect the Environment: Use the Web and Save Trees

DEP encourages members of the public who read these announcements in the *Pennsylvania Bulletin* and DEP's *UPDATE* and who have access to the World Wide Web to avoid the needless duplication of paper copies of DEP's technical guidance documents. Persons can download those DEP documents which are posted on DEP's Web

site onto their computers and read them electronically. This method saves both paper and money.

Ordering Paper Copies of DEP Technical Guidance

Although DEP promotes the use of electronic copies of its technical guidance rather than paper copies, there are still reasons for DEP to continue to provide members of the public with paper copies: 1) It may be more convenient to use some documents in a paper form, 2) Not everyone has access to the World Wide Web and 3) Not all DEP documents are on DEP's Web site yet. Persons can order an unbound paper copy of the latest Inventory or an unbound paper copy of any of the final documents listed on the Inventory by calling DEP's Policy Office 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

Between publication of its Inventory, DEP announces changes to its technical guidance documents in its weekly newsletter, the *UPDATE* and the *Pennsylvania Bulletin*. Here is the current list of recently finalized documents, draft documents and notices of intended changes to technical guidance.

Persons who have any questions or comments about a particular document should call the contact person whose name and phone number is listed with each document. Persons who have questions or comments about the Inventory, the documents on the World Wide Web, the availability of paper copies from the printer or the technical guidance document process in general should call Nina Huizinga at (717) 783-8727.

Final Technical Guidance—Minor Revision to Existing Guidance

DEP ID: 383-5500-213 Title: Small Water Systems Regionalization Grant Program—Guidelines and Application Procedures Description: This guidance will apply to any county, borough, township, authority or community water system interested in applying for a Small Water Systems Regionalization Grant. Page Length: 9 pages Location: Volume 27, Tab 2 Contact: Fred Marrocco at (717) 787-9035.

DEP ID: 562-4180-310 BMR PGM I:3:10 Title: Bankrupt Surety Company Bond Replacement Requirements and Civil Penalty Calculations Description: This document details the steps staff take to inform and require operators to replace bonds where their surety company or bank has failed in business or become insolvent. The document also provides for calculation of a civil penalty for failing to replace the bond. Page Length: 3 pages Location: Volume 12, Tab 22 Contact: Evan Shuster at (717) 787-7846.

Notice of Intent to Add and Draft Technical Guidance

The Bureau of Watershed Conservation is adding the following existing technical guidance documents to the Inventory. In addition, the Bureau is revising these documents. The Bureau considers the current form as a draft. Persons can view the draft at DEP's Web site/Public Participation Center/Proposals Open for Comment/Draft Technical Guidance. Persons who want a paper copy of any one of the draft documents should contact Geoffrey O. Maduka at (717) 787-5267.

<i>DEP ID</i>	<i>Title</i>	<i>Draft Date</i>	<i>Comment by</i>
391-2000-020	Protocol for Estimating First Order Pollutant Fate Coefficients for Volatile Organic Substances	9/7/95	7/31/97
391-2000-021	Field Data Collection and Evaluation Protocol for Determining Stream and Point Source Discharge Hardness	11/22/94	7/31/97
391-2000-022	Implementation Guidance for the Determination and Use of Background/Ambient Water Quality in the Determination of Wasteload Allocations and NPDES Effluent Limitations	10/18/96	7/31/97
391-2000-023	Implementation Guidance for the Determination of Design Stream Flows	10/17/94	7/31/97
391-2000-024	Data Collection and Evaluation Protocol for Estimating Point Source Discharge Characteristics, Including Coefficients of Variation (CV)	11/17/94	7/31/97

Draft Technical Guidance

DEP ID: 562-4180-306 BMR PGM I:3:6 Title: Civil Penalty Assessments Background: This document provides the guidelines for calculating civil penalties for coal mining operations. Deadline for Submittal of Comments: August 8, 1997 Contact: Michael Terretti at (717) 787-7846.

Notice of Intent to Remove Technical Guidance from the Inventory

DEP ID: 310-2139-001 Title: Chapter 105 Dam Permit Application Reason for Removal: This is only an application form and does not need to be kept on the Inventory. Contact: Eugene Council at (717) 787-6826.

DEP ID: 310-3140-001 Title: Annual Inspection Report Form Reason for Removal: This is only a form and provides no policy or guidance. Contact: Eugene Council at (717) 787-6826.

Notice of Intent to Add Technical Guidance to the Inventory

The following documents are applicable to several programs. These are listed under the Bureau of Waterways Engineering in addition to their listing under other applicable program areas. Contact: Eugene Council at (717) 787-6826.

DEP ID: 310-0600-002 Title: Interagency Agreement with the Susquehanna River Basin Commission Cross Reference: 363-0600-002.

DEP ID: 310-0600-003 Title: Agreement with the United States Army Corps of Engineers Cross Reference: 363-0600-003.

DEP ID: 310-4000-001 Title: Enforcement Manual Cross Reference: 363-4000-001.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 97-1088. Filed for public inspection July 3, 1997, 9:00 a.m.]

.Marilyn@a1.dep.state.pa.us. The agenda and meeting materials will be available through the Public Participation Center on DEP's World Wide Website at <http://www.dep.state.pa.us>.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Marilyn Wooding directly at (717) 783-7509 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 97-1089. Filed for public inspection July 3, 1997, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

State Surplus Property Bid Items

The Department of General Services, State Surplus Property Division is selling four Classic Vehicles by sealed bid. The vehicles to be sold are: (1) original 1963 Cadillac Series 62 Convertible, (1) reconditioned 1972 Ford Mustang Mach 1 Fastback, (1) reconditioned 1969 Chevy El Camino and (1) 1988 Pontiac Trans-Am (Pro-Street) with a 454 Chevy Engine.

For questions regarding these items, or to obtain a bid package, please contact the Commonwealth of PA, Department of General Services, State Surplus Property Division, 2221 Forster Street, P. O. Box 1365, Harrisburg, PA 17125 or call (717) 787-4085 prior to the bid opening date of July 29, 1997 at 1 p.m.

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 97-1090. Filed for public inspection July 3, 1997, 9:00 a.m.]

Cleanup Standards Scientific Advisory Board; Meeting Change

The June 26, 1997, meeting of the Cleanup Standards Scientific Advisory Board (CSSAB) has been rescheduled to July 21, 1997. The meeting will be held at 400 Market Street, RCSOB, 14th Floor conference room.

Questions concerning this meeting can be directed to Marilyn Wooding at (717) 783-7509 or E-mail to Wooding

DEPARTMENT OF HEALTH

Division of Emergency Medical Services Systems; Funding Priorities

Under 28 Pa. Code § 1001.23(b) (relating to allocation of funds), the Department of Health (Department) hereby

gives notice of priorities for the distribution by the regional emergency medical services (EMS) councils of funding from the Emergency Medical Services Operating Fund (EMSOF) which will be distributed by the Department to regional EMS councils for the fiscal year beginning July 1, 1997, and ending June 30, 1998. The priorities are as follows:

I. *Categories Eligible For Funding (Nonprioritized)*

- Training Programs for Prehospital Personnel

Training programs for all prehospital personnel (for example, first responders, emergency medical technicians and paramedics) who will be responsible for providing EMS to patients outside of the hospital setting. Training institutes shall be accredited to insure that size and number of training programs are adequate to assure that ambulance services have a sufficient number of prehospital personnel to meet public need. EMSOF funds may be provided to cover up to 100% of the cost to procure essential equipment for training programs, but EMSOF funds shall not be used to pay the cost of course coordinators and primary and secondary instructors without the approval of the Department.

- EMS Management Development Training Programs

Training programs that promote local ambulance service knowledge and skills for the efficient management of an ambulance service. These could include programs on recruitment, staffing, cost-effectiveness, data usage for efficient response systems and public relations as examples. Licensed services may be funded for their needs in these categories. All programs must be coordinated with the regional EMS council in the service's area, for maximum program effect. Programs in which multiple ambulance services participate will receive first consideration for funding.

- Equipment for Providing Basic Life Support (BLS) Services to Areas in Need

Purchase of equipment needed for the establishment of BLS ambulance service operations to serve areas not currently served by BLS ambulances within 10 minutes of dispatch, and identified as feasibly needed by regional planning. EMSOF funds shall be provided up to the following amounts for urban and rural areas:

MAXIMUM BLS EMSOF EQUIPMENT REIMBURSEMENT*		
<i>Items</i>	<i>Urban</i>	<i>Rural</i>
BLS Vehicle	15,000	20,000
Essential Equipment (See Table 1)	4,450	5,340
Communications Equipment (See Table 2)	5,000	6,000
Maximum Eligible Reimbursement	24,450	31,340
*Figures are dollar amounts per service.		

- Equipment for the Establishment of New Quick Response Services (QRS)

Purchase of equipment needed for the establishment of new QRS services outside the 10 minute response area of

current ambulance services and identified as feasibly needed by regional planning. EMSOF funds shall be provided up to the following amounts for urban and rural areas:

MAXIMUM QRS EMSOF EQUIPMENT REIMBURSEMENT*		
<i>Items</i>	<i>Urban</i>	<i>Rural</i>
Essential Equipment (See Table 1)	3,050	3,660
Communications Equipment (See Table 2)	5,000	6,000
Maximum Eligible Reimbursement	24,450	31,340
*Figures are dollar amounts per service.		

- Equipment for Providing Advanced Life Support (ALS) to Areas in Need

Purchase of equipment needed for the establishment of ALS ambulance service operations to serve areas not

currently served by ALS ambulances within 20 minutes of dispatch, and identified as feasibly needed by regional planning. EMSOF funds shall be provided up to the following amounts for urban and rural areas:

MAXIMUM ALS EMSOF EQUIPMENT REIMBURSEMENT*		
Mobile Intensive Care Unit (MICU)		
<i>Items</i>	<i>Urban</i>	<i>Rural</i>
Mobile Intensive Care Unit (MICU)	15,000	20,000
Essential Equipment (See Table 1)	11,650	13,980
Communications Equipment (See Table 2)	5,000	6,000
Maximum Eligible Reimbursement	31,650	39,980
*Figures are dollar amounts per service.		

ALS Non-Transport Unit**		
<i>Items</i>	Urban	Rural
ALS Non-Transport Unit**	7,500	9,000
Essential Equipment (See Table 1)	10,250	12,300
Communications Equipment (See Table 2)	5,000	6,000
Maximum Eligible Reimbursement	22,750	27,300
*Figures are dollar amounts per service. **ALS Squad Unit.		

• **Vehicle Replacement:**

The following categories will be funded and may be prioritized by each regional EMS council based on the needs determined within its region:

1. *Vehicle Replacement**—Any ALS or BLS service vehicle is eligible to be replaced or rechassis based on the following criteria and priorities (one vehicle per service per 5 year period):

First Priority:

a. ALS/BLS ambulances and ALS nontransport squad vehicles that are 10 years old or older, according to the following priorities:

- 1) Single vehicle service (1st priority)
- 2) Two vehicle service (2nd priority)
- 3) Three vehicle service (3rd priority)
- 4) Greater than three vehicle service (4th priority)

Second Priority:

b. ALS/BLS ambulances and ALS nontransport squad vehicles that are 5 years old or have at least 100,000 miles, according to the following priorities:

- 1) Single vehicle service (1st priority)
- 2) Two vehicle service (2nd priority)
- 3) Three vehicle service (3rd priority)
- 4) Greater than three vehicle service (4th priority)

2. In order to be eligible for the purchase of vehicles, an ambulance service must meet the following criteria:

a. the service must be a licensed ALS/BLS transporting or ALS nontransporting service.

b. the service must have an assigned primary response area for emergencies.

c. the service must have responded to a minimum of 50 emergency calls per year within its primary response area.

MAXIMUM EMSOF VEHICLE REPLACEMENT REIMBURSEMENT*		
<i>Items</i>	Urban	Rural
BLS/MICU Vehicle	15,000	20,000
ALS Nontransport Vehicle (ALS Squad Unit)	7,500	9,000
*Figures are dollar amounts per vehicle.		

The Department may increase the amount of reimbursement from EMSOF funds based upon the financial hardship of an ambulance service. An ambulance service that seeks additional EMSOF funds because of financial hardship, to replace or rechassis a vehicle, shall be required to submit a financial disclosure statement and other documentation deemed necessary by the Department. Waivers are permissible provided the regional EMS council submits any requests for waiver in writing to the Department.

Additional Items Authorized For EMSOF Funding

- *Essential Equipment for ALS/BLS/QRS Services*—new or replacement. (See Table 1)
- *Communications Equipment for ALS/BLS/QRS Services*—new or replacement. (See Table 2)
- *Regional EMS Council Special Needs*—These items are eligible based on individual needs of each regional EMS council and are defined in regional plans.
- *Recruitment/Retention Programs*—For ambulance services for their activities in recruiting community volunteers to staff the services. Funding amounts to be set by each regional EMS council.
- *Data Collection*—Alternate methods of data collection for use by medical Command facilities, Pennsylvania

receiving facilities and ambulance services licensed in the Commonwealth. These alternate data collection methods must be recommended and endorsed by the regional EMS council and be approved by the Department. The Department will reimburse a percentage of the cost for computer hardware up to \$2,000 of the cost, with each applicant in an urban area eligible for reimbursement of up to \$1,000 (50%), and those in rural areas eligible for reimbursement of up to \$1,200 (60%) of the cost. Computer software costs will be approved up to a maximum cost of \$1,700. Each entity will only be eligible to purchase one set of hardware and software once every 3 years.

II. *Regional Communication System Development Equipment*

Purchase of equipment for the establishment or upgrading of regional communication systems. Any project exceeding \$50,000 must be reviewed and approved by the Department.

ANY AMBULANCE OR QUICK RESPONSE SERVICE INTERESTED IN FUNDING MUST BE IN COMPLIANCE WITH ALL REQUESTS FOR INFORMATION FROM THE REGIONAL EMERGENCY MEDICAL SERVICE COUNCIL WITHIN ITS AREA.

NOTICES

Table 1
 ESSENTIAL EQUIPMENT LIST
 (MICU, ALS SQUAD, BLS AND QRS)

<i>Equipment Description</i>	<i>Life Expectancy</i>	<i>MICU</i>	<i>ALS Squad</i>	<i>BLS</i>	<i>QRS</i>	<i>MAC*</i>	<i>Urban (50% OF MAC*)</i>	<i>Rural (60% OF MAC*)</i>
EKG Monitor/Defibrillator with Pacer	5 years	Y	Y	N	N	10,000	5,000	6,000
12 Lead EKG	5 years	Y	Y	N	N	16,000	8,000	9,600
Automatic External Automatic (AED)	5 years	N	N	Y**	Y**	4,000	2,000	2,400
Medical Anti-Shock Trousers (Adult/Pediatric)	3 years	Y	Y	Y	Y*	600	300	360
Oxygen Equipment (any combination) Cylinder (minimum "D" size, maximum 2/unit @ \$80 each) Demand valve w/hose and mask. Regulator combination constant flow. Case soft or hard.	5 years	Y	Y	Y	Y	500	250	300
Pulse Oximeters	5 years	Y	Y	N	N	1,000	500	600
Splinting/Immobilization Devices (including adult and pediatric)	5 years	Y	Y	Y	Y	500	250	300
Stair Chair	5 years	Y	N	Y	N	500	250	300
Stretchers Primary (multilevel)	5 years	Y	N	Y	N	1,800	900	1,080
Stretcher Chair Combination	5 years	Y	N	Y	N	500	250	300
Suction Unit, Portable (battery operated)	3 years	Y	Y	Y	Y	500	250	300
Ventilator, Automatic (per Department of Health guidelines)	5 years	Y***	Y***	N	N	1,400	700	840
MAXIMUM ALLOWABLE COST				ALS MICU		23,300+	11,650+	13,980+
				ALS Squad		20,500+	10,250+	12,300+
				BLS		8,900	4,450	5,340
				QRS		6,100	3,050	3,660
+ If an ALS service purchases other than the 12 lead EKG, then the total cost will be \$6,000 less.								

Y Yes

N No

MAC Maximum Allowable Cost the Department will consider for reimbursement purposes.

* All figures are dollar amounts for each item of equipment.

** EMT personnel required.

*** Regional approval and completion of approved training program required.

Table 2
COMMUNICATIONS EQUIPMENT LIST
(MICU, ALS SQUAD, BLS AND QRS)

<i>Equipment Description</i>	<i>Life Expectancy</i>	<i>MICU</i>	<i>ALS Squad</i>	<i>BLS</i>	<i>QRS</i>	<i>MAC*</i>	<i>Urban (50% OF MAC*)</i>	<i>Rural (60% OF MAC*)</i>
Alerting Equipment	5 years	Y	Y	Y	Y	4,000	2,000	2,400
Radio, Mobile (for dispatch and scene coordination—one per EMS vehicle)	5 years	Y	Y	Y	Y	2,500	1,250	1,500
Radio, Mobile (for medical communications with hospitals—one per EMS vehicle)	5 years	Y	Y	Y	Y**	2,500	1,250	1,500
Radio, Portable (for on-scene coordination—one per EMS vehicle/unit)	3 years	Y	Y	Y	Y	1,000	500	600
MAXIMUM ALLOWABLE COST						10,000	5,000	6,000

Y Yes

N No

MAC Maximum Allowable Cost the Department will consider for reimbursement purposes.

* All figures are dollar amounts for each item of equipment.

** Mobile radios eligible if 50% or greater number of calls are EMS related for specific vehicle.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille), should contact Kum S. Ham, Ph.D., Director, Division of Emergency Medical Services Systems, Department of Health, P. O. Box 90, Harrisburg, PA 17108, (717) 787-8740 or TDD: (717) 783-6514.

DANIEL F. HOFFMANN,
Secretary

[Pa.B. Doc. No. 97-1091. Filed for public inspection July 3, 1997, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Availability of the Low-Income Home Energy Assistance Program; Proposed State Plan and Public Hearing Schedule

The Department of Public Welfare (Department) is making available for public review and comment the Fiscal Year (FY) 1997-98 Low-Income Home Energy Assistance Program (LIHEAP) proposed State Plan. Comments on this document and testimony received at public hearings scheduled for August will be used to formulate the Department's final State Plan for using Federal funds in the FY 1997-98 LIHEAP Program.

The Department has sent advance copies of the proposed State Plan to the LIHEAP Advisory Committee. In addition, copies have been sent to fuel associations, legal service agencies and Area Agencies on Aging for distribution to their members or constituents. Other persons who want copies can obtain them after July 28, 1997, either by contacting their local county assistance office or by calling Julie Charles at (717) 772-7919 or (717) 772-7907.

The Department will hold five public hearings throughout the Commonwealth to allow testimony on the proposed State Plan and fulfill the Federal mandate for public input into the planning process. This mandate appears in Title XXVI (The Low-Income Home Energy Assistance Act of 1981) (Pub. L. 97-35, 42 U.S.C.A.

§§ 8621 et. seq.) as amended by the Human Services Reauthorization Act of 1984 (Pub. L. 98-558), the Human Services Reauthorization Act of 1986 (Pub. L. 99-425), the Augustus F. Hawkins Human Services Reauthorization Act of 1990 (Pub. L. 101-501), the National Institutes of Health Revitalization Act of 1993 (Pub. L. 103-43), and the Low-Income Home Energy Assistance Amendments of 1994 (Pub. L. 103-252).

Public Hearing Schedule:

August 18, 1997
1:30 p.m. to 3:30 p.m.
Community Economic Opportunity Board Room
115 Amber Lane
Wilkes-Barre, PA

August 19, 1997
10 a.m. to 12 noon
County Courthouse
Gold Room
436 Grant Street
Pittsburgh, PA

August 21, 1997
10 a.m. to 1 p.m.
Philadelphia State Office Building
Governor's Penthouse
1400 Spring Garden Street
Philadelphia, PA

August 21, 1997
1:30 p.m. to 3:30 p.m.
City Council Chambers

Erie City Hall
Perry Square
Erie, PA

August 22, 1997
10 a.m. to 12 noon
Room 812
Health and Welfare Building
Forster Street
Harrisburg, PA

Persons who wish to testify on the proposed State Plan at a public hearing should arrange a time by telephoning (717) 772-7919 or (717) 772-7907 before August 8, 1997. Persons from outside the Harrisburg area should call toll-free (800) 692-7462 or send a written request, including their telephone number, to Esther Witmer, LIHEAP Department of Public Welfare, DPW Complex 2, Willow Oak Building, Room 224, Harrisburg, PA 17110.

Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (Voice users).

FEATHER O. HOUSTOUN,
Secretary

[Pa.B. Doc. No. 97-1092. Filed for public inspection July 3, 1997, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Musikfest '97 Instant Lottery Game

Under the provisions of the State Lottery Law (72 P. S. §§ 3761-1—3761-15), and the provisions of 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Musikfest '97.

2. *Price:* The price of a Pennsylvania Musikfest '97 instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania Musikfest '97 instant lottery game ticket will contain one play area. The play symbols and their captions located in the play area are: \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$5⁰⁰ (FIVE DOL), \$10⁰⁰ (TEN DOL), \$25\$ (TWY FIVE), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN) and a Lyre Symbol (DOUBLER).

4. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$5, \$10, \$25, \$50, \$100 and \$500.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 960,000 tickets will be printed for the Pennsylvania Musikfest '97 instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets with three matching play symbols of \$500 (FIV HUN) in the play area on a single ticket, shall be entitled to a prize of \$500.

(b) Holders of tickets with three matching play symbols of \$100 (ONE HUN) in the play area on a single ticket, shall be entitled to a prize of \$100.

(c) Holders of tickets with two matching play symbols of \$25\$ (TWY FIVE), and a Lyre Symbol (DOUBLER) play symbol in the play area on a single ticket, shall be entitled to a prize of \$50.

(d) Holders of tickets with three matching play symbols of \$50\$ (FIFTY) in the play area on a single ticket, shall be entitled to a prize of \$50.

(e) Holders of tickets with three matching play symbols of \$25\$ (TWY FIVE) in the play area on a single ticket, shall be entitled to a prize of \$25.

(f) Holders of tickets with two matching play symbols of \$5⁰⁰ (FIVE DOL), and a Lyre Symbol (DOUBLER) play symbol in the play area on a single ticket, shall be entitled to a prize of \$10.

(g) Holders of tickets with three matching play symbols of \$10⁰⁰ (TEN DOL) in the play area on a single ticket, shall be entitled to a prize of \$10.

(h) Holders of tickets with three matching play symbols of \$5⁰⁰ (FIVE DOL) in the play area on a single ticket, shall be entitled to a prize of \$5.

(i) Holders of tickets with two matching play symbols of \$1⁰⁰ (ONE DOL), and a Lyre Symbol (DOUBLER) play symbol in the play area on a single ticket, shall be entitled to a prize of \$2.

(j) Holders of tickets with three matching play symbols of \$2⁰⁰ (TWO DOL) in the play area on a single ticket, shall be entitled to a prize of \$2.

(k) Holders of tickets with three matching play symbols of \$1⁰⁰ (ONE DOL) in the play area on a single ticket, shall be entitled to a prize of \$1.

(l) A prize will be paid only for the highest Pennsylvania Musikfest '97 instant lottery game prize won on the ticket if the ticket meets the criteria established in 61 Pa. Code § 819.213 (relating to ticket validation and requirements).

7. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>Get</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 960,000 Tickets</i>
3-\$1	\$1	1:9.38	102,400
3-\$2	\$2	1:23.08	41,600
2-\$1 + Doubler	\$2	1:23.08	41,600
3-\$5	\$5	1:100	9,600
3-\$10	\$10	1:214.29	4,480
2-\$5 + Doubler	\$10	1:250	3,840
3-\$25	\$25	1:500	1,920
3-\$50	\$50	1:2,400	400
2-\$25 + Doubler	\$50	1:2,400	400
3-\$100	\$100	1:2,400	400
3-\$500	\$500	1:16,000	60

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Musikfest '97 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Musikfest '97, prize money on winning Pennsylvania Musikfest '97 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Musikfest '97 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law*: In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-1—3761-15), the regulations contained in Part V of Title 61 of the *Pennsylvania Code* (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game*: The Secretary may announce a termination date, after which no further tickets from this game may be sold. Such announcement will be disseminated through media used to advertise or promote Pennsylvania Musikfest '97 or through normal communications methods.

ROBERT A. JUDGE, Sr.,
Secretary

[Pa.B. Doc. No. 97-1093. Filed for public inspection July 3, 1997, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Addendum and Revision of the Listing of Approved Speed-Timing Devices and Appointment of Maintenance and Calibration Stations

Addendum

The Department of Transportation, Bureau of Motor Vehicles, under the authority of Section 3368 of the Vehicle Code (75 Pa.C.S. § 3368), published at 26 Pa.B. 6225 on December 28, 1996, a notice of approved speed-timing devices and maintenance and calibration stations for use until the next comprehensive list is published.

Change of Ownership

As an addendum to the listing of approved Official Speedometer Testing Stations, the Department hereby gives notice of the change of ownership for the following station:

Gabes Speedometer Service, 2635 W. Passyunk Avenue, Philadelphia, Philadelphia County, PA 19145 (Appointed: 06/03/97, Station S85).

Change of Ownership and Change of Name

As an addendum to the listing of approved Official Electronic Device Testing Stations for nonradar devices which measure elapsed time between measured road surface points by using two sensors, the Department hereby gives notice of the change of name and the change of ownership of the following station:

E.I.L. Instruments, Incorporated, 701 Rodi Road, Suite 35, Pittsburgh, Allegheny County, PA 15235, is now known as: Transcat/EIL, 701 Rodi Road, Suite 35, Pittsburgh, Allegheny County, PA 15235 (Appointed: 05/20/97, Station EL17).

As an addendum to the listing of approved Official Electronic Device Testing Stations for radar devices which may only be used by members of the State Police, the Department hereby gives notice of the change of ownership and the change of name for the following station:

E.I.L. Instruments, Incorporated, 701 Rodi Road, Suite 35, Pittsburgh, Allegheny County, PA 15235, is now known as: Transcat/EIL, 701 Rodi Road, Suite 35, Pittsburgh, Allegheny County, PA 15235 (Appointed: 05/20/97, Station R5).

As an addendum to the listing of approved Official Speedometer Testing Stations, the Department hereby gives notice of the change of ownership and the change of name for the following station:

C. S. Powl & Son Speedometer Service, Incorporated, 2340 Dairy Road, Lancaster, Lancaster County, PA 17601, is now known as: Powl's Speedometer Service, Inc., 2340 Dairy Road, Lancaster, Lancaster County, PA 17601 (Appointed: 06/09/97, Station S82).

Deletion

As an addendum to the listing of approved Official Stopwatch Testing Stations, the Department hereby gives notice of the deletion of the following stations:

Molnars Jewelry, 416 North Springfield Road, Clifton Heights, Delaware County, PA 19061 (Appointed: 06/30/87, Station W57).

C. A. Shire Jeweler, 456 River Avenue, Williamsport, Lycoming County, PA 17701 (Appointed: 07/20/97, Station W4).

As an addendum to the listing of approved Official Electronic Device Testing Stations for nonradar devices which measure elapsed time between measured road surface points by using two sensors, the Department hereby gives notice of the deletion of the following station:

Simco Electronics, 305 Richardson Road, Lansdale, Montgomery County, PA 19446 (Appointed: 09/19/96, Station EL8).

As an addendum to the listing of approved Official Electronic Device Testing Stations for nonradar devices which calculate average speed between any two points, the Department hereby gives notice of the deletion of the following station:

Simco Electronics, 305 Richardson Road, Lansdale, Montgomery County, PA 19446 (Appointed: 09/09/96, Station EM7).

Comments, suggestions or questions may be directed to John Munafo, Manager, Inspection Field Operations, Vehicle Inspection Division, Bureau of Motor Vehicles, Third Floor, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104 or by telephoning (717) 787-2895.

Other approved speed-timing devices and appointment of maintenance and calibration stations appear at 26 Pa.B. 6225 (December 28, 1996), 27 Pa.B. 1206 (March 8, 1997) and 27 Pa.B. 1610 (March 29, 1997).

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 97-1094. Filed for public inspection July 3, 1997, 9:00 a.m.]

Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation, under 71 P.S. § 513(e)(7), intends to sell certain land owned by the Department.

The parcel available consists of 0.27 acres, and is located in Hampden Township, Cumberland County at or near Valley Road and Wertzville Road, Mechanicsburg. Minimum price \$700.00.

It has been determined that the land is no longer needed for present or future Transportation purposes.

Interested public entities are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to Barry Hoffman, P. E., District Engineer, Department of Transportation, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 97-1095. Filed for public inspection July 3, 1997, 9:00 a.m.]

Duty of Issuing Agents to Verify Purchase Price of Vehicles at Time of Sale/Registration

The Department of Transportation, Bureau of Motor Vehicles, under the authority contained in the act of April 17, 1997, P. L. _____, No. 3 (75 Pa.C.S. § 1318(d)), hereby prescribes the manner by which issuing agents shall verify that the purchase price of a motor vehicle, as stated upon an application for a certificate of title and/or registration, approximates the fair market value of the motor vehicle.

Issuing agents shall verify the fair market value of a motor vehicle by using the most current data supplied by any nationally recognized guide approved by the Department. The following publications are approved by the Department as recognized guides which issuing agents may use to determine the fair market retail value of a motor vehicle.

The *N.A.D.A. Official Used Car Guide, "Eastern Edition,"* which includes the values of motor vehicles for the seven most recent model years, or the *N.A.D.A. Older Used Car Guide*, which includes the values of motor vehicles with a model year of 8 to 18 years old. Issuing agents may also use the most current *Guide 2000*, which is a computer diskette version of the aforementioned *N.A.D.A.* publications for motor vehicles with a model year of the preceding 18 years. These publications and the diskette are published by the National Automobile Dealers Association Used Car Guide Company, and copies and subscriptions to the publications and the diskette may be obtained by writing to the *N.A.D.A. Used Car Guide Company*, 8400 Westpark Drive, McLean, Virginia 22102, or by telephoning the *N.A.D.A. Used Car Guide Company* at 1-(800) 966-6232.

Automobile Red Book, which includes the values of motor vehicles for the seven most recent model years, or the *Older Car Red Book*, which includes the values of motor vehicles with a model year of 8 to 17 years old. These publications are published by National Market Reports, and copies and subscriptions to the publications may be obtained by writing to the National Market Reports, 29 North Wacker Drive, Chicago, Illinois 60606, or by telephoning the National Market Reports at 1-(800) 621-9907.

The Official Used Car Guide, which includes the values of motor vehicles for the six most recent model years, or *The Official Old Car Market Guide*, which includes the values of motor vehicles with a model year of 7 to 14 years old. These publications are published by the National Auto Research Division, Hearst Business Media Corporation, and copies and subscriptions to the publications may be obtained by writing to the National Auto Research Division, P. O. Box 785, Gainesville, Georgia

30503-0758, or by telephoning the National Auto Research Division at 1-(800) 554-1026.

American Used Cars, which includes the values of domestic motor vehicles for the six most recent model years, or the *Foreign Cars Edition*, which includes the values of foreign motor vehicles for the six most recent model years, or the *Light Duty Truck Edition*, which includes the values of motor vehicles for the six most recent model years, or the *Older Used Cars and Trucks*, which includes the values of motor vehicles with a model year of 7 to 12 years old. These publications are published by Galves Auto Price List, Inc., and copies and subscriptions to the publications may be obtained by writing to Galves Auto Price List, Inc., 430 Industrial Avenue, Tetersboro, New Jersey 07608, or by telephoning Galves Auto Price List, Inc., at (201) 393-0051.

Kelley Blue Book Used Car Guide, which includes the values of motor vehicles for the six most recent model years, or the *Official Guide for Older Cars*, which includes the values of motor vehicles with a model year of 7 to 20 years old. These publications are published by Kelley Blue Book, and copies and subscriptions to the publications may be obtained by writing to Kelley Blue Book, 5 Old Field Road, Irvine, California 92618, or by telephoning Kelley Blue Book, Inc., at 1-(800) 258-3266 (ext. 22).

Requests for approval of other publications may be submitted, in writing, to the Department with an explanation which justifies inclusion on the approved list of Department recognized guides. Persons or entities requesting approval of other publications may write to: Gary M. Skovron, Manager, Regulated Client Services, 1101 S. Front Street, Riverfront Office Center—First Floor, Harrisburg, Pennsylvania 17104-2516, (717) 787-3780.

The fair market value of a motor vehicle shall be obtained from the relevant approved publication's stated retail value for that motor vehicle and by making the approved publication's suggested adjustments for high or low mileage for the motor vehicle. The issuing agent may obtain the reported mileage from the odometer statement. The issuing agent may not add to or deduct from the value of the motor vehicle for optional equipment.

If the stated purchase price upon an application for a certificate of title and/or registration of a motor vehicle with a model year of the preceding 15 years is less than 80% of the approved publication's stated retail value for that motor vehicle, the issuing agent shall accept a form prescribed by the Department upon which the applicant and the seller shall have explained and attested before a notary public, or other officer empowered to administer oaths, the reason that the purchase price for the motor vehicle is less than the approved publication's stated retail value for that motor vehicle. The issuing agent shall determine whether the purchase price is less than 80% of the retail value by subtracting 20% from the approved publication's stated retail value and comparing the difference with the stated purchase price. If the stated purchase price is less than the difference, the applicant must submit the form prescribed by the Department. For a motor vehicle purchased from a public auto auction, the issuing agent may accept, in lieu of the form prescribed by the Department, a copy of the block ticket signed by both the auctioneer or its clerk and the applicant, provided that the block ticket contains both the approved publication's stated fair market retail value of the motor vehicle and the actual purchase price. For a motor vehicle purchased from a licensed dealer, the

issuing agent may accept, in lieu of the form prescribed by the Department, a copy of the bill of sale signed by both the dealer or its licensed salesman and the applicant, provided that the bill of sale contains both the approved publication's stated fair market retail value of the motor vehicle and the actual purchase price.

For motor vehicles which are not passenger cars or trucks of class 4 or less, or if a particular passenger car or truck of class 4 or less is not listed in an approved publication used by the issuing agent, the applicant shall submit to the issuing agent the form prescribed by the Department upon which the applicant and the seller shall have explained and attested before a notary public, or other officer empowered to administer oaths, how the applicant and the seller determined the purchase price of the motor vehicle and that the purchase price approximates the fair market value of the motor vehicle. In lieu of using the form prescribed by the Department, the issuing agent may use a publication that is published by one of the publishers of a Department-approved, recognized guide and which lists motor vehicles that are not passenger cars or trucks of class 4 or less. The issuing agent may obtain the fair market retail value of the motor vehicle from the publication's stated retail value for the motor vehicle that is not a passenger car or truck of class 4 or less and by making the publication's suggested adjustments for high or low mileage for the motor vehicle. The issuing agent may obtain the reported mileage from the odometer statement. The issuing agent may not add to or deduct from the value of the motor vehicle for optional equipment. If the stated purchase price upon an application for a certificate of title and/or registration of a motor vehicle that is not a passenger car or truck of class 4 or less is less than 80% of the fair market retail value provided for that motor vehicle in the publication used by the issuing agent for motor vehicles that are not passenger cars or trucks of class 4 or less, the issuing agent shall use the form prescribed by the Department upon which the applicant and the seller shall have explained and attested before a notary public, or other officer empowered to administer oaths, the reason that the purchase price for the motor vehicle is less than the publication's stated retail value for the motor vehicle.

Transactions which involve a motor vehicle with a model year over 15 years old do not require verification through an approved recognized guide. Instead, if the stated purchase price for the said vehicle is below five hundred (\$500) dollars, the issuing agent shall accept the form prescribed by the Department upon which the applicant and the seller shall have explained and attested before a notary public, or other officer empowered to administer oaths, the reason that the purchase price for the motor vehicle is less than \$500. However, for a motor vehicle purchased from a public auto auction, the issuing agent may accept, in lieu of the form prescribed by the Department, a copy of the block ticket signed by both the auctioneer or its clerk, and the applicant in lieu of the form prescribed by the Department, provided that the block ticket contains both the fair market retail value of the motor vehicle and the actual purchase price. For a motor vehicle purchased from a licensed dealer, the issuing agent may accept, in lieu of the form prescribed by the Department, a copy of the bill of sale signed by both the dealer or its licensed salesman and the applicant, provided that the bill of sale contains both the approved publication's stated fair market retail value of the motor vehicle and the actual purchase price.

In accordance with Section 1318(e) of the act of April 17, 1997, P. L. _____, No. 3, issuing agents that violate these provisions commit a summary offense of section 1318(d) of the Vehicle Code (75 Pa.C.S. § 1318(d)), and shall, upon conviction, be sentenced to pay a fine of not less than \$100 nor more than \$500 and for each subsequent or additional offense, a fine of not less than \$200 nor more than \$500, or to imprisonment for not more than 90 days, or both. In addition, issuing agents will also be subject to the sanctions contained in 67 Pa. Code Chapter 43 (relating to "Temporary Registration Cards and Plates").

This Notice shall take effect immediately upon publication in the *Pennsylvania Bulletin* with an effective compliance date retroactive to June 16, 1997. This Notice supersedes the Notice published at 27 Pa.B. 2865 (June 14, 1997) (relating to Duties of Issuing Agents to Verify Purchase Price of Vehicle at Time of Sale/Registration).

Questions, comments or suggestions may be directed to: Gary M. Skovron, Manager, Regulated Client Services, 1101 S. Front Street, Riverfront Office Center—First Floor, Harrisburg, Pennsylvania 17104-2516, (717) 787-3780.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 97-1096. Filed for public inspection July 3, 1997, 9:00 a.m.]

Finding Huntingdon 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 bridge carrying S. R. 4013 over Warrior's Mark Run in Franklin Township, Huntingdon County. The project will require the acquisition of 32.4 square meters (0.0086 acres) of right-of-way from the National Register listed Huntingdon Furnace Historic District. The effect of this project on the Huntingdon Furnace Historic District will be mitigated by the following measures to minimize harm to the resource.

1. The proposed bridge will incorporate false stonework in the wingwalls, applied with formliners to give the appearance of natural stone.
2. The contractor will be excluded from using any of the historic district property for staging, storage, or disposal areas.
3. Section 2002 resources and their boundaries will be shown on the construction plans, and protective fencing and other measures will be utilized to keep equipment and workers out of sensitive areas.

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. 97-1097. Filed for public inspection July 3, 1997, 9:00 a.m.]

Finding

Montour and Northumberland Counties

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 Danville-Riverside Bridge, which is located on S. R. 0054 in Montour and Northumberland Counties.

The existing Danville-Riverside Bridge carries S. R. 0054 over the North Branch of the Susquehanna River through the boroughs of Danville and Riverside. The project consists of the construction of a new bridge from the existing location in Riverside Borough, Northumberland County to a new location at Factory Street in Danville Borough, Montour County. This includes constructing an underpass, approximately one block in length, to allow Factory Street traffic approaching the new Danville-Riverside Bridge to cross below Market Street at a separated grade. Except for the existing stone abutments, the Danville-Riverside Bridge will be removed.

The existing Danville-Riverside Bridge is structurally deficient and functionally obsolete, does not allow for efficient movement of goods and services, is insufficient to relieve existing and future congestion, can not improve vehicular and pedestrian safety, and can not provide improved accessibility for social and emergency services in the area.

The project will require the acquisition of a residential parcel, Number 9 Factory Street, a contributing element to the National Register listed Danville Historic District. The effect of the project on the Danville Historic District will be mitigated by the following measures to minimize harm to the resource:

1. A Historic American Building Survey (HABS) documentation package will be prepared as a permanent record of Number 9 Factory Street's existence.
2. A deed restriction will be placed on the property at Number 109-111 Factory Street after the building has been demolished.
3. The existing stone river bridge abutments on both shores will be stabilized and allowed to remain in place.
4. Aesthetic treatments will be incorporated into the design and construction of the replacement Danville-Riverside Bridge, retaining walls, and the underpass cover.
5. A Urban Design Plan will be prepared to integrate the Danville-Riverside Bridge replacement project into the Danville-Riverside area while maintaining the character of the Danville Historic District.

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. 97-1098. Filed for public inspection July 3, 1997, 9:00 a.m.]

Retention of Engineering Firms

Allegheny County Project Reference No. 08430AG2083

The Department of Transportation will retain an engineering firm to perform preliminary engineering, final design, and shop drawing review and consultation during construction for S. R. 0079, Section A12, Group I Bridges (Interstate Route 79). This project is the reconstruction/rehabilitation or Interstate Preventive Maintenance (IPM) of five (5) structures along or over I-79 Northbound from the area south of the Kirwin Heights Interchange to and including the Carnegie Interchange, located in Collier Township in Allegheny County. Coordination will be required between multiple consultants, as this project will be included in a P.S.&E. package which involves three (3) or more design projects.

Required services will include coordination with other consulting firms; project administration; bridge inspection; type, size, and location submission; value engineering; final bridge design plans; utility coordination; safety review; bridge lighting coordination; construction consultation; and shop drawing review.

The design of this project will be developed using metric units.

Letters of interest will be evaluated at the Engineering District 11-0 office with emphasis on the following factors:

- Specialized experience and technical competence of firm.
- Project Manager's ability to coordinate with various consulting firms.
- Past record of performance with respect to cost control, work quality and ability to meet schedules.
- Workload.
- Listing of subconsultants.
- Special requirements of project.
- Other factors, if any, specific to the project.

The District will announce the firms that have been shortlisted at an open public meeting to be held at Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017. All candidates that have submitted a letter of interest will be notified of the date. Specify a contact person in the letter of interest.

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).

Limits to the letter of interest submittals, in addition to the General Requirements and Information, are as follows:

1. Resumes—five (5) total pages of resumes, one-sided.
2. Standard Form 255, Item 8 (Number of project descriptions which demonstrate the firm's competence)—five (5) project descriptions.

The second copy of the letter of interest and required forms (see general requirements and information section) shall be sent to: Mr. Henry M. Nutbrown, District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017-2853.

Any technical questions concerning the requirements for this project should be directed to Mr. Terry McCue, District 11-0, at (412) 429-4926.

Any questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

**Allegheny County
Project Reference No. 08430AG2084**

The Department of Transportation will retain an engineering firm to perform preliminary engineering, final design, and shop drawing review and consultation during construction for S. R. 0079, Section A12, Group II Bridges (Interstate Route 79). This project is the reconstruction/rehabilitation or Interstate Preventive Maintenance (IPM) of six (6) structures along or over I-79 Northbound from the area south of the Carnegie Interchange to and including the I-79/I-279 Interchange, located in Collier and Robinson Townships in Allegheny County. Coordination will be required between multiple consultants, as this project will be included in a P.S.&E. package which involves three (3) or more design projects.

Required services will include coordination with other consulting firms; project administration; bridge inspection; type, size, and location submission; value engineering; final bridge design plans; utility coordination; safety review; bridge lighting coordination; construction consultation; and shop drawing review.

The design of this project will be developed using metric units.

Letters of interest will be evaluated at the Engineering District 11-0 office with emphasis on the following factors:

- Specialized experience and technical competence of firm.
- Project Manager's ability to coordinate with various consulting firms.
- Past record of performance with respect to cost control, work quality and ability to meet schedules.
- Workload.
- Listing of subconsultants.
- Special requirements of project.
- Other factors, if any, specific to the project.

The District will announce the firms that have been shortlisted at an open public meeting to be held at Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017. All candidates that have submitted a letter of interest will be notified of the date. Specify a contact person in the letter of interest.

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).

Limits to the letter of interest submittals, in addition to the General Requirements and Information, are as follows:

1. Resumes—five (5) total pages of resumes, one-sided.
2. Standard Form 255, Item 8 (Number of project descriptions which demonstrate the firm's competence)—five (5) project descriptions.

The second copy of the letter of interest and required forms (see general requirements and information section) shall be sent to: Mr. Henry M. Nutbrown, District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017-2853.

Any technical questions concerning the requirements for this project should be directed to Terry McCue, District 11-0, at (412) 429-4926.

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. 08430AG2085**

The Department of Transportation will retain an engineering firm for a Statewide Open-End Contract for various structural and structures related engineering services. The firm may be required to design, supervise construction or evaluate all types of bridges including major or unusual or complex structures and bridges such as, but not limited to, segmental prestressed concrete, cable-stayed concrete bridges, and perform other structure related engineering tasks. The Contract will be for a period of sixty (60) months and a maximum amount of \$1.0 million with projects assigned on an as-needed basis.

Assignments may include some or all of the following services: designing; checking and/or approval of bridge and highway structure designs; checking and approval of construction methods, shop drawings, erection drawings and other working drawings prepared by the contractor; verifying that erection loads, stresses and deflection, etc., are within acceptable limits; supervising and approving major, unusual and complex fabrication designs, erection plans or construction and materials testing operations; conducting a program to familiarized Department and/or consultant and/or contractor personnel with the critical construction aspects of the particular major, unusual or complex bridge under contract; investigating including forensic studies and instrumentation of complex problems related to fatigue, welding, design methodologies, constructability or actual failures; designing complex structural elements in critical situations; providing familiarization of the Department and consultants in design, construction, specification or methodologies changes; developing flow charts for coding and conducting studies for approving engineering software; resolving other complex bridge design and construction problems that may arise; maintaining bridge design and rating software owned by the Department; updating or revising of PennDOT Design, Construction and Inspection Manuals and documentation; and developing or preparing revisions to the bridge design and/or construction standards.

The selected firm shall provide expert services in the following areas:

- Forensic studies of bridge and highway structures including instrumentation.
- Fatigue and fracture investigations.
- Precast concrete bridge elements.
- Prestressed bridge elements.

- Highway sign and lighting structures.
- Complex steel or concrete structures.
- Seismic analysis (including, but not limited to SEISAB).
 - Bridge scour.
 - Bridge materials sampling and testing.
 - Bridge safety inspection.
 - Complex analysis including 3D and FEM.
 - Unusual bridge foundations.
 - Earth retaining structures including anchored walls.
 - Tunnels.
 - Specialized services during construction of highway structures.
 - Metallurgy of highway structure materials.
 - Concrete materials.
 - Soil structure interaction systems.
 - State-of-the-art bridge instrumentation.
 - Structural product analysis and evaluation.
 - Parametric studies to validate or develop structural specification and related design/analysis automation.
 - Enhancements and revisions to the existing Department bridge design and rating software and manuals.
 - Updating of example problems that are used to verify the Department bridge design and rating software.

Firms responding to this solicitation shall provide the following additional information in their Letter of Interest:

1. 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.
2. Indicate how the firm will provide "on demand" response for urgent problems.
3. Indicate internal procedures for cost containment and quality assurances. Provide evidence of successful project management activities in which accurate estimates were prepared which allowed all necessary work to be performed without supplements.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating the Open-End Contract based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. 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. Technical expertise and experience of the individuals committed to this project.
- b. Joint capabilities of the proposed team to address all structural and related aspects identified in the advertisement.
- c. Prior technical successes and timeliness in performing such work with the Department.
- d. Commitment of experts, support staffing and "on demand" response capabilities in complex structure areas.

e. Capabilities of providing independent analysis and advice leading to sound engineering decision on policy in structure areas, under emergencies.

f. Proximity to Central Office, current workload, cost containment and quality assurance program.

The format and content of all documents, plans and specifications will be consistent with applicable State and Federal regulations and guidelines.

The Engineering Services 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.

Project management will be by the Bridge Quality Assurance Division, Bureau of Design and/or the respective District Offices.

The second copy of the letter of interest and required forms (see general requirements and information section) shall be sent to: Mr. R. Scott Christie, P. E., Bridge Quality Assurance Division, Bureau of Design, at (717) 787-2881.

Any technical questions concerning the requirements for this project should be directed to Mr. Bryan Spangler, P. E., Bureau of Design, at (717) 783-5347.

Any questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

**Washington County
Project Reference No. 08430AG2086**

The Department of Transportation will retain an engineering firm to provide supplementary construction inspection staff of approximately six (6) inspectors, under the Department's Inspector-in-Charge, for construction inspection and documentation services for S. R. 1030, Section A06, Donora Industrial Park Access Road, Washington County. This project involves the new construction of two (2) lane highway and structure over the existing railroad.

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. Qualification and experience of inspectors in each classification.
- b. Number of NICET certified inspectors.
- c. Understanding of Department's requirements, policies and specifications.
- d. Past performance.

The qualifications and experience required of the firm's inspectors will be established by the Department, and the qualifications of the firm's proposed employees will be reviewed and approved by the Department.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Insp. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	1 (1)
Transportation Construction Inspector—(TCI) (NICET Highway Construction Level 2 or equivalent)	4 (3)
Technical Assistant (TA) (NICET Highway Construction Level 1 or equivalent)	1 (0)

The numbers in parenthesis above indicate the number of inspectors in each Classification that must meet at least one of the following requirements:

1. Be certified by the National Institute for Certification in Engineering Technologies (NICET) in the field of Transportation Engineering Technology, subfield of Highway Construction, or subfield of Highway Materials, at the Level required for the Inspection Classification.
2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with the required highway experience specified for the Inspection Classification.
4. Hold a Bachelor of Science Degree in Civil Engineering or a Bachelor of Science Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.
5. Hold an Associate Degree in Civil Engineering Technology with the required highway experience specified for the Inspection Classification.

The maximum reimbursement per hour of inspection for each Department Payroll Classification for calendar year of 1997:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour of Inspection</i>
(TCIS)	\$38.21
(TCI)	\$33.44
(TA)	\$22.98

The maximum reimbursement per hour of inspection includes all costs for providing construction inspection services at the project site during the normal work week.

Maximum reimbursement per hour of inspection for subsequent calendar years, if applicable, will be established at the scope of work meeting.

The firm selected may be required to attend a 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 Gauges/License
- 1 Vehicle for the Transportation of Nuclear Gauges

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 projects.

Letters of interest for this project must include a letter, signed by the individuals you propose for all 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>
TCIS	2
TCI	5

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. 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. Anthony M. Dzurko, P. E., District 12-0, at (412) 439-7137.

Any questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

**Washington County
Project Reference No. 08430AG2087**

The Department of Transportation will retain an engineering firm to provide supplementary construction inspection staff of approximately fifteen (15) inspectors, under the Department's Inspector-in-Charge, for construction inspection and documentation services for S. R. 0079, Section Q10, Interstate Route 79, Marianna Interchange, Washington County. This project involves the reconstruction of a four (4) lane divided highway including replacement/rehabilitation of four (4) dual bridge structures.

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. Qualification and experience of inspectors in each classification.
- b. Number of NICET certified inspectors.
- c. Location with respect to project site.
- d. Understanding of Departments requirements, policies and specifications.
- e. Past performance.

The qualifications and experience required of the firm's inspectors will be established by the Department, and the qualifications of the firm's proposed employees will be reviewed and approved by the Department.

It is anticipated that the supplementary construction inspection staff for this assignment will consist of the following number of inspectors who meet the requirements for the following inspection classifications:

<i>Classification</i>	<i>No. of Inspectors</i>
Transportation Construction Manager 1 (TCM-1) (NICET Highway Construction Level 4 or equivalent)	1 (1)
Transportation Construction Insp. Super. (TCIS) (NICET Highway Construction Level 3 or equivalent)	2 (1)
Transportation Construction Inspector (TCI) (NICET Highway Construction Level 2 or equivalent)	12 (8)

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 1997:

<i>Payroll Classification</i>	<i>Maximum Straight Time Reimbursement Per Hour of Inspection</i>
(TCM-1)	\$43.61
(TCIS)	\$38.21
(TCI)	\$33.44

The maximum reimbursement per hour of inspection includes all costs for providing construction inspection services at the project site during the normal work week.

Maximum reimbursement per hour of inspection for subsequent calendar years, if applicable, will be established at the scope of work meeting.

The firm selected may be required to attend a 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 Gauges/License
- 1 Vehicle for the Transportation of Nuclear Gauges

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 projects.

Letters of interest for this project must include a letter, signed by the individuals you propose for all TCM-1 and TCIS positions, giving their approval to use their name in your letter of interest for this specific project.

The maximum number of resumes to be included in the letter of interest shall be as follows:

<i>Classification</i>	<i>No. of Resumes</i>
TCM-1	2
TCIS	3
TCI	15

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. Anthony M. Dzurko, P. E., District 12-0, at (412) 439-7137.

Any questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

General Requirements and Information

Firms interested in providing the above work and services are invited to submit two copies of a Letter of Interest and required information for each Project Reference Number for which the applicant wishes to be considered.

The first copy of the Letter of Interest and required information must be submitted to Charles W. Allwein, P.E., Chief, Consultant Selection Committee, 7th Floor, Forum Place, 555 Walnut Street, Harrisburg, PA 17101-1900.

The Letter of Interest and required information must be received within thirteen (13) calendar days of this Notice. The Deadline for receipt of a Letter of Interest at the above address is 4:30 p.m. prevailing time of the thirteenth day.

The second copy of the Letter of Interest and required information must be submitted to the appropriate District Engineer/Administrator or the Bureau Director as indicated in the individual advertisement. This copy must be postmarked or delivered on or before the deadline indicated above.

If an individual, firm, or corporation not authorized to engage in the practice of engineering desires to submit a

Letter of Interest, said individual, firm or corporation may do so as part of a Joint Venture with an individual, firm or corporation which is permitted under the state law to engage in the practice of engineering.

If a Joint Venture responds to a project advertisement, the Department of Transportation will not accept separate Letters of Interest from the Joint Venture constituents. A firm will not be permitted to submit on more than one (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 typed pages, one side)

The subject heading of the transmittal letter must include the project reference number for which the applicant wishes to be considered, the firm's legal name, fictitious name (if applicable), and the firm's federal identification number. If the project advertisement indicated the Department will retain an engineering firm for the project, the applicant must indicate in the body of their transmittal letter the names and Professional engineer License Number of individuals who are directing heads or employees of the firm who have responsible charge of the firm's engineering activities, and whose names and seals shall be stamped on all plans, specifications, plats, and reports issued by the firm.

2. Project Organization Chart (one page, one side)

This Chart should show key staff from the prime and each subconsultant and their area of responsibility.

3. Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project" (one Form 255 for the project team).

The Standard Form 255 must be signed, dated and filled out in its entirety, including Item No. 6 listing the proposed subconsultants and the type of work or service they will perform on the project. Under Item 4 of this form, Column A should include the number of subconsultant personnel and Column B should include the number of prime consultant personnel to be assigned to work on this project reference number.

If a Disadvantaged Business Enterprise (DBE) goal is specified for the project, the DBE must be currently certified by the Department of Transportation, and the name of the DBE and the work to be performed must be indicated in Item No. 6. If a Woman Business Enterprise (WBE) firm is substituted for the DBE, the WBE firm must also be presently certified by the Department of Transportation and indicated in Item 6.

4. Standard Form 254, "Architect-Engineer for Related Services Questionnaire"

A Standard Form 254, not more than 1 year old as of the date of this advertisement, must accompany each Letter of Interest for the firm, each party to a Joint Venture, and for each subconsultant the firm or Joint Venture is proposing to use for the performance of professional services regardless of whether the subconsultant is an individual, a college professor, or a Company, unless an acceptable Standard Form 254 for the prime and *each* subconsultant/subcontractor is on file in both the Bureau of Design and the Engineering District Office or Central Office Bureau identified in the individual project advertisement.

If the Standard Form 254 is not submitted with the Letter of Interest, the transmittal letter shall indicate the dates that the Standard Forms 254 were submitted to the Bureau of Design and appropriate Engineering District/Central Office Bureau.

These Forms shall be assembled with the prime's first, followed by the subconsultant's in the same order as they appear in Item 6 of Form 255.

5. Workload Projection Graph (Not required for Construction Inspection Services)

A Workload Projection Graph for the prime and each subconsultant should indicate the firm's current and anticipated workload compared to the anticipated capacity available for the next two-year time frame. The Workload Projection Graph should be submitted for the office(s) where the work would be performed and should only include the personnel classifications required for providing the advertised services and work.

6. Authorization Letters (if required)

If the advertisement requires a letter signed by individuals giving their approval to use their names in the Letter of Interest, the letters from proposed prime employees should be first, followed by subconsultant employees, in the same order as shown in Item 6 of Form 255.

7. Registration To Do Business

Firms with out-of-state headquarters or corporations not incorporated in Pennsylvania must include, with each Letter of Interest, a copy of their registration to do business in the Commonwealth as provided by the Department of State. Firms who are not registered to do business in Pennsylvania at the time of this advertise-

ment must document that they have applied for registration to the Department of State, Corporation Bureau. The telephone number for the Corporation Bureau is (717) 787-1057 or (717) 787-2004.

8. Overhead Rates (one page)

This page must show the latest audited overhead rate developed in accordance with Federal Acquisition Regulations (FAR) for the prime consultant and each subconsultant. If a FAR rate is not available, the latest rate available from a Certified Public Account must be indicated. New firms should indicate how long the firm has been in existence and when an audited overhead rate would be available.

9. Additional Information

Additional information, not to exceed ten (10) one sided pages or five (5) double sided 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. 97-1099. Filed for public inspection July 3, 1997, 9:00 a.m.]

GOVERNOR'S OFFICE

Regulatory Agenda

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 third 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			
PA Code Title VI Chapter 11 Older Adult Daily Living Centers	October 1997, as proposed.	This regulation is in the process of review by interested parties. The review is occurring as a result of Executive Order 1996-1.	Robert Hussar 717-783-8975
PA Code Title VI Chapter 22 Pharmaceutical Assistance Contract For the Elderly	December 1997, as proposed.	This regulation is in the process of review as a result of Executive Order 1996-1 and the recent passing of House Bill 544, Act 134 of 1996.	Robert Hussar 717-783-8975
PA Code Title VI Chapter 15 Protective Services For Older Adults	December 1997, as proposed.	This regulation is being reviewed as a result of Executive Order 1996-1 and the recent passing of House Bill 304 which is Act 169 of 1996.	Robert Hussar 717-783-8975
AGRICULTURE			
Agricultural Land Conservation Assistance Grant Program 7 Pa. Code Chapter 138h	June 1998, as proposed.	This regulation will amend current regulations to allow the Pennsylvania Farmland Preservation Association to receive grants for projects of Statewide scope.	Raymond Pickering (717)783-3167

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Agricultural Conservation Easement Purchase Program 7 PA.Code Chapter 138e	December 1997, as final.	The regulation will address agricultural conservation easement appraisal standards, minimum criteria for easement purchases, procedures by which counties assign a numerical ranking to applicant farmland owners, subdivision procedures and requirements for land under easement and procedures by which individual county easement purchase programs may be recertified by the State Agricultural Land Preservation Board.	Raymond Pickering (717) 783-3167
"Clean and Green" Regulations 7 PA.Code Chapter 137	June 1998, as proposed.	County Assessors have primary enforcement authority under the "Clean and Green" Act (72 P. S. §§ 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. The Pennsylvania Farmland and Forest Land Assessment Act of 1974, known commonly as the "Clean and Green" Act (72 P. S. §§ 5490.1—5490.13) is the statutory basis for the regulation.	Raymond Pickering (717) 783-3167
Consolidation/Update of Retail Food Store Regulations	July 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. § 20.1—20.18) is the statutory basis for this regulation.	Charles Radle (717) 772-3234
Food Employee Certification 7 Pa. Code Chapter 83	February 1998, as final.	This regulation is required by the Food Employee Certification Act (3 Pa.C.S. Sections 6501—6510), and will establish standards for training of certain food industry personnel.	Martha Melton (717) 782-8354
Maple Products	June 1998, as proposed.	This regulation is required by the Maple Products Act (3 Pa.C.S. §§ 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
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
Horse racing commission.	No publication anticipated in next 12 months.	This commission plans an update of its regulatory authority (at 58 Pa. Code Chapters 161, 163, 165, 167, 171 and 173), for the same general reasons and on the basis of the same statutory authority cited by the Harness Racing Commission, above.	Ben Nolt (717) 787-1942

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Bureau of Market Development. Standards for Grading Veal Calves.	September 1997, 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
Plant Industry Regulations Land application of soil & groundwater contaminated with agricultural chemicals.	January 1998, 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	February 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 Tancelosky (717) 787-4843
Fruit Tree Improvement Program.	December 1997, 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
Certification of Virus—Tested Geraniums.	September 1997, 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
Dog Law	June 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

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Rides and Measurement 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.	Charles Bruckner (717) 787-6772
<i>BANKING</i>			
Pawnbrokers License Act regulations.	Comments on proposed regulations are being reviewed by Department, which anticipates submitting final-form regulations within next six months.	The amendments to the Pawnbrokers License Act, 63 P. S. § 281-1 et seq., require that the Department hold a hearing regarding all initial pawnbroker applications, add grounds pursuant to which an application may be rejected, require newspaper publication of notice of renewal applications, permit charges to cover reporting relating to any pledge required by any governmental unit. The amendments also require that regulations shall include minimum start-up and operating capital requirements, annual report filing requirements, and any other financial record-keeping requirements. The regulations for capital requirements are required by statute. The major additional regulations needed would establish and announce the procedure and requirements related to initial pawnbroker application hearings.	Reginald S. Evans (717) 787-1471
Credit Services Act regulations.	Comments on proposed regulations are being reviewed by Department, which anticipates submitting final-form regulations within next six months.	Section 8 of the Act, 73 P. S. § 2188, provides that loan brokers not presently licensed by the Department shall be registered with the Department of Banking pursuant to regulations promulgated by the Department. The annual registration fee is \$300. The regulations are required by the statute in order to establish and announce the regulatory registration procedure applicable to loan brokers.	Reginald S. Evans (717) 787-1471
Repeal of Various Regulations in 10 Pa. Code .	Comments on proposed regulations are being reviewed by Department, which anticipates submitting final-form regulations within next six months.	The Pennsylvania Department of Banking, under the authority contained in sections 201 and 202 of the Department of Banking Code, as amended, 71 P. S. §§ 733—201; 733—202, section 103 of the Banking Code of 1965, as amended, 7 P. S. § 103, and section 12 of the Consumer Discount Company Act, 7 P. S. § 6212, proposes to eliminate the following regulations: 10 Pa. Code §§ 13.2(b),(c); 13.3(b); 41.3(I); Chapter 11; Chapter 17; Chapter 35.	Reginald S. Evans (717)787-1471
Consumer Discount Company Act regulations.	Publication of proposed rule anticipated in next six months.	The Department has evaluated the need to amend existing regulations for the Consumer Discount Company Act, 7 P. S. § 6201 et seq., which was most recently amended by Act 80 of 1996.	Reginald S. Evans (717) 787-1471
<i>BOARD OF PARDONS</i>			
No regulations being developed or considered at this date.			
<i>BUDGET</i>			
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>
COMMUNITY & ECONOMIC DEVELOPMENT			
Industrialized Housing and Components 12 Pa. Code Chapter 145	Summer 1997, as final.	The regulations will finalize the changes initiated in the proposed regulations, which sought to amend § 29.42 to permit manufacturers to utilize either the previous or new CABO stair geometry standards, and to amend §§ 29.41, 29.43, 29.44, 29.56 and 29.12 to clarify questions concerning those standards and alternate standards that are in effect for industrialized housing under the regulations and to clarify procedures for amending those standards and alternate standards.	John Boyer (717) 787-5327
Certified Provider	Fall 1997, as proposed.	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
Neighborhood Assistance Program 12 Pa. Code Chapter 135	Fall 1997, as proposed.	The regulation will establish the special program priorities for the 1997-98 fiscal year; will revise the procedures for review and submission of NAP proposals to make them consistent with the single application process recently adopted by the department; and will add the Comprehensive Service Program, the purpose of which is to encourage a joint effort between a neighborhood organization and a sponsoring business to develop and implement a neighborhood revitalization plan to transform a distressed community into a healthy stable community.	Deb Devine (717) 787-1984
Pennsylvania Industrial Development Authority 12 Pa. Code Chapter 73	Fall 1997, as proposed.	The regulation will update the current regulations to include changes passed by the Pennsylvania Industrial Development Authority Board which were never formalized through the regulatory process.	Gerald W. Kapp, Jr. (717) 787-6245
COMMISSION ON CRIME AND DELINQUENCY			
Constables Education and Training Board—Issuance and Certification Numbers	Fall 1997, as proposed.	The proposed new regulation: (1) will address when certification numbers will be issued to persons who successfully complete the basic training course, but are not yet constables and (2) when a constable will be placed in an inactive status.	Stephen Spangenberg (717) 787-1777
37 Pa. Code § 401.11—Operating procedures	Fall 1997, as proposed.	The current regulation which specifies that the Commission will hold its regular meetings in the auditorium of the William Penn Memorial Museum in Harrisburg, Pennsylvania is obsolete. The proposed regulation will strike this language and will add that regular meetings will be held at locations as the Chairman may designate.	Richard Reeser (717) 787-8559
37 Pa. Code § 401.12—Conflict of Interest	Fall 1997, as proposed.	The proposed regulation will change from "LEAA funds" to "federal or state funds." This amendment is necessary because LEAA funds no longer exist.	Richard Reeser (717) 787-8559
37 Pa. Code § 405.3—Juvenile Justice Act Funding Transition	Fall 1997, as proposed.	This regulation will be deleted as it is now obsolete.	Richard Reeser (717) 787-8559
37 Pa. Code § 405.4	Fall 1997, as proposed.	This regulation will be deleted as it is no longer applicable due to a change in federal programs.	Richard Reeser (717) 787-8559

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
37 Pa. Code § 407.12—Reconsideration procedure	Fall 1997, as proposed.	This regulation will be deleted as the Judicial Planning Committee no longer exists.	Richard Reeser (717) 787-8559
CONSERVATION & NATURAL RESOURCES			
Conservation of Native Wild Plants	September 1997, 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	August 1997, as proposed.	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
CORRECTIONS			
Motivational Boot Camp Act 61 P. S. Section 1221 et seq.	December 1997, as proposed	The regulations will address boot camp administration, establishment of selection committees, inmate selection criteria, programming and supervision, inmate discipline and staff training.	Kathleen Gnall (717) 975-4860
Prison Medical Service Program	November 1997, as proposed.	The regulations are mandated by the Prison Medical Service Act, of May 16, 1996, Act No. 1996-40, and will enable the Department to require inmates to pay a fee for medical services. The regulations will describe the services which will and will not be subject to a fee, establish the fees and provide a mechanism for collection of the fees.	Kathleen Zwierzyna (717) 731-7031
Revisions to the existing regulations governing county correctional facilities, 37 Pa. Code Chapter 95.	October 1997, 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
Repeal of Media Relations regulations	November 1997, as proposed	The regulations will be repealed because other internal departmental policies will enable media access to the inmate population. Repeal under such circumstances is consistent with the general principle of Executive Order 1996-1 that viable non-regulatory alternatives are preferred over regulations.	Roger H. Baumgarten (717) 975-4862
Review and/or revision of all current Department of Corrections regulations contained in Title 37 of the Pennsylvania Code.	No publication is anticipated in next 12 months.	The purpose of the review is to ensure that the Department's regulations are consistent with current legal standards concerning prison administration and operation. The legal basis for the action is found at Section 506 of the Administrative Code of 1929, 71 P. S. § 186, which grants the Commissioner of Corrections the authority to prescribe regulations for the Department that are not inconsistent with law.	Sarah B. Vandenbraak (717) 975-4864

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
EDUCATION			
Pupil Personnel Services Pupil Attendance Students 22 Pa Code, Chapters 7, 11, 12	July 1997, 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 non-regulatory provisions. These regulations are promulgated under authority of the Public School Code of 1949 (P. L. 30, No. 14) Article XXVI-B, Sections 26-2601-B—26-2606-B.	Peter Garland (717) 787-3787
Special Education Services and Programs 22 Pa Code, Chapter 14	September 1997, 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	July 1997, 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 22 Pa. Code, Chapters 31, 36, 40	August 1997, as proposed.	These regulations are necessary to establish procedures for the approval and operation of institutions of higher education in the Commonwealth. Specific revisions to Chapters 31 and 40 are necessary to clarify the intent of the chapters and to modify the time frame during which new institutions must achieve accreditation. 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 Program Approval 22 Pa. Code, Chapters 34, 42	August 1997, as proposed.	These regulations are necessary to establish procedures for the approval of branch campuses and for the approval of programs offered by institutions. 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

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Extended School Year Services 22 Pa. Code, Chapter 14, §§ 14.1, 14.34 & Chapter 342, § 342.34	September 1997, as final.	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. These amendments are necessary to ensure that Commonwealth regulations and standards are consistent with federal law and judicial decisions affecting extended school year services for eligible students and to provide guidance to local educational agencies when determining whether or not eligible students under Chapter 14 are entitled to extended school year services. Additional legal basis is found in 20 U.S.C. Section 1400 et seq. known as the Individuals with Disabilities Education Act, and implementing regulations at 34 CFR Part 300.	William Penn (717) 783-2311
Certification of Professional Personnel 22 Pa. Code, Chapter 49	September 1997, 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
Private Driver Training Schools 22 Pa. Code, Chapter 101	July 1997, as final.	These regulations provide an updated set of rules and regulations for private driver training schools. The current regulations were adopted in 1970.	Robert Roush (717) 783-6595
Community College Standards 22 Pa. Code, Chapter 335	June 1997, as final.	24 P. S. § 19-1913-A9(b)(1.2), which states in part that "The Secretary of Education, in consultation with the community colleges, shall promulgate standards for credit courses and for noncredit courses that will be eligible for Commonwealth reimbursement. The standards shall specifically exclude from eligibility for reimbursement any course or program in a vocational or recreational pursuits."	Barbara Senier (717) 787-4313
<i>EMERGENCY MANAGEMENT AGENCY</i>			
No regulations being developed or considered at this date.			
<i>ENVIRONMENTAL HEARING BOARD</i>			
25 PA Code §§ 1021	Fall 1997, as proposed.	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

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
ENVIRONMENTAL PROTECTION			
Special Protection Waters (Antidegradation) Program Clean Streams Law	November 1997, as final to the Environmental Quality Board (EQB).	The proposal has been developed to streamline and improve the existing program and to address EPA disapproval issues. The Department utilized a regulatory negotiation (Reg Neg) process to develop program changes at proposed rulemaking; however, expediting the regulation changes has been given a high priority as a result of a Federal Court order that EPA promulgate Federal regulations to correct program disapproval issues. The Reg Neg Group, now defunct, included representatives of conservation groups, the regulated community, public interest groups and government. The Water Resources Advisory Committee (WRAC) will be briefed on the final rulemaking.	Carol Young, 717-787-8104
Stream Redesignation—French Creek, et al. Clean Streams Law	January 1998, as final to the EQB.	This proposal evaluates 18 water bodies in 18 counties for addition, deletion or modification to the Special Protection use designations or for addition of use designations for streams which were not previously listed in Chapter 93. The changes will allow wastewater treatment requirements for dischargers to be consistent with water uses actually or potentially supportable by these streams. French Creek (Chester County), Sutton Creek (Luzerne County), Cedar Run and Slate Run (Lycoming and Tioga Counties), Cove Creek (Bedford County), and Trout Run (York County) were evaluated as a result of petitions submitted to the Environmental Quality Board (EQB).	Tom Barron, 717-787-9637
Storage Tank Technical Standards Storage Tank and Spill Prevention Act	July 1997, as final to the EQB.	This proposal consists of definitional changes, the removal of language adopting the Federal underground storage tank regulations which are proposed to be codified in new Subchapter E, adoption by reference of the Federal regulations relating to lender liability, and the creation of new subchapters to establish a permitting program for storage tanks as well as separate technical and operational standards for aboveground storage tanks. The Storage Tank Advisory Committee (STAC) participated in the development of this rulemaking.	Glenn Rider, 717-772-5800
Corrections to Drainage Lists Clean Streams Law	Adopted April 1997, as final to the EQB.	This final rulemaking contains corrections to 64 streams or stream segments found in Chapter 93 in response to requests from DEP regional staff, the Pennsylvania Fish and Boat Commission, and the public. These nonsubstantive, corrective amendments address all or portions of streams found in 17 of the 26 drainage lists. Publication of the final rulemaking is anticipated in July 1997.	Tom Barron, 717-787-9637
Chapter 93—Modifications to Water Quality Standards (Great Lakes Initiative) Clean Streams Law	September 1997, as final to the EQB.	These revisions will incorporate changes needed to implement the Federal Great Lakes Water Quality Initiative (GLI). The WRAC and interested stakeholders in the Great Lakes Basin will be consulted in the development of this rulemaking.	Edward Brezina, 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>
Stream Redesignations—Hay Creek, et al. Clean Streams Law	Adopted June 1997, as proposed to the EQB.	This proposal evaluates 17 streams or stream segments for addition, deletion, or modification to the Special Protection use designations.	Edward Brezina, 717-787-9637
Chapters 91, 97 & 101—Wastewater Management Clean Streams Law	Adopted June 1997, as proposed by the EQB.	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 former Water Subcommittee of the Air and Water Quality Technical Advisory Committee (AWQTAC), which has been renamed the Water Resources Advisory Committee (WRAC), reviewed this proposal in February 1997. WRAC will review the draft final rulemaking later this year.	Milt Lauch, 717-787-8184
Chapter 94—Municipal Wasteload Management Clean Streams Law	Adopted June 1997, as proposed by 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.	Milt Lauch, 717-787-8184
Chapter 103, Municipal Financial Assistance Clean Streams Law	September 1997, as final to the EQB.	These revisions will eliminate obsolete provisions relating to the Federal sewerage construction grants program due to the phase-out of the Federal program, and update regulations relating to the use of Land and Water Conservation Act funds for municipal sewerage needs. There is currently no advisory committee established to review these funding programs.	Pete Slack, 717-787-3481
Act 149 Sewage Facilities Amendments Act 149 amendments to the Sewage Facilities Act (Act 537)	Adopted April 1997, as final by the EQB.	The second of two rulemakings to address Act 149 amendments, this proposal offers local agencies incentives by increasing reimbursement for qualifying municipalities to administer on-lot system permitting programs and delegating the new land development planning program to local agencies. The proposal includes several exemptions and waivers from current requirements and makes numerous changes to local agency permitting procedures. Six public hearings were held throughout Pennsylvania during the 60-day public comment period which closed May 29. The Sewage Advisory Committee (SAC) has been involved in the development of this rulemaking.	Milt Lauch, 717-787-8184
Stream Redesignations—Tinicum Creek, et al. Clean Streams Law	July 1997, as final to the EQB.	Eleven streams were studied in this proposal. Five streams—Tinicum, Unami, Pine, Sideling Hill, and Lofty Creeks—were studied as a result of petitions. With the exception of Lofty Creek, which was recommended to retain its current designation of Cold Water Fishes, all streams would be provided Special Protection status.	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>
Stream Redesignations—Buck Hill Creek, et al. Clean Streams Law	October 1997, as proposed to the EQB.	This proposal evaluates 11 streams or stream segments. Ten of these involve the addition or modification of Special Protection designation. One evaluates the proper use designation of a stream not currently listed in Chapter 93. Four of the requests were the result of petitions submitted to the EQB: Buck Hill Creek, Tohickon Creek, an unnamed tributary to the Delaware River (Smithtown Creek), and Trout Run.	Bob Frey, 717-787-9637
Chapters 92, 93 & 95—Water Quality Amendments Clean Streams Law	October 1997, 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.	Carol Young, 717-787-4686
Chapter 102, Erosion Control Clean Streams Law	August 1997, as proposed to the EQB.	This proposal will include 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 AWQTAC and the Agricultural Advisory Board (AAB) reviewed drafts of the proposed rulemaking.	Ken Murin, 717-787-6827
Chapter 105, Dam Safety and Waterway Management Clean Streams Law, Dam Safety and Encroachment Act	September 1997, 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 flood plains into one regulation. The Wetlands Protection Advisory Committee (WetPAC) and the AAB will review drafts of the proposal.	Ken Reisinger, 717-787-6827
Chapter 171, Schools Administrative Code of 1929	December 1997, as final to the EQB.	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. 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

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Bottled Water Permit by Rule Safe Drinking Water Act	December 1997 as proposed to the EQB.	These amendments to Chapter 109 would 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 draft amendments will 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 the WRAC will review the draft amendments.	John Wroblewski, 717-787-9037
Land Recycling and Environmental Remediation Standards The Land Recycling and Environmental Remediation Standards Act	Adopted June 1997, as final by the EQB.	The Land Recycling and Remediation Standards Act (Act 2 of 1995) requires the adoption of statewide health standards, appropriate mathematically valid statistical tests to define compliance with the Act, and other regulations necessary to implement the Act. The regulations will provide clear direction concerning the cleanup standards required to be met to those undertaking the cleanup of a contaminated site. The regulations will establish the test used to demonstrate compliance with these cleanup standards. The regulations will also encourage the voluntary cleanup of contaminated sites that can be reused for industrial purposes rather than siting industrial activity on land which has not previously been used for those purposes. The Cleanup Standards Scientific Advisory Board (CSSAB), created by the Act, has assisted in the development of these regulations. Final publication is anticipated in August 1997.	Tom Fidler, 717-783-7509
Chapters 270—299, Municipal and Residual Waste Amendments—Reporting Requirements/County Municipal Waste Plan Revisions Solid Waste Management Act	September 1997, as final to the EQB.	This proposal will contain revisions to the reporting requirements of the municipal and residual waste regulations, including elimination of 16 reporting forms by relying on information already contained in the files, other reports, or onsite facility operational reports; providing for the electronic transfer of data; deleting notary certification requirements for waste reports; and eliminating unnecessary information from existing reports. The overall volume of reporting forms is expected to be reduced by 50 percent. The proposal also allows counties to add or delete a facility to or from their county municipal waste plan through a non-substantive plan revision as recommended by the Municipal Waste Stakeholders Group. The Solid Waste Advisory Committee (SWAC) has been involved in the development of this proposal.	Keith Kerns, 717-787-7382
Chapters 260—270—Comprehensive Hazardous Waste Amendments Solid Waste Management Act	August 1997, as proposed 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 SWAC has reviewed the draft proposed rulemaking.	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	December 1997, as proposed to the EQB.	The proposal changes the equivalency review procedure for municipal waste permits so that once approval is given, it may be applicable statewide; revises the mandatory site inspection schedules to reduce inspections at facilities with successful environmental management programs; reduces the permit application fee and simplifies the approval process for municipal waste demonstration facilities; revises the facility design and operating standards for composting facilities to be more performance based; expand the current permit-by-rule provisions to create opportunities to reuse "clean wastes"; revises the composting siting requirements of greater than 4 feet from the seasonal high water table; removes the prohibition of siting of some facilities within 50 feet of a property line if the adjacent landowner provides a waiver; moves the landfill liner specifications from regulations to guidance to allow for flexibility based upon technological advancements; revises leachate sampling requirements to delete parameters from quarterly sampling if not detected by monitoring; allows for leachate holding tanks and trucking for some processing facilities in lieu of connection to sewer systems or building treatment plants. The proposal will be reviewed by SWAC.	Bill Pounds, 717-787-7564
Residual Waste Revisions Solid Waste Management Act	November 1997, as proposed to the EQB.	This proposal revises the mandatory site inspection schedules to reduce inspections at facilities with successful environmental management programs; reduces 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; expands the current permit-by-rule provisions to create opportunities to reuse "clean wastes"; removes the prohibition of siting some facilities within 50 feet of a property line if the adjacent landowner provides a waiver; moves the landfill liner specifications from regulations to guidance to allow for flexibility based upon technological advancements; revises leachate sampling requirements to delete parameters from quarterly sampling if not detected by monitoring; allows for leachate holding tanks and trucking for some processing facilities in lieu of connection to sewer systems or building treatment plants; allows for water resistant instead of waterproof covers; modifies the minimum for 4 feet of alternating soil requirements at landfills to allow for equivalency modeling based upon site specific conditions; clarifies when a pad is required for residual waste storage. The proposal will be reviewed by SWAC.	Bill Pounds, 717-787-7564
Used Oil Amendments Solid Waste Management Act	January 1998, as proposed to the EQB.	This proposal consolidates the requirements for the management of used oil into one chapter. The SWAC will review the draft amendments in September 1997.	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>
NOx Emission Reduction Requirements Air Pollution Control Act	September 1997, as final to the EQB.	This proposal implements a nitrogen oxides (NOx) emissions budget program consistent with the Ozone Transport Commission's (OTC) Memorandum of Understanding (MOU) on Phase II NOx reductions for the 12 Northeast Ozone Transport Region (OTR) states and the District of Columbia. This regulation will require reductions in ozone season NOx emissions from fossil-fired utility and large industrial combustion facilities in Pennsylvania in order to achieve the health-based National Ambient Air Quality Standard (NAAQS) for ozone. DEP worked with the former Air Subcommittee of AWQTAC in the development of the proposed regulation, and will brief the new Air Technical Advisory Committee (ATAC) on the final amendments.	Terry Black, 717-787-4310
Aerospace Manufacturing and Rework—VOC Emission Limitations Air Pollution Control Act	July 1997, as proposed to the EQB.	This proposal will establish 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 proposed regulation will be based on the provisions of an EPA draft Control Techniques Guidance (CTG) which specifies minimum performance levels. The CTG and the companion maximum achievable control technology (MACT) document stress pollution prevention in use, reuse/recycling, handling, storage and disposal of solvents. The EPA CTG and MACT also specify application techniques which may be used. These requirements acknowledge the unique nature of the aerospace coatings and coating processes and provide for the use of some materials which have higher VOC levels than are permissible under existing regulations. The proposal would also delete the requirement from Section 129.51 which requires that all equivalencies be submitted to EPA as revisions to the State Implementation Plan (SIP). The former Air Subcommittee of AWQTAC reviewed this proposal in April.	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>
Clean Vehicles Program (NLEV) Air Pollution Control Act	August 1997, as proposed to the EQB.	This regulation will establish the mechanism for PA to opt into the National Low Emission Vehicle (NLEV) program. It allows NLEV to be a fully acceptable compliance alternative to emission limitations established for certain new vehicles sold after a specified model year. The applicable model year will be determined based on the time of adoption of the final rule, but cannot be earlier than the second model year following final adoption. The emission limitations for nonmethane organic compounds (NMOG) and oxides of nitrogen (NOx) must be identical to those in effect for those applicable to cars sold in California. Each manufacturer must also meet a fleet emissions average for NMOG which gets increasingly more stringent over the years until 2003. This allows the manufacturer to vary the mix of vehicles according to market demand. The program will not require "California fuels" nor a zero emissions vehicle (ZEV) mandate. The Air Technical Advisory Committee (ATAC) reviewed this proposal in June.	Terry Black, 717-787-4310
Control of VOCs from Gasoline Dispensing Facilities (Stage II) Air Pollution Control Act	September 1997, 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 proposed strategies resulted in proposed regulations regarding Stage II. This proposal will result in a revision to the SIP. The AWQTAC was briefed in the development of the proposed rulemaking. The ATAC will review the draft final rulemaking.	Terry Black, 717-787-4310
Gasoline Volatility Requirements Air Pollution Control Act	September 1997, 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 proposed strategies resulted in proposed regulations regarding Clean Fuel. This proposal will result in a revision to the SIP. The AWQTAC was briefed in the development of the proposed rulemaking. The ATAC will review the draft final rulemaking.	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>
Air Quality Amendments—RBI #1 Air Pollution Control Act	September 1997, as final to the EQB.	This proposal is the first in a series of regulatory proposals implementing changes to the Department's air resource regulations resulting from the Regulatory Basics Initiative (RBI) and Executive Order 1996-1. The proposal combines regulatory initiatives related to continuous emission monitoring system (CEMS) data availability, back-half particulate catch, new source performance standards (NSPS), permit redefinitions, coke ovens, and air pollution episode strategies (APES), or standby plans. In general, these proposed changes make DEP's regulations consistent with federal requirements, delete obsolete and unnecessary provisions and apply DEP's monitoring requirements consistently for all affected sources. DEP consulted with the Air Subcommittee and the full AWQTAC in the development of the proposed rulemaking. The ATAC will review the draft final rulemaking.	Terry Black, 717-787-4310
Air Quality Amendments—RBI #2 Air Pollution Control Act	February 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, hydrogen fluoride and hydrogen sulfide in Chapters 131 and 139 because they are not required under the Clean Air Act. The ATAC will review the draft final amendments.	Terry Black, 717-787-4310
Malodors—RBI #3 Air Pollution Control Act	Adopted June 1997, as proposed by 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 proposal have been reviewed by AWQTAC.	Terry Black, 717-787-4310
Pollution Prevention and Alternative Technologies—Air Quality Air Pollution Control Act	August 1997, as proposed to the EQB.	This amendment would establish regulatory language to encourage the use of pollution prevention technologies in addressing air quality compliance and permitting issues. The ATAC will review the draft proposed rulemaking.	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>
New Source Review Air Pollution Control Act	December 1997, as proposed to the EQB.	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 propose a separate rulemaking package regarding emission reduction credits. In addition, the Department will incorporate proposed changes in the Federal new source review requirements as necessary. Drafts of the proposal will be submitted to the ATAC for review.	Terry Black, 717-787-4310
Surface Coating Processes Air Pollution Control Act	December 1997, 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 ATAC will review the draft regulations.	Terry Black, 717-787-4310
Automobile Refinishing Air Pollution Control Act	December 1997, as proposed 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 will establish maximum VOC content levels for automobile refinish materials used in the Commonwealth. The proposed regulation will also establish permitting requirements, pollution prevention and work practice standards. The ATAC will review the draft proposed regulations.	Terry Black, 717-787-4310
Degreasing Operations Air Pollution Control Act	February 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. The ATAC will review the draft proposed rulemaking.	Terry Black, 717-787-4310
Chapter 240, Radon Certification Radon Certification Act	December 1997, as proposed to the EQB.	DEP is currently conducting 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, 1997.	William Dornsife, 717-787-2480
Low-Level Radioactive Waste—Waste Minimization Low-Level Radioactive Waste Disposal Act	March 2000, as proposed to the EQB.	DEP has prepared a draft waste minimization issues paper which identifies ideas and options pertaining to waste minimization plan requirements for low-level radioactive waste generators. This document will be presented to the Waste Minimization Subcommittee of the Low-Level Waste Advisory Committee (LLWAC) in August 1997. Based on the current schedule, the LLWAC will review and comment on the draft criteria for waste minimization plan requirements during the first quarter of 1998.	Rich Janati, 717-783-9490

<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 216, 218, 221, 223, 227, 228) Radiation Protection Act	August 1997, as proposed to the EQB.	The Department is developing amendments to its radiological health regulations which were last revised in 1983. The amendments will address technological advances, mostly in the medical profession, which have occurred since that time. Issues to be addressed include new diagnosis and treatment methods, new Federal regulations relating to industrial radiography, and particle accelerators which have changed in design and function. The amendments will 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 Department is consulting with its Radiation Protection Advisory Committee to solicit input on draft regulations.	Stuart Levin, 717-787-3720
Radiological Health (Chapters 215, 217, 219, 220, 224, 225, 226, 230 and 232) Radiation Protection Act	November 1997, as proposed 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 is consulting with its Radiation Protection Advisory Committee to solicit input on draft regulations.	Stuart Levin, 717-787-3720
Water Supply Protection/Replacement (Mining) Surface Mining Conservation and Reclamation Act	January 1998, as final to the EQB.	This proposal would implement certain provisions of the 1992 amendments (Act 173) to the Pennsylvania Surface Mining Conservation and Reclamation Act, and reflect certain Environmental Hearing Board and Commonwealth Court decisions relative to restoration or replacement of water supplies impacted by surface coal mining operations. There are also minor amendments to alternative revegetation standards for re-mining of areas previously disturbed by mining. The MRAB will review the draft regulations in October.	Evan Shuster, 717-787-7846
Chapter 86—Bonding, Civil Penalties, Areas Unsuitable for Mining, Surface Mining Conservation and Reclamation Act, Clean Streams Law, Bituminous Mine Subsidence and Land Conservation Act, Coal Refuse Disposal Act	September 1997, as final to the EQB.	Various sections are being revised to address regulations which lack clarity and those which are more stringent than federal requirements and, consequently, may hamper the Pennsylvania coal industry's ability to compete effectively. Changes will involve self-bonding, procedures for release of bonds and bond forfeiture, the calculation of civil penalties, procedures for assessing and appealing civil penalties, and unsuitable for mining procedural changes. The MRAB has been involved in the development of this proposal.	Evan Shuster, 717-787-7846

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Chapter 86, Subchapters A and D— General Provisions and Areas Unsuitable for Mining Surface Mining Conservation and Reclamation Act, Clean Streams Law, Coal Refuse Disposal Control Act	September 1997, as proposed to the EQB.	Amendments are proposed to address regulations which are more stringent than federal requirements, lack clarity, and which are inconsistent with language used in federal regulations. This proposal was reviewed by the MRAB.	David Hogeman, 717-787-4761
Chapter 89—Mine Subsidence Control, Damage Repair (Act 54) Surface Mining Conservation and Reclamation Act, Clean Streams Law, Coal Refuse Disposal Control Act, Bituminous Mine Subsidence and Land Conservation Act	December 1997, as final to the EQB.	Various sections of Chapter 89 are obsolete and will be addressed along with amendments which are necessary to bring Pennsylvania's program into conformance with 1994 amendments to Pennsylvania law (Act 54) and 1995 amendments to Federal regulations. These changes involve subsidence damage and water loss due to underground bituminous coal mining. These changes do not fall within the purview of the MRAB; therefore, no advisory committee review is anticipated.	Harold Miller, 717-783-8845
Chapter 77—Noncoal Mining Noncoal Surface Mining Conservation and Reclamation Act	October 1997, as final to the EQB.	These amendments will clarify the standards for exemption from preblast surveys, delete obsolete regulations, and provide less prescriptive regulations for bond releases, hydrologic and geologic information, treatment facilities and sediment controls. The proposal will also simplify exploration requirements, bond adjustments and forfeitures, and clarify public notice requirements on permit revisions and setback waivers. These changes do not fall within the purview of the MRAB; therefore, no advisory committee review is anticipated.	Tom Whitcomb, 717-783-8845
Chapter 86, Subchapter C—Small Operator Assistance Program Surface Mining Conservation and Reclamation Act	September 1997, as final to the EQB.	These amendments are necessary to provide clarification of program requirements and eliminate redundant language in this section. The draft final rulemaking will be reviewed by the MRAB in July.	David Hogeman, 717-787-4761
Chapters 86—90, Coal Mine Permitting and Performance Standards Surface Mining Conservation and Reclamation Act, Clean Streams Law	January 1998, as final to the EQB.	These amendments are necessary to address requirements which may be placing undue restrictions on the Pennsylvania coal mining industry and which may be hampering the industry's ability to compete effectively with coal mining in other states. In all chapters, the amendments involve information requirements for permits and performance standards. Specifically, the amendments will clarify requirements relating to casing and sealing drill holes, administrative requirements relating to coal exploration and regrading, and minimize fish and wildlife impacts. The amendments will be reviewed by the MRAB in October.	Nevin Strock, 717-783-8845
Post-Mining Discharges/Licensing and Bonding Surface Mining Conservation and Reclamation Act	August 1997, as final to the EQB.	These amendments implement the 1992 amendments to Act 173 relative to the licensing of coal mine operators, bonding requirements and post-mining discharges. The proposal also updates the insurance requirements and revises license fees based on the tons of coal mined as required by the Act. The MRAB reviewed the draft final rulemaking.	Evan Shuster, 717-787-7846

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Chapters 78 (Oil and Gas Wells), 79 (Well Drilling and Use) and 80 (Gas Well Classification) Oil and Gas Act, Clean Streams Law, Solid Waste Management Act	December 1997, as final to the EQB.	These amendments are being initiated to repeal obsolete provisions relating to gas well classification, clarify certain provisions, and to make other provisions less prescriptive. The Oil and Gas Technical Advisory Board (TAB) has been involved in developing these amendments.	James Erb, 717-772-2199
GENERAL SERVICES			
Instructions to Bidders 4 Pa. Code, Chapter 61	Summer 1997, 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 1997, 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
State Art Commission 4 Pa. Code, Chapter 65	Summer 1997, 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	Summer 1997, 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	Fall 1997, as proposed.	Executive Order 1996-8 transferred the contract compliance responsibilities to the Department of General Services	John R. McCarty (717) 783-8720
Commonwealth Parking Facilities 4 Pa. Code, Chapter 71	Fall 1997, as proposed.	Amendments are required because parking locations have been changed.	Ronald L. Coy (717) 783-5028
Processing Subscriptions and Sales of Pennsylvania Code and Related Publications 4 Pa. Code, Chapter 81	Fall 1997, 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
Death Benefits for Survivors of Firemen and Law Enforcement Officers 4 Pa. Code, Chapter 89	Summer 1997, 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.	November 1997, as proposed.	The proposed amendments to the current regulations for the operation of the Emergency Medical System in the Commonwealth pursuant to the Emergency Medical Services Act, 35 P. S. §§ 6921—6938.	Kenneth Brody 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>
Communicable Diseases 28 Pa. Code § 27.1 et seq.	March 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. Currently under review by Bureau of Community Health, Bureau of Preventive Health, Bureau of Epidemiology and Bureau of Maternal and Child Health.	Suzanne Craig 717-783-2500
Drug and Alcohol Confidentiality 4 Pa. Code § 255.1 et seq. and § 257.1 et seq.	December 1997, as proposed.	These regulations are being reviewed for updating and to address concerns regarding availability of records of patients being treated for drug and alcohol related problems.	Keith Fickel 717-783-2500
Shelter, Hot-line and Drop-in activities and activity matrix rescission 28 Pa. Code §§ 701.1, 701.2, 709.101—102, 711.101—106, 713.51—55 and 713.61—63.	July 1997, as final.	These regulations are being rescinded in order to better address the needs of the substance abuse service delivery system and maximize existing resources. Rescission will allow Department staff to focus on oversight of activities which provide treatment for substance abusing clients.	Keith Fickel 717-783-2500
Newborn Screening 28 Pa. Code § 28.1 et seq.	December 1997, as proposed.	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
Confidential Information in the Administration of Maternal and Child Health 28 Pa. Code §§ 29.1—29.3	September 1997, as proposed	These regulations are intended to amend outdated language regarding confidentiality of information maintained by the Department's Maternal and Child Health programs. The amendments will also clarify what information is confidential. These regulations are authorized by 71 P. S. § 532.	Yvette Kostelac 717-783-2500
Environmental Health Assessment 28 Pa. Code § 17.1 et seq.	December 1997, as proposed.	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 DOH has met with consumer groups to obtain stakeholder input.	Nan Lipton 717-783-2500
School Immunizations 28 Pa. Code §§ 23.81—23.87	August 1997, as final with proposed omitted.	These amendments are necessary to implement the Hepatitis B Prevention Act in schools and amended to bring other school immunization requirements in line with standards embraced by groups with nationally recognized expertise in child immunizations.	Nan Lipton 717-783-2500
Dental Laboratories 28 Pa. Code § 25.301 et seq.	September 1997, 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
Managed Care Organizations 28 Pa. Code §§ 9.1—9.227	December 1997, as proposed.	Amendment and update of regulations for Health Maintenance Organizations and Preferred Provider Organizations.	Howard Burde Laurie McGowan 717-783-2500
Head Injury Program	September 1997, as proposed.	Regulations will facilitate the implementation of this program.	Lawrence Otter 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>
Health Facility Licensure—Long Term Care Facilities & Ambulatory Surgical Facilities 28 Pa. Code § 201.1 et seq. 28 Pa. Code § 551.1 et seq.	July 1997, as proposed	Amendment and update of regulations for long term care facilities and ambulatory surgical facilities. Review occurred due to sunset of Certificate of Need	James T. Steele, Jr. 717-783-2500
Health Facility Licensure—General & Special Hospitals & Health Planning 28 Pa. Code § 101.1 et seq. 28 Pa. Code § 301.1 et seq. 28 Pa. Code § 401.1 et seq.	August 1997, as proposed	Amendment and update of regulations for general and acute care hospitals, emergency services and psychiatric services. Also, the chapters on health planning are proposed for repeal. Review occurred due to sunset of Certificate of Need	James T. Steele, Jr. 717-783-2500
Health Facility Licensure—General Administrative Chapter & General and Special Hospitals 28 Pa. Code § 51.1 et seq. 28 Pa. Code § 101.1 et seq.	September 1997, as final	Addition of general administrative chapter providing regulations relevant to all health care facilities; and addition of chapters to the general and special hospital regulations detailing requirements for the provision of specific types of services: open heart surgery, cardiac catheterization, organ transplantation surgery and neonatal care. Review occurred due to sunset of Certificate of Need.	James T. Steele, Jr. 717-783-2500
HOUSING FINANCE AGENCY			
No regulations being developed or considered at this date.			
INFRASTRUCTURE INVESTMENT AUTHORITY			
Pennsylvania Infrastructure Investment Authority Financial Assistance 25 Pa Code Chapter 963 Water Pollution Control Revolving Fund 25 Pa Code Chapter 965	Summer 1997, as final.	The aforementioned regulations establish the Water Pollution Control Revolving Fund ("WPCRF") in accordance with the federal requirements set forth in the Water Quality Act of 1987 (33 U.S.C.A. §§ 1251—1387). This fund is a revolving loan fund used to finance projects to construct public sewer systems. Currently, the WPCRF program is operating by guidelines; however, the need for regulations is evident. These regulations and amendments to existing regulations are a collaborative effort of the regulated community, the Department of Environmental Protection ("DEP"), the U.S. Environmental Protection Agency ("EPA") and the Pennsylvania Infrastructure Investment Authority (" PENNVEST"). The grant of authority to issue these regulations is set forth in Sections 5(c) and 6(4), (6) of the Pennsylvania Infrastructure Investment Authority Act, 35 P. S. § 751.5(c)(2) and 751.6(4) and (6).	Brion Johnson (717) 783-6798

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Individual On-Lot Sewage Disposal System Program 25 Pa Code Chapter 967	Winter 1997, as proposed.	The On-Lot Program affords citizens of the Commonwealth a means to finance and comply with environmental sewage disposal regulations in rural areas where households are not and will not be served by a centralized sewage disposal system. The aforementioned regulations set forth the terms and conditions for obtaining financial assistance from the On-Lot Program and are necessary to instruct the individual homeowners on the particulars of the On-Lot Program. For example, the On-Lot Program regulations will inform the homeowners on how to apply for assistance, funding eligibility criteria and on how the Program is administered. The On-Lot Program regulations are a collaborative effort of the U.S. Environmental Protection Agency, the Dept. of Environmental Protection, the PA Housing Agency and PENNVEST. The grant of authority to issue these regulations 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
INSPECTOR GENERAL			
No regulations being developed or considered at this date.			
INSURANCE			
Miscellaneous (Relating to Uniform Classification of Expenses) 31 Pa. Code, Chapter 11	August 1997, 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.	Arnold Braun 717-783-2142
Costs of Examinations 31 Pa. Code, Chapter 12	September 1997, as proposed.	Amend to clarify the various types of costs incurred in the conduct of department examinations.	Arnold Braun 717-783-2142
Securities and Stock Transactions 31 Pa. Code, Chapters 21, 23	November 1997, as proposed.	Amend to update requirements relating to Stock Ownership Statements, Proxies, Consents and Authorizations consistent with NAIC model language.	Arnold Braun 717-783-2142
Rules and Procedural Requirements for Insurance Holding Company Systems 31 Pa. Code, Chapter 25	August 1997, as proposed	Amend to be consistent with statutory amendments adopted in 1993 and to eliminate duplicative, unnecessary filing requirements. pursuant to Executive Order 1996-1	Arnold Braun 717-783-2142
Disclosure of Material Transactions 31 Pa. Code, Chapter 27	August 1997, as final.	Under section 320 of The Insurance Company Law of 1921 (40 P. S. '443), insurers transacting business in the Commonwealth are required to file financial statements with the Department on an annual basis, and the Department has the discretion to require additional statements as necessary. The proposed regulation requires domestic insurers to file interim statements of specific transactions which may have an effect on the financial condition of the company. The regulation is required for continued accreditation by the NAIC.	Arnold Braun 717-783-2142
Assigned Risk Plan 31 Pa. Code, Chapter 33	August 1997, as proposed.	Amend pursuant to Executive Order 1996-1.	Helfried LeBlanc 717-787-6117

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Producer Licensing 31 Pa. Code, Chapters 37 and 39	August 1997, 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 amend Chapter 39 relating to continuing education for agents and brokers.	Arnold Braun 717-783-2142
Fraternal Beneficial Societies/Administration and Reserves 31 Pa. Code, Chapter 43	August 1997, as proposed.	Repeal to eliminate outdated, unnecessary requirements relating to the reserves of beneficial societies.	Arnold Braun 717-783-2142
Advertising of Insurance 31 Pa. Code, Chapter 51	August 1997, as proposed.	Amend pursuant to Executive Order 1996-1.	Gregory Martino 717-783-5079
Special Rules of Administrative Practice and Procedure 31 Pa. Code, Chapter 56	August 1997, as proposed.	Amend pursuant to Executive Order 1996-1.	James Johnson 717-783-2126
Publication of Citations and Notice of Hearings 31 Pa. Code, Chapter 57	August 1997, as proposed.	Amend pursuant to Executive Order 1996-1.	James Johnson 717-783-2126
Objections and Procedure for Hearings on Reports of Examination 31 Pa. Code, Chapter 58	July 1997, as proposed.	Repeal to eliminate outdated, unnecessary requirements consistent with the new examination law adopted in 1992 (40 P. S. " 323.1—323.8) .	Arnold Braun 717-783-2142
Cancellations and Refusal to Renew Homeowners Insurance 31 Pa. Code, Chapter 59	July 1997, as proposed.	Amended language to regulation and statute is being drafted pursuant to Executive Order 1996-1.	Helfried LeBlanc 717-787-6174
Notices for and Appeals of Cancellations and Refusals to Renew Automobile Insurance Policies 31 Pa. Code, Chapter 61	July 1997, 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.	Helfried LeBlanc 717-787-6174
Physical Damage Appraisers 31 Pa. Code, Chapter 62	July 1997, as proposed.	Amend pursuant to Executive Order 1996-1.	Helfried LeBlanc 717-787-6174
Uninsured Motorist Coverage 31 Pa. Code, Chapter 63	August 1997, as proposed.	Amend pursuant to Executive Order 1996-1 and pending filing before the Department.	Gregory Martino 717-783-5079
Private Passenger Automobile Policy Forms 31 Pa. Code, Chapter 64	July 1997, as proposed.	Repeal pursuant to Executive order 1996-1.	Gregory Martino 717-783-5079
Charter Amendments 31 Pa. Code, Chapter 65 §§ 65.21—26	July 1997, as proposed.	Amend to eliminate outdated, unnecessary provisions relating to minimum capital and surplus requirements pursuant to Executive Order 1996-1.	Arnold Braun 717-783-2142
Motor Vehicle Financial Responsibility Law Consumer Protections Statement of Policy 31 Pa. Code, Chapter 68	July 1997, as proposed.	Repeal pursuant to Executive Order 1996-1.	Helfried LeBlanc 717-787-6174
Catastrophic Loss Trust Fund 31 Pa. Code, Chapter 67	July 1997, as proposed.	Amend obsolete regulation for the automobile insurance Catastrophic Loss Trust Fund. The Fund was abolished and replaced with the Catastrophic Loss Benefits Continuation Fund.	Ronald Gallagher 717-783-8093

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Credit Insurance 31 Pa. Code, Chapters 71 and 73	August 1997, as proposed.	Delete Chapter 71 and amend Chapter 73. Because legislation passed in July 1994 expanded the Insurance Department's regulatory authority over credit unemployment insurance, the current credit insurance regulations will be expanded to include credit unemployment insurance. Additionally, the regulations will be revised to provide for less burdensome rating and rate deviation procedures, for new prima facie rates, and to incorporate and update numerous current credit insurance notices and guidelines.	Gregory Martino 717-787-5079
Life Insurance Illustrations	September 1997, 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.	Gregory Martino 717-783-5079
Accident and Health Insurance Regulation 31 Pa. Code, Chapter 89	September 1997, 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.	Gregory Martino 717-783-5079
Medicare Supplement Insurance Policies 31 Pa. Code, Chapter 89 §§ 89.721—89.769	September 1997, as proposed.	Amend pursuant to Executive Order 1996-1.	Gregory Martino 717-783-5079
Hospital Expenses Benefits; Separate Accounts; Medicare Fee Control; Various Individual Death/Life/Annuity Benefits 31 Pa. Code, Chapter 90a; 90c—90h	September 1997, as proposed.	Amend pursuant to Executive Order 1996-1.	Gregory Martino 717-783-5079
Bylaws for Mutual Fire Insurance Companies 31 Pa. code, Chapter 103	July 1997, as proposed.	Repeal to eliminate inaccurate, unnecessary provisions relating to bylaws of domestic assessable mutual fire insurance companies pursuant to Executive Order 1996-1.	Arnold Braun 717-783-2142
Cash Advances to Insurance Companies 31 Pa. Code, Chapter 105	September 1997, 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.	Arnold Braun 717-783-2142
Pennsylvania FAIR Plan 31 Pa. Code, Chapter 111	October 1997, as final.	Repeal pursuant to Executive Order 1996-1.	Helfried LeBlanc 717-787-6174
Policies Covering Personal Property Pledged as Collateral 31 Pa. Code, Chapter 112	September 1997, as proposed.	Amend pursuant to Executive Order 1996-1.	Gregory Martino 717-783-5079
Certificates of Insurance 31 Pa. Code, §§ 113.31—31	October 1997, as final.	Repeal pursuant to Executive Order 1996-1.	Helfried LeBlanc 717-787-6174

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Mass Merchandising of Property and Casualty Insurance 31 Pa. Code, §§ 113.51—62	October 1997, as final.	Repeal pursuant to Executive Order 1996-1.	Helfried LeBlanc 717-787-6174
Miscellaneous (Relating to Premium Rates and Payments) 31 Pa. Code, §§ 113.56—57	November 1997, as proposed.	Repeal pursuant to Executive Order 1996-1.	Gregory Martino 717-783-5079
Notice of Increase in Premium 31 Pa. Code, Chapter 113, §§ 113.81—87	September 1997, as final.	Amend current regulations to be consistent with 1995 amendments to Act 86 of 1986, which governs the termination of commercial property and casualty insurance policies. Act 10 of 1995 reduced the period for advance notice of increase in renewal premium from 60 to 30 days and eliminated the requirement that companies provide insureds with notice of estimated increases in premium. The proposed regulation reflects these statutory changes and clarifies various other provisions of Act 86 .	Helfried LeBlanc 717-787-6174
Public Adjusters 31 Pa. Code, Chapter 115	August 1997, 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.	Helfried LeBlanc 717-787-6174
Discounting Workers' Compensation Loss Reserves/Medical Malpractice Loss Reserve 31 Pa. Code, Chapter 116, §§ 116.1—9 31 Pa. Code, Chapter 118. "118.1—6	September 1997, as proposed.	Blend regulations on discounting of loss reserves into one regulation consistent with Executive Order 1996-1.	Gregory Martino 717-783-5079
Anti-Arson Application 31 Pa. Code, Chapter 117	October 1997, as final.	Repeal pursuant to Executive Order 1996-1.	Helfried LeBlanc 717-787-6174
Fees for Out of State Companies 31 Pa. Code, Chapter 121	July 1997, as proposed.	Repeal pursuant to Executive Order 1996-1.	Arnold Braun 717-783-2142
Surplus Lines 31 Pa. Code, Chapter 124	August 1997, 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.	Arnold Braun 717-783-2142
Title Insurance 31 Pa. Code, Chapter 125	July 1997, as proposed.	Amend pursuant to Executive Order 1996-1.	Gregory Martino 717-787-5079
Management Contracts or Exclusive General Agency Agreements 31 Pa. Code, Chapter 127	October 1997, as proposed.	Amend to clarify the types of licensees to which the regulations apply, eliminate unnecessary filings and update provisions to reflect current requirements applicable to managers and exclusive general agents .	Arnold Braun 717-783-2142
Deductible Program 31 Pa. Code, Chapter 131	October 1997, as final.	Repeal pursuant to Executive Order 1996-1.	Gregory Martino 717-783-5079
Preparation of Filing of Property and Casualty Forms for Approval 31 Pa. Code, Chapter 133	August 1997, as proposed.	Repeal pursuant to Executive Order 1996-1.	Gregory Martino 717-783-5079

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Qualifications of Persons Signing Annual Financial Statements 31 Pa. Code, Chapter 135	September 1997, as final.	Repeal pursuant to Executive Order 1996-1.	Arnold Braun 717-783-2142
Miscellaneous (Unsafe Products, Consumer Affairs, Advertising) 31 Pa. Code, Chapter 137	September 1997, as final.	Repeal pursuant to Executive Order 1996-1.	Scott Schwartz 717-787-2567
Description of Reserves—Prohibited Phrases 31 Pa. Code, Chapter 139	November 1997, as proposed.	Amend pursuant to Executive Order 1996-1.	Gregory Martino 717-783-5079
Unfair Insurance Practices; Unfair Claims Settlement Practices 31 Pa. Code, Chapter 146	October 1997, as proposed.	Amend pursuant to Executive Order 1996-1.	Helfried LeBlanc 717-787-6174
Securities Held Under Custodial Agreements 31 Pa. Code, Chapter 148	November 1997, 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.	Arnold Braun 717-783-2142
Continuing Care Providers 31 Pa. Code, Chapter 151	October 1997, 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.	Arnold Braun 717-783-2142
Liability Risk Retention Groups 31 Pa. Code, Chapter 153	August 1997, as proposed.	Repeal pursuant to Executive Order 1996-1.	Arnold Braun 717-783-2142
Medical Professional Catastrophe Loss Fund 31 Pa. Code, Chapters 242—245	October 1997, as proposed.	Act 135 of 1996 reforms the Medical Professional Liability Catastrophe Loss Fund (Fund) by raising primary coverage limits for health care providers to \$300,000. The statute also changes the formula used to assess providers' Fund coverage from a premium based method to one fixed on filed Joint Underwriting Association rates. The Insurance Department will amend its regulations consistent with the statute.	Gregory Martino 717-783-5079
Health Maintenance Organizations 31 Pa. Code, Chapters 301—303	November 1997, as proposed.	Amend pursuant to Executive order 1996-1.	Gregory Martino 717-783-5079
Underground Storage Tank Indemnification Fund—Claims Regulation 25 Pa. Code, Chapter 977	October 1997, 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.	Ronald Gallagher 717-783-8093
Underground Storage Tank Indemnification Fund—Fee Regulation 25 Pa. Code, Chapter 971	August 1997, 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.	Ronald Gallagher 717-783-8093

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
LABOR AND INDUSTRY			
Unemployment—Subchapter E: Retirement Pensions & Annuities 34 Pa. Code §§ 65.101 through 107	December 1997, as proposed.	The proposed rulemaking will bring the pension and annuities section of the unemployment compensation regulations into conformity with USDOL's interpretation of the Federal Unemployment Tax Act, 26 U.S.C. § 3301, et seq. In order to avoid a conformity dispute with USDOL, which could have serious repercussions for the State, the Department of Labor and Industry has agreed to remove the nondeductibility of these payments from the regulations.	Pete Cope (717) 787-3547
Workers' Compensation Judges and Workers' Compensation Appeal Board 34 Pa. Code Chapters 131 and 111	December 1997, draft. Approval in 1998 for Judges. Draft for WCAB in 1998.	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 December 1997, but not into approval process until 1998 for Judges Rules. Workers' Compensation Appeal Board, draft tentatively in 1998.	Thomas J. Kuzma (717) 783-4467
Act 57—Workers' Compensation Reform—Regulations	December 1997, as proposed.	The regulations effectuate the provisions of Act 57. The amendments were intended to curtail the escalating costs associated with work-related injuries in terms of workers' compensation insurance premiums and litigation costs, while preserving the rights of injured workers to be adequately compensated for their work-related injuries. The regulations safeguard the rights of parties and ensure the uniform application of the provisions of Act 57.	Len Negley (717) 772-1917
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	December, 1997, as final.	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.	
Group Self Insurance Funds 34 Pa. Code Chapter 125	December 1997, 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
Unemployment Compensation Telephone Hearings 34 Pa. Code, Part VI, Chapter 101	December 1997, as final.	The former regulations governing hearings conducted via telephone sunsetted on April 8, 1994, although telephone hearings continue to be conducted with the consent of all parties. The Commonwealth Court held in <i>Knisley v. Unemployment Compensation Board of Review</i> , 93 Pa. Cmwlth. 519, 501 A.2d 1180 (1985), that absent promulgated regulations which safeguard the minimum due process rights of parties and also ensure that all hearings are conducted uniformly, evidence obtained via telephone, if properly objected to, will be stricken from the record.	Carol A. Shaffner (717) 787-5122

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Elevators and Lifting Devices —New regulation	December 1997, as proposed.	The new regulation will amend the current standards to include ANSI/ASME A17.1, B20.1 and other national consensus standards. There is a need to update standards to bring them in line with national standards. Regulation is pending approval of Statewide Building Code Legislation.	James Varhola (717) 787-3329
Underground Storage Facilities —New regulation	December 1997, as proposed.	This regulation will address requirements for natural or man-made caverns used for LPG storage. Drafting of proposed regulations were put on hold pending the outcome of the statewide Building Code Legislation.	James Varhola (717) 787-3329
Dry Cleaning—New regulations	December 1997, 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. Drafting of proposed regulation was put on hold pending the outcome of the statewide Building Code Legislation.	Edward Leister (717) 777-3323
Lead-Based Paint Occupations Accreditation and Certification —New regulations	December 1997, as proposed.	Act of July 6, 1995, P. L. 291, No. 44, 35 P. S. § 5901, et seq. This regulation sets up the Department’s lead-based paint accreditation of training providers and the worker certification program. It is based on the Environmental Protection Agency’s model plan.	Sharon Lawson (717) 782-3396
Asbestos Occupations Accreditation and Certification —New regulations	December 1997, 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) 782-3396
MEDICAL PROFESSIONAL LIABILITY CATASTROPHE LOSS FUND			
Payment and Collection of Fund Surcharge 31 Pa Code §§ 242.1 et. seq.	August 1997, as proposed.	This regulations 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.	October 1997, 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.	Robert P. Daday 717-861-8503
PROBATION AND PAROLE			
Definitions 37 Pa. Code Chapter 61	No publication anticipated in the next six months.	Adds two terms to the definition section to further clarify what the Board means by “application” for parole and “residence.”	Doris Shappell 717-772-0260
Application Process 37 Pa. Code Chapter 63	No publication anticipated in the next six months.	Expands the subsection dealing with parole applications to provide for a formal application process, including an official form.	Doris Shappell 717-772-0260

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Reporting Requirements 37 Pa. Code Chapter 63	No publication anticipated in the next six months.	Changes the reporting requirement from within 48 hours to 24 hours from the time of release. Makes changes to standard conditions of parole.	Doris Shappell 717-772-0260
Firearms 37 Pa. Code Chapter 69	No publication anticipated in the next six months.	Repeals the section.	Doris Shappell 717-772-0260
Conviction for a New Criminal Offense 37 Pa. Code Chapter 71	No publication anticipated in the next six months.	Changes language governing time period for holding revocation hearing in order to mirror recent court decisions.	Doris Shappell 717-772-0260
Presumptive Ranges for Parole Violations 37 Pa. Code Chapter 75	No publication anticipated in the next six months.	Repeal the chapter or revise the current presumptive ranges listed for new criminal offenses and technical parole violations.	Doris Shappell 717-772-0260
<i>PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM</i>			
Change in Benefit Payment Plan 22 Pa. Code § 213.45	July 1997, 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>PUBLIC WELFARE</i>			
Subsidized child day care	July 1997, as proposed	This proposed regulation will indicate the changes being made to implement an integrated child care system as required by the Federal Child Care and Development Block Grant. The proposed regulation includes requirements for families eligible for the subsidized day care program and the option for families to select in-home care.	Tom Vracarich (717) 783-2209
Child Protective Services Law	December 1997, as proposed	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

<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 estate recovery	October 1997, as proposed	This regulation will codify the department's collection practices to recover correctly paid ma 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
OBRA 90: Supplemental Security Income-related MA income/resource	No publication anticipated in next six months	This final omitted regulation codifies seven changes resulting from OBRA 90 that effect the SSI program and therefore the SSI-related program in the areas of income and resources. OBRA 90 also provides a mandatory change to the posteligibility requirements for institutionalized MA eligibles who will have their VA pension reduced to \$90 but that will not be counted in determining cost of care. Thus, SSI and SSI-related MA recipients will be positively impacted. The reduction that veterans will contribute toward cost of care will increase federal/state costs but will not affect service delivery. 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
Disclosure of social security number	July 1997, as proposed	This regulation incorporates federal requirements that applicants for and recipients of benefits administered by the Department of Public Welfare are 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
Continuation of Medical Assistance throughout pregnancy.	December 1997, 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	July 1997, as proposed	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

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Veterans Affairs Aid and Attendance	July 1997, 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	July 1997, as proposed	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	December 1997, 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
Workfare/Community Service	January 1998, 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 1997, 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

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Elimination of transitionally needy component of general assistance program	August 1997, 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 1997, 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	December 1997, 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
Change in guardian income deduction	No publication anticipated in next six months	This regulation provides for a limited income deduction for court-ordered guardian and other fiduciary fees in the Medical Assistance posteligibility determination process for institutionalized patients. 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
Organ transplants	No publication anticipated in next six months	This regulation codifies an OBRA '93 requirement that organ transplants are not considered an emergency medical service. 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	September 1997, 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	December 1997, 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. 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 1997, 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	September 1997, 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; establishing a two-tier benefit level based on residency; 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	February 1998, 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
Veterans Affairs pension to surviving spouse in a nursing facility	No publication anticipated in next six months	This regulation codifies the exclusion of the aid and attendance benefits of a reduced Veterans Affairs pension to veterans and to the surviving spouses of veterans similarly situated, having no dependents and in a medicaid-funded nursing facility. 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	September 1997, as final omitted	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	December 1997, 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 1997, 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

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Early and Periodic Screening Diagnosis Treatment (EPSDT)	October 1997, 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	August 1997, 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
Medical Assistance case management services	August 1997, 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	August 1997, 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	August 1997, 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	August 1997, 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	August 1997, 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

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Pharmaceutical services drug coverage	August 1997, 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	August 1997, 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
Inpatient Hospital Services—Negotiated Rate Agreement	August 1997, as final omitted	This final regulation incorporates the provisions of the negotiated rate agreement between the Department and the hospital industry. This regulation will be reviewed by the MAAC, as noted above.	Tom Vracarich (717) 783-2209
REVENUE			
Books, Publications and Advertising Materials 61 Pa. Code § 31.29	January 1998, as proposed.	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
Building Maintenance or Building Cleaning Services 61 Pa. Code §§ 55.7 and 60.1	January 1998, as proposed.	This regulation sets forth the Department's interpretation of 72 P. S. §§ 7201(k)(14), (o)(12) and (aa) and 7204(51) relating to the taxation of building maintenance or building cleaning services. Currently the Department's interpretation is set forth as a pronouncement and codified at § 60.1 (relating to building maintenance or building cleaning services). The Department has concluded that its policy relating to this service should be set forth as a regulation. Therefore, in addition to proposing to add § 55.7 (relating to building maintenance or building cleaning services), the Department is also proposing to delete the pronouncement set forth at § 60.1.	Douglas A. Berguson 717-787-1382
Calculation of Title Insurance Company Gross Premiums 61 Pa. Code § 162.11	October 1997, as proposed.	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
Cigarette Tax 61 Pa. Code, Article III	July 1997, as proposed.	This regulation is a comprehensive amendment to the cigarette tax regulations set forth in Title 61, Article III. Cigarette and Beverage Taxes.	Douglas A. Berguson 717-787-1382
Compensation; Allowable Deductions From Gross Compensation and Deferred Compensation Arrangements 61 Pa. Code §§ 101.6, 101.6a and 101.6b	January 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

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
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	January 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
Definitions; Net Profits and Regulated Investment Companies 61 Pa. Code §§ 101.1, 103.12 and 155.30	January 1998, as proposed.	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
Disclaimers of Nonprobate Taxable Assets 61 Pa. Code § 93.81	September 1997, as proposed.	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 In Re Estate of Bernecker, 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
Further Examination of Books and Records 61 Pa. Code §§ 6.22, 8a.1 and 35.1	September 1997, as final.	This regulation interprets section 2915-A of the act of June 30, 1995 (P. L. 139, No. 21) (Act 21) by adding § 8a.1 (relating to further examination of books and records). It also deletes § 6.22 (relating to further examination of books and records) because the section will not be necessary upon final publication of § 8a.1. To avoid confusion, § 35.1 (relating to tax examinations and assessments) is being amended to delete language that is similar in nature to § 8a.1. Section 2910-A of Act 21 required the Department to develop regulations to implement the provisions of Article XXIX-A. Tax Amnesty Program, of which section 2915-A, further examination of books and records, is a part.	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>
General Explanation and Issuance of Certificate 61 Pa. Code §§ 2.1 and 2.3	August 1997, as final.	In 1988, the Department adopted numerous amendments to Chapter 2. Employment Incentive Payment. Since that time, there have been changes to various Federal programs that have prompted the amendment of 2.3 (relating to issuance of certificate (Form REV-1601)). This amendment conforms the regulation to be consistent with those Federal programs. Section 2.3(b) is amended to extend the time period in which an employer may request a Program Certificate from the Department of Public Welfare from the date the employed welfare recipient begins work to no later than 21 days following the actual date the employed welfare recipient began work.	Douglas A. Berguson 717-787-1382
Lawn Care Services 61 Pa. Code §§ 55.6 and 60.2	September 1997, as final.	This regulation sets forth the Department's interpretation of 72 P. S. §§ 7201(k)(17), (o)(15) and (j) relating to the taxation of lawn care services. Currently the Department's interpretation is set forth as a pronouncement and codified at 61 Pa. Code § 60.2 (relating to lawn care services). Department has concluded that its policy relating to this service should be set forth as a regulation. Therefore, In addition to proposing to add § 55.6 (relating to lawn care services), the Department is also proposing to delete the pronouncement set forth at § 60.2.	Douglas A. Berguson, 717-787-1382
Local Tax 61 Pa. Code §§ 60.16, and 95.1—95.303	January 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
Maintaining a Place of Business Within this Commonwealth 61 Pa. Code § 56.1	January 1998, as proposed.	Section 56.1 is amended to make it more consistent with the statutory definition of "maintaining a place of business in this Commonwealth" set forth at 72 P. S. § 7201(b) including the amendment set forth in Act 1995-21 (72 P. S. § 7201(b)(4)) regarding what the term does not include.	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>
Passenger Car Rental Tax 61 Pa. Code §§ 9.14 and 47.20	October 1997, as final.	This regulation sets forth the Department's interpretation of Article XVI-A Passenger Car 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 passenger car rental tax), the Department is also proposing to delete the pronouncement set forth at § 9.14.	Douglas A. Berguson, 717-787-1382
Public Transportation Assistance Fund Taxes and Fees 61 Pa. Code §§ 9.4 and 47.19	October 1997, 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
Return of Information as to Payment In Excess of \$10 61 Pa. Code § 117.18	January 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
Telecommunications Service 61 Pa. Code §§ 31.1, 31.24, 48.1 and 55.8	October 1997, as proposed.	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	October 1997, as proposed.	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

<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			
Institutional Investor 64 PA. Code § 102.111	October 1997, as final.	This regulation would be amended to include Qualified Institutional Buyer (QIB) under SEC Rule 144A as an institutional investor under the 1972 Act. Under Rule 144A, a QIB is an organization or regulated person who, acting for its own account or the accounts of other qualified institutional buyers, owns and invests on a discretionary basis in the aggregate at least \$100 million in securities of issuers that are not affiliated with such person. Not being uniform with the SEC definition requires issuers selling only to institutional buyers to incur the cost of a Blue Sky legal memo for Pennsylvania to determine where PA differs from the SEC definition. Other states have included Rule 144A QIBs in their definition of institutional investor.	G. Philip Rutledge (717) 783-5130
Securities issued by broker-dealers 64 PA. Code § 202.080	October 1997, as final.	This regulation would repeal the requirement to file Form 202-H with the Commission for offers and sales of securities of a registered broker-dealer to officers, partners or employees. In FY95-96, the Commission received 12 filings under this section. Staff performs only a cursory review of the form and does not believe that the filing requirement is necessary or appropriate for the protection of investors. As there is no filing fee for Form 202-H, there is no impact on fee revenues.	G. Philip Rutledge (717) 783-5130
World class issuer exemption 64 PA. Code § 202.094	October 1997, as final.	Currently, many large, multinational corporations domiciled outside of the US cannot take advantage of exemptions from registration under the Act because their securities are not listed on a US stock exchange or they are not reporting companies to the Securities and Exchange Commission ("SEC"). Section 202.094 will designate securities issued by large, multinational corporations that do not have securities listed on a US securities exchange as exempt from the registration provisions of the Act. This will provide parity with securities of large US corporations whose securities are exempt under Section 202(f) of the Act.	G. Philip Rutledge (717) 783-5130

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Isolated Transaction Exemption 64 PA. Code § 203.189	October 1997, as final.	This regulation would be amended to (1) delete the requirement that the issuer must be organized under PA law or have its principal place of business in PA and (2) expand the number of sales to be made to Accredited Investors. The Commission has received numerous inquiries concerning the availability of this exemption from issuers that anticipate only one or two sales in PA, generally to Accredited Investors. In most cases, however, the exemption was not available because the issuer was not a PA Issuer. For a three month period in 1996, the Commission received 42 inquiries from non-PA Issuers, 33 of which indicated that sales would be made to only one or two Accredited Investors in PA. On an annualized basis, this would mean that approximately 132 issuers would not have to make a filing with the Commission. Because no filing would need be made, it is estimated that there would be an annual General Fund fee revenue loss of approximately \$20,000.	G. Philip Rutledge (717) 783-5130
Offers on the Internet 64 PA. Code § 203.189.1	October 1997, as final.	This regulation will codify the Commission's existing Internet order granting an exemption for offers of securities which are made on the Internet but are not intended to be sold to PA residents. This order has served as a nationwide model for dealing with jurisdictional issues concerning Internet offerings at the state level and has been advocated by SEC Commissioner Wallman for adoption at the federal level.	G. Philip Rutledge (717) 783-5130
Waivers for Accredited Investors 64 PA. Code § 204.012	October 1997, as final.	This regulation would waive the offer and sale numerical limitations in Sections 203(d) and (e) of the 1972 Act and the general solicitation prohibition in Section 203(d) of the 1972 Act for Accredited Investors. This regulation is being proposed in light of new systems being developed and receiving certain regulatory approvals from the SEC that facilitate the communication of securities offerings on the Internet to Accredited Investors (e.g. ACE-Net) and to provide regulatory guidance for those issuers relying upon the Commission's Internet Order (wherein the Commission took the position that Internet offers constituted general solicitation under the 1972 Act) that subsequently may wish to make sales in PA to Accredited Investors.	G. Philip Rutledge (717) 783-5130
Trust Indenture Requirements 64 PA. Code § 207.081	October 1997, as final.	This amendment would repeal the requirement that all debt securities to be registered by qualification under Section 206 of the 1972 Act be required to comply with the Federal Trust Indenture Act of 1939.	G. Philip Rutledge (717) 783-5130
Subscription Agreements 64 PA. Code § 207.091	October 1997, as final.	This amendment would repeal that the portion of the regulation requiring intrastate offerings under Section 206 to use a specific subscription form. The Commission has not enforced this provision and believes that issuers should have the ability to fashion their own subscription agreements within the appropriate constraints of the anti-fraud provisions of the 1972 Act.	G. Philip Rutledge (717) 783-5130

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Quarterly Reports of the Progress of a Registered Offering 64 PA. Code § 207.110	October 1997, as final.	This amendment would repeal the requirement to file Form 207-K. The Commission received 108 207-K reports during FY95-96 from approximately 27 issuers filing under Section 206, of which 20 were non-profit organizations selling debt securities. These organizations generally renew their registration each year and information concerning sales during the prior year are captured by Item 5 of Form 206. Information filed on Form 207-K has not been material to the Commission's enforcement efforts and it believes that this requirement is a regulatory burden which does not fulfill a sufficient corresponding investor protection objective.	G. Philip Rutledge (717) 783-5130
Notice to Purchasers under Section 207(m) 64 PA. Code § 207.130	December 1997, as proposed.	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
Required Records; Report on Sales of Securities and Use of Proceeds 64 PA. Code § 209.010	October 1997, as final.	This amendment would repeal reporting requirements on Form 209 for non-investment companies. Last year, the Commission received 1,244 Form 209 reports from non-investment companies. The Commission expends an enormous amount of time, computer resources and postage to insure timely filing of Form 209. Aggregate offerings of \$100,000 or less under Section 203(d) have been exempt from filing Form 209 for a number of years without any adverse effect. The information supplied by Form 209 does not contribute materially to the Commission's enforcement efforts and often is submitted in such form where it cannot be compared meaningfully to the original offering document. The few instances where oversales have been detected can be addressed through an adjustment to the fee schedule. The Commission believes the Form 209 filing requirement for non-investment companies is a regulatory burden which does not fulfill a sufficient corresponding investor protection objective.	G. Philip Rutledge (717) 783-5130
Canadian broker-dealer exempt 64 PA. Code § 302.065	October 1997, as final.	This new regulation will exempt Canadian broker-dealers and agents that are licensed and in good standing in Canada from the broker-dealer and agent registration provisions of the Act if the Canadian broker-dealer and agent effects transactions only with persons from Canada who are pre-existing clients and who temporarily are present in Pennsylvania when the transactions occur.	G. Philip Rutledge (717) 783-5130

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Financial Reports to Security Holders 64 PA. Code § 606.011	October 1997, as final.	This amendment would delete the regulation's application to transactions effected under Sections 203(o)(ii), (q) and (r) and exclude from the regulation's requirements companies that are subject to the reporting requirements of the Securities Exchange Act of 1934 under Sections 13 of 15(d) thereof that actually have made a filing under that act. Deleting application of the provisions of this section to Sections 203(o)(ii), (q) and (r) would parallel changes to the 1972 Act which removed the application of the Two Business Day Right of Withdrawal to transactions effected under those sections. The transactions affected by this amendment are not those that require heightened regulatory oversight. A further amendment would address a problem that has arisen in using the definition of "reporting company" in the 1972 Act. This section of the regulation always has stood for the proposition that a company filing Forms 10-Q and 10-K with the SEC would not have to provide additional financial information to PA shareholders. The Division would retain the concept but change the wording.	G. Philip Rutledge (717) 783-5130
Amendment Form 64 PA. Code § 609.011	October 1997, as final.	This amendment would delete the requirement to use a specific form for amending filings made with the Commission. The form should be deleted because many issuers do not use it and the Commission has not enforced its use. The amendment would recast the regulation as a general requirement to file material changes with respect to previously filed offering documents and would obligate issuers to identify the form or filing being amended and provide a copy which is marked to show changes. Also, the Commission would propose including a sunset date that no amendments need be filed with respect to offerings for which the last sale in the Commonwealth was made more than five years ago, which time period equals the criminal statute of limitations in Section 511.	G. Philip Rutledge (717) 783-5130
STATE			
Corporations Bureau	December 1997, as proposed.	The Corporations Bureau will propose deleting references by name to the Governor, Secretary of the Commonwealth and Director of the Corporation Bureau on its sample filing forms promulgated by the Department pursuant to 15 Pa. C. S. § 133 because changes in administration render such references obsolete. It should be noted that under Section 133 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 shall be subject to opportunity of public comment required under Section 201 of the Commonwealth Documents Law.	Michael Frick, (717) 787-1057

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Bureau of Commissions, Elections and Legislation	Fall 1997, as final.	The Department proposes comprehensive revisions to regulations found at 4 Pa. Code to eliminate obsolete provisions and reflect recent statutory changes. The amendments will be proposed pursuant to the Pennsylvania Voter Registration Act (25 P. S. § 961.301), and the Pennsylvania Election Code (25 P. S. § 2601 et seq.).	Richard Filling, (717) 787-5280
State Athletic Commission	Spring 1997, as proposed. Fall 1997, as proposed.	The State Athletic Commission (SAC) proposes to amend 58 Pa. Code Chapter 21 to require professional boxers and kickboxers to submit, as part of their annual application for licensure, a report from a licensed medical laboratory that the applicant has tested negative for HIV. The SAC also proposes to amend 58 Pa. Code Chapters 3 and 5 to: 1) clarify that the senior SAC official administering a professional boxing event has control of the space and seating adjacent to the ring, and 2) establish SAC credentials that would give a predetermined number of individuals admission to professional boxing events. These proposals will be part of omnibus revisions to 58 Pa. Code, Part I to bring the SAC's regulations into compliance with both the revisions to the Pennsylvania Athletic Code as well as changes in the SAC's 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	Fall 1997, as proposed.	The Navigation Commission will propose comprehensive revisions to 13 Pa. Code Chapters 201—209 to 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 Absolute Auctions— 49 Pa. Code § 1.41.	No publication anticipated in next 6 months.	The proposal would identify those auctions in which the term "absolute auction" (an auction of sale to the highest bidder without any reserve limitation or conditions) may be used in auctioneer advertising and when conducting an auction. The regulation will protect the consumer at auctions by making false or deceptive advertising or auctioneering grounds for discipline. The Board has authority to regulate the conduct of licensed auctioneers under Section 32 of the Auctioneer and Auction Licensing Act, Act of December 22, 1983, P. L. 327, 63 P. S. § 734.32.	Linda Dinger (717) 783-3397
Approved Course of Study— 49 Pa. Code § 1.11.	No publication anticipated in next 6 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.	

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Sponsorship of Apprentices—49 Pa. Code § 1.31.	No publication anticipated in next 6 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.	
State Board of Barber Examiners 49 Pa. Code, Chapter 3.	Fall 1998, as proposed.	Revision of all regulations. Updating all regulations and deleting 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.	Fall 1997, 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 6 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).	
Volunteer License— 49 Pa. Code, Chapter 5.	Summer 1997, as proposed.	This regulation governs the volunteer license category. It establishes qualifications for placing a license on volunteer status; criteria under which a licensee who is retired and whose license became inactive prior to February 3, 1997, may obtain a volunteer license; procedures under which a volunteer license holder may return to active practice. This regulation is required by the Volunteer Health Services Act, Act 141 of 1996. Deb Smith (717) 783-7156	
State Board of Cosmetology Disinfection, Equipment and Supplies— 49 Pa. Code §§ 7.71, 7.71a, 7.71b, 7.105 and 7.114.	Fall 1997, as proposed.	These regulations reflect updated changes in industry standards for disinfecting and sterilizing necessary equipment required to be available and in use in cosmetology shops. Minimum safety and sanitation standards in cosmetology shops 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
State Architects Licensure Board General Revisions— 49 Pa. Code §§ 9.1-9.211.	January 1998, as final.	The amendments will delete unnecessary and outmoded provisions and revise language concerning requirements for licensure, professional conduct and board procedures. The regulations provide necessary guidance to applicants for licensure in Pennsylvania and will notify licensees of disciplinary process and procedures. Legal authority: Section 6(a) of the Architects Licensure Law, 63 P. S. § 34.6(a).	Linda Dinger (717) 783-3398

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<p>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.</p> <p>Commissions and Referral Fees— 49 Pa. Code § 11.24.</p>	<p>December 1997, as proposed.</p> <p>No publication anticipated in next 6 months.</p>	<p>The regulations would require approved continuing education program sponsors to biennially renew their approval and would authorize the Board to conduct audits of approved programs. The regulations are necessary to ensure that continuing education programs meet licensure renewal needs. Statutory authority: Section 3(10) of The C.P.A. Law, 63 P. S. § 9.3(10).</p> <p>The regulation would set forth the nature of the written disclosure that certified public accountants and public accountants 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 is necessary to comply with recent amendments to the C.P.A. Law. Statutory authority: 63 P. S. § 9.12(p).</p>	<p>Dorna Thorpe (717) 783-1404</p>
<p>State Board of Funeral Directors Examinations—49 Pa. Code §§ 13.71, 13.72.</p> <p>Disposition of Bodies— 49 Pa. Code §§ 13.184, 13.212.</p>	<p>November 1997, as final.</p> <p>No publication anticipated within next 6 months.</p>	<p>Intern training requirement for applicants will be revised to allow applicants to take the exam prior to completion of training. The regulation is needed to allow applicants for licensure the flexibility to qualify for and take the licensure exam and obtain training in a funeral establishment. Legal authority: Section 3(d) and (f) of the Funeral Director Law, Act of January 14, 1952, P. L. (1951) 1898, as amended, 63 P. S. § 279.3(d), (f).</p> <p>These amendments will require the prompt disposition of bodies, expressly prohibit the retention of a body because of a fee dispute and delete the 24 hour waiting period for cremations. The amendments are needed to ensure that funeral directors' services meet the wishes of the family. Legal authority: Section 16(a) of the Law, 63 P. S. § 479.16(a).</p>	<p>Linda Dinger (717) 783-3397</p>
<p>State Board of Landscape Architects Continuing Education— 49 Pa. Code § 15.71—15.83.</p>	<p>September 1997, as proposed.</p>	<p>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.</p>	<p>Dorna Thorpe (717) 783-3397</p>

<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 Medicine Sexual Misconduct— 49 Pa. Code, Chapter 16.	Fall 1997, 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
Complaint Process—49 Pa. Code § 16.62.	Fall 1997, as final.	Regulations which provide for recommendation by the Board prosecutor to the Board on the disposition of complaints were declared invalid in <i>Lyness v. State Board of Medicine</i> , 605 A.2d 1204 (1992). The Board has authority to repeal these regulations under Section 8 of the Medical Practice Act of 1985, 63 P. S. § 422.8.	
Certified Registered Nurse Practitioners (CRNPs)— 49 Pa. Code § 18.21.	No publication anticipated in next six months.	The Board intends to collaborate with the State Board of Nursing to jointly promulgate 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 training programs for Certified Registered Nurse Practitioners (CRNP)— 49 Pa. Code § 18.41.	Winter 1997, as proposed.	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).	
Administration of Anesthesia— 49 Pa. Code § 16.98.	No publication anticipated in next six months.	This regulation would establish standards for the delegation of the administration of anesthesia. Publication as proposed occurred October 19, 1996. The Board has received a significant number of comments. The Board has determined further study is warranted before final rulemaking will occur. Statutory authority: Section 17(b) of the Medical Practice Act, 63 P. S. § 422.17(b).	
Volunteer license— 49 Pa. Code § 17.9.	Summer 1997, as proposed.	Regulations are intended to implement Act 141 of December 4, 1996, pertaining to licensing retired practitioners who wish to volunteer services to facilities providing health care to financially qualified persons or in underserved areas. Statutory authority: Act 141 of 1996.	
State Board of Vehicle Manufacturers, Dealers and Salespersons General Provisions, Licensure, Facility requirements— 49 Pa. Code §§ 19.1-19.23.	December 1997, as proposed.	The Board intends to revise all its regulations to delete outdated provisions and take into account industry-wide changes in business practices. The amendments are needed to conform to changes in 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

<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 Nursing Requirements for approval of training programs for Certified Registered Nurse Practitioners (CRNP)- 49 Pa. Code § 21.271.	Winter 1997, as proposed.	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
Responsibilities of the Registered Nurse and Licensed Practical Nurse 49 Pa. Code §§ 21.11, 21.12, 21.13, 21.14, 21.15, 21.16, 21.145.	Summer 1997, as proposed.	These regulations would confirm the registered nurse's authority to accept verbal orders and authorize licensed practical nurses to accept verbal orders for medical and therapeutic regimens, update, clarify and delete unnecessary language pertaining to the functions of 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 by the Board 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.	Fall 1997, as proposed.	These regulations will update or delete 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.	Spring 1998, as proposed.	These regulations will update or delete 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.	
CRNP prescriptive privileges— 49 Pa. Code §§ 21.151—21.351.	Winer 1997, 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.	Fall 1997, 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).	

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Volunteer Licenses— 49 Pa. Code §§ 21.141—21.234.	Summer 1997, as proposed.	This regulation governs the volunteer license category. It establishes qualifications for placing a license on volunteer status; criteria under which a licensee who is retired and whose license became inactive prior to February 3, 1997, may obtain a volunteer license; procedures under which a volunteer license holder may return to active practice. This regulation is required by the Volunteer Health Services Act, Act 141 of 1996.	
State Board of Optometry Sexual Misconduct— 49 Pa. Code, Chapter 23.	Fall 1997, 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).	
Certification for the Prescription of Therapeutic Drugs— 49 Pa. Code, Chapter 23.	September 1997, as proposed.	The Board will propose regulatory amendments to implement the therapeutic drug provisions added by Act 130 of 1996 effective October 30, 1996. The regulatory amendments would approve appropriate educational providers and examinations prerequisite to certification of optometrists in the prescription and administration of therapeutic drugs, and amend continuing education requirements. The amendments are authorized under Sections 3(a)(14) and 4.1 of the Optometric Practice and Licensure Act.	
Volunteer License— 49 Pa. Code, Chapter 23.	Summer 1997, as proposed.	This regulation governs the volunteer license category. It establishes qualifications for placing a license on volunteer status; criteria under which a licensee who is retired and whose license became inactive prior to February 3, 1997, may obtain a volunteer license; procedures under which a volunteer license holder may return to active practice. This regulation is required by the Volunteer Health Services Act, Act 141 of 1996.	
State Board of Osteopathic Medicine Sexual Misconduct— 49 Pa. Code, Chapter 25.	Fall 1997, 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

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Volunteer Licenses— 49 Pa. Code § 25.350.	Summer 1997, as proposed.	This regulation governs the volunteer license category. It establishes qualifications for placing a license on volunteer status; criteria under which a licensee who is retired and whose license became inactive prior to February 3, 1997, may obtain a volunteer license; procedures under which a volunteer license holder may return to active practice. This regulation is required by the Volunteer Health Services Act, Act 141 of 1996.	
State Board of Pharmacy General Revisions— 49 Pa. Code, Chapter 27.	No publication anticipated in next six months.	The Board proposes to delete outdated and redundant regulations and to clarify language in others. The proposal is needed to eliminate unnecessary provisions, reflect changes in state and federal law, and clarify practice parameters and standards. Sections 3(f), 4(j), 6(k)(1) and (9) of the Pharmacy Act, Act of September 27, 1961, P. L. 1700, as amended, 63 P. S. §§ 390-3(f), 390-4(j), 390-6(k)(1) and 390-6(k)(9), authorize the promulgation of these amendments.	W. Richard Marshman (717) 783-7157
Approval of Plans: Pharmacy Alterations— 49 Pa. Code § 27.16.	November 1997, as final.	The amendments will reduce from 90 to 30 days the requirement for advance filing of plans for pharmacy alterations. Voluntary pharmacy square footage guidelines will also be eliminated. The amendments are designed to accommodate current business needs without compromising public health and safety. The amendments are authorized under Sections 4(j) and 6 (k)(9) of the Pharmacy Act, Act of September 27, 1961, P. L. 1700, as amended, 63 P. S. §§ 390-4(j) and 390-6(k)(9).	
State Board of Podiatry Sexual Misconduct— 49 Pa. Code, Chapter 29.	Fall 1997, 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
Volunteer License— 49 Pa. Code, Chapter 29.	Summer 1997, as proposed	This regulation governs the volunteer license category. It establishes qualifications for placing a license on volunteer status; criteria under which a licensee who is retired and whose license became inactive prior to February 3, 1997, may obtain a volunteer license; procedures under which a volunteer license holder may return to active practice. This regulation is required by the Volunteer Health Services Act, Act 141 of 1996.	
State Board of Veterinary Medicine Rules of Professional Conduct —49 Pa. Code § 31.21.	December 1997, as final.	Final rulemaking will modify 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

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Advertising Emergency Services— 49 Pa. Code § 31.21.	No publication anticipated in next 6 months.	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).	
State Board of Dentistry Fees — 49 Pa. Code § 33.3.	December 1997, as final.	The regulations will establish temporary permit and certification fees for expanded function dental assistants (EFDAs) and increase application fees for dentists and dental hygienists. The Dental Law requires the Board to issue temporary permits and certificates for EFDAs and collect a fee for those documents, 63 P. S. §§ 122(d.1) and 130h, and to collect the costs associated with the review of applications.	June Barner (717) 783-7162
Sexual Misconduct— 49 Pa. Code, Chapter 33.	Fall 1997, as proposed.	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. <i>as amended</i> , 63 P. S. § 122(o).	
Advertising— 49 Pa. Code § 33.203(b)(4).	No publication anticipated in next six months.	The regulation will 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.	December 1997, as proposed.	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.	December 1997, 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	December 1997, as proposed.	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).	

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Volunteer license— 49 Pa. Code, Chapter 33.	Fall 1997, as proposed.	This regulation governs the volunteer license category. It establishes qualifications for placing a license on volunteer status; criteria under which a licensee who is retired and whose license became inactive prior to February 3, 1997, may obtain a volunteer license; procedures under which a volunteer license holder may return to active practice. This regulation is required by the Volunteer Health Services Act, Act 141 of 1996.	
State Real Estate Commission General Revisions— 49 Pa. Code, Chapter 35.	December 1997, as proposed.	The Commission plans a comprehensive amendment to Chapter 35 to bring its existing regulations up to date with today's current policies. Statutory authority: 63 P. S. § 455.404.	Melissa Wilson (717) 783-3658
State Board of Certified Real Estate Appraisers Definitions — 49 Pa. Code § 36.1.	December 1997, as proposed.	The regulation would define the term "evaluation" to parallel the meaning of the term as it is used by institutions regulated by the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and the Office of Thrift Supervision. Statutory authority: 63 P. S. § 457.5(2).	Shirley Klinger (717) 783-4866
Experience Optios for Certification 49 Pa. Code § 36.13.	December 1997, as proposed.	The regulation would expand the categories of qualifying experience for certification as an appraiser; require appraisers who supervise appraisal assistants to keep records of assistants' activities and provide verification of their experience to the Board; and mandate that all appraisal reports submitted as qualifying experience by applicants for certification conform to the Uniform Standards of Professional Appraisal Practice (USPAP). The regulation brings more fairness, efficiency and structure to the Board's evaluation of qualifying experience. The regulation complies with standards established for state appraiser boards by the Appraisal Foundation's Appraiser Qualifications Board (AQB), a federal regulatory body. Statutory authority: 63 P. S. § 457.5(2).	
Inspection of Property 49 Pa. Code § 36.51	December 1997, as proposed	The regulation would clarify that a certified general appraiser, certified residential appraiser or certified broker/appraiser is required, when performing an appraisal, to conduct a complete interior and exterior inspection of the subject property unless an inspection is not physically possible. The regulation is necessary to ensure that every appraisal performed by a certificate-holder of the Board complies with appropriate professional standards. 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>
Standards of Professional Conduct— 49 Pa. Code § 36.281.	January 1998, as final.	The regulation would set forth the standards of professional conduct for Certified Pennsylvania Evaluators practicing in the Commonwealth. The regulation is necessitated by Section 7(a)(6) of the Assessors Certification Act, which empowers the Board to discipline certificate holders who violate any standards of professional conduct for real property assessment as adopted by the Board by regulation. Statutory authority: 63 P. S. §§ 458.3 and 458.7(a)(6).	Shirley Klinger (717) 783-4866
Broker/Appraiser Fees— 49 Pa. Code § 36.6.	December 1997, as proposed.	The regulation would establish an application fee and initial certification fee for the newly created appraiser 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 35.262.	December 1997, as proposed.	The regulation would raise the biennial continuing education requirements for certified general and certified residential appraisers and Certified Pennsylvania Evaluators from 20 classroom hours to 28 classroom hours; establish a 28-classroom hour continuing education requirement for broker/ appraisers; and mandate that all certificate-holders complete a minimum number of classroom hours on the USPAP and the Board's statutory and regulatory requirements. The regulation is necessary to improve the effectiveness of the Board's continuing education program and to comply with the standards established by the AQB. Statutory authority: 63 P. S. § 457.5(2).	
Pre-certification Education and Experience— 49 Pa. Code §§ 36.11 and 36.12.	December 1997, as final.	The regulation would raise the experience requirement for certification as a residential appraiser from 2,000 hours to 2,500 hours; raise the education and experience requirements for certification as a general appraiser from 165 classroom hours to 180 classroom hours and from 2,000 hours to 3,000 hours, respectively; and clarify the components of qualifying educational courses. The regulation is necessary to comply with standards established by the AQB that take effect January 1, 1998. Statutory authority: 63 P. S. § 457.5(2).	
State Board of Examiners of Nursing Home Administrators Experience and Education Requirements— 49 Pa. Code § 39.5.	No publication anticipated in next 6 months.	The regulation will amend and clarify education and experience requirements for licensure. Section 6 of the Nursing Home Administrators Law, 63 P. S. § 1106, specifies the qualifications for admission to examination. The education and experience regulations at Section 39.5 have not been reviewed or clarified since 1991. The amendments will remove outdated and confusing provisions. Statutory authority: Section 4(c) of the Nursing Home Administrators Licensing Act, Act of June 22, 1970, P. L. 378, as amended, 63 P. S. § 1104(c).	Cheryl Lyne (717) 783-7155

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Temporary Permits— 49 Pa. Code § 39.17	No publication anticipated in next 6 months.	The regulation will amend and clarify the requirements for temporary permits. Section 14 of the Nursing Home Administrators Law, 63 P. S. § 1114, authorizes the Board to issue temporary permits. The revisions will update and clarify the existing statement of policy.	
General Revisions— 49 Pa. Code §§ 39.1—39.91.	No publication anticipated in next 6 months.	These regulations will update and delete outdated provisions of current regulations, including definitions, subject matter for examinations, approval of programs of study, and licensure renewal. The Board's regulations have not been reviewed or updated since 1992. These revisions are authorized under Sections 4 and 9 of the Law, 63 P. S. §§ 1104 and 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.	July 1998, 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 49.	May 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 Private practice by certified school psychologists— 49 Pa. Code § 41.56.	No publication anticipated in next 6 months.	This regulation governs the conditions under which school psychologists may engage in private practice. The Board plans to define the term "employed" within the context of Chapter 41. Statutory authority: 63 P. S. § 1203.2(2).	Cheryl Lyne (717) 783-7155
Definitions— 49 Pa. Code § 41.1.	No publication anticipated in next 6 months.	The regulations would update terms to reflect current accreditation entities. The term "Accredited college or university" should be amended to reflect the new name for the "Council on Postsecondary Accreditation (COPA)", which is the "Commission on Recognition of Postsecondary Accreditation (CORPA)." Statutory authority: 63 P. S. § 1203.2(2).	
Postdoctoral Experience— 49 Pa. Code § 41.31(c)(1)(ii)(E).	No publication anticipated in next 6 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).	
Licensure of master's degree candidates— 49 Pa. Code § 41.54	December 1997, as final.	This regulation pertains to licenses issued prior to January 1, 1996. The Board plans to repeal this section, because the Board no longer issues licenses to Master's degree candidates. 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>
Professional records— 49 Pa. Code § 41.57.	No publication anticipated in next 6 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).	No publication anticipated in next 6 months.	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).	
Continuing education— 49 Pa. Code § 41.59.	December 1997, as final.	These regulations establish criteria and requirements of minimum continuing education hours for biennial license renewal. The Board proposes amendments to its continuing education regulations to give psychologists more flexibility in their choice of continuing education programs and to expand the opportunities for meeting the requisite contact hours for continuing education credit. Statutory authority: 63 P. S. § 1203.2(2).	
Definitions/"Sexual Intimacies" — 49 Pa. Code § 41.61.	December 1997, as proposed.	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).	
Commissioner of Professional and Occupational Affairs Schedule of Civil Penalties Act 48— 49 Pa. Code §§ 43.1—43.11.	Summer 1997, as proposed. Fall 1997, as final.	To adopt a schedule of civil penalties, guidelines for their imposition and procedures for appeal for persons operating without a current, registered, unsuspended and unrevoked license, registration, certificate or permit. Commissioner is required under Act 48 of 1993, 63 P. S. § 2205, to promulgate regulations setting forth a schedule of penalties, guides and procedures. Schedule adopted applies to the conduct or operation of a business or facility licensed by a licensing board of the Bureau.	James A. Holzman (717) 783-7200
State Board of Social Work Examiners Unprofessional Conduct and Sexual Misconduct — 49 Pa. Code, Chapter 47.	Fall 1997, 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).	Clara Flinchum (717) 783-1389

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Continuing Education 49 Pa. Code § 47.32	April 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			
No regulations being developed or considered at this date.			
STATE POLICE			
Firearm Regulations Standards for licensed retail dealers Chapter 31	October 1997, as proposed.	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	October 1997, as proposed.	The State Police will promulgate rules and regulations, and in the manner provided by law, the responsibility to administer and enforce these rules and regulations, and the provisions of the Uniform Firearms Act in order to ensure the identity, confidentiality, and security of all records and data pursuant thereto.	
Procedures for the receipt and processing of DNA samples for the state DNA database. Chapter 58	September 1997, 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.	Trooper Mark Van Buskirk 717-783-5598
Megan's Law: Procedures for neighbor notification. Chapter 55	July 1997, as final.	This chapter defines what a neighbor will be for the purposes of community notification when sexually violent predators are released from incarceration or move. It is a priority of the Pennsylvania State Police to define neighbor in such a way as to make it easily applied to both urban and rural communities. The ability of this regulation to succeed is strengthened by the legislative intent of the Act which states that certain information regarding sexually violent predators is public information and is to be disseminated.	Trooper Mark Van Buskirk 717-783-5598
TRANSPORTATION			
Emission Inspection Program Chapter 177	September 1997, as final.	Amendments needed to implement enhanced decentralized emission inspection program.	Peter Gertz (717) 783-5842
Enhanced Emission Inspection Chapter 178	September 1997, as final.	Repeal needed. Will be replaced by Chapter 177.	Peter Gertz (717) 783-5842
Temporary Registration Cards and Plates Chapter 43	September 1997, as final.	Proposed amendments based on concerns identified by Dealer Industry/Department efforts. Revises sanctioning requirements for Dealers, making sanctions more equitable.	Linley Oberman (717) 787-2780

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Manufacturer, Dealers and Miscellaneous Motor Vehicle Businesses Registration Plates Chapter 53	April 1998, as final.	Amendments are needed based on revisions to related sections of the Vehicle Code and Industry/Department concerns.	Linley Oberman (717) 787-2780
School Buses and School Vehicles Chapter 171	December 1997, as proposed.	Amendments are needed to clarify previous revisions and to address concerns raised by the School Bus Vehicle Industry and related Associations.	Pam Thomas (717) 783-4755
Vehicle Equipment and Inspection Chapter 175	October 1997, as final.	Amendments are required due to changes in PA Vehicle Code and Federal equipment regulations.	John Munafo (717) 783-6823
Physical and Mental Criteria, Including Vision Standards Relating to the Licensing of Drivers Chapter 83	December 1997, 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.	Anne Titler (717) 783-6246
Liquid Fuels Tax Chapter 449	September 1997, as proposed.	This chapter was originally targeted for revision, after further review it has been determined to repeal the chapter for the following reasons: Alternative measures exist (Municipal Codes); Language is unclear or too technical (changing to a brochure based information package).	Mitzi Westover (717) 783-5315
School Bus Drivers Chapter 71	December 1997, as proposed.	Creates waivers for school bus drivers, with medical conditions, which pose no significant danger to driving.	Pam Thomas (717) 783-4755
Mechanical, Electrical and Electronic Speed-Timing Devices Chapter 105	December 1997, as proposed.	Amendments reflect updates (periodically required) to ensure speed timing devices used by law enforcement officials conform to State and Federal requirements.	John Munafo (717) 783-6823
Work Zone Traffic Control Devices Chapter 203	September 1997, as proposed deletion.	Repeal this chapter since it typically is more stringent than federal standards included in the Federal Highway Administration's <i>Manual on Uniform Traffic Control Devices (MUTCD)</i> . 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	September 1997, as proposed.	Repeal the current chapter since it duplicates federal standards included in the Federal Highway Administration's <i>Manual on Uniform Traffic Control Devices (MUTCD)</i> . 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 1997, as proposed.	Repeal-incorporate provisions in Chapter 231	Daniel Smyser (717) 787-7445
Engineering and Traffic Studies Chapter 201	September 1997, as proposed deletion.	Repeal this chapter since it duplicates many federal standards included in the Federal Highway Administration's <i>Manual on Uniform Traffic Control Devices (MUTCD)</i> . Some current provisions not included in the MUTCD would be incorporated into Chapter 211	Art Breneman (717) 787-3620
Intrastate Motor Carrier Safety Requirements Chapter 231	September 1997, as proposed.	Incorporate new Federal provisions, and provisions from Chapter 181.	Daniel Smyser (717) 787-7445

<i>Regulation Being Considered</i>	<i>Proposed Date for Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Hazardous Materials Transportation Chapter 403	August 1997, as proposed.	Incorporate new Federal provisions and eliminate registration requirement.	Daniel Smyser (717) 787-7445
Driver's License Exam Chapter 75	December 1997, as proposed.	Regulation to be rescinded and replaced with published testing procedures. Needed to provide consistency with Commercial Driver Testing provisions.	Joy Gross (717) 787-9930

[Pa.B. Doc. No. 97-1100. Filed for public inspection July 3, 1997, 9:00 a.m.]

INSURANCE DEPARTMENT

Allstate Indemnity Company; Private Passenger Automobile Rate Revision

On June 18, 1997, the Insurance Department received from Allstate Indemnity Company a filing for a rate level change for private passenger automobile insurance.

The company requests an overall 9.0% increase amounting to \$13,965,117 annually, to be effective August 18, 1997 for new business and September 15, 1997, for renewal business.

Unless formal administrative action is taken prior to August 17, 1997, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Insurance Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Michael W. Burkett, Insurance Department, Office of Rate and Policy Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

GREGORY S. MARTINO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 97-1101. Filed for public inspection July 3, 1997, 9:00 a.m.]

Application for Acquisition of Colonial Penn Life Insurance Company

Conseco, Inc. has filed an application to acquire Colo-

nial Penn Life Insurance Company, a Pennsylvania domiciled stock life insurance company. The filing was made under the requirements set forth under the Insurance Holding Companies Act, 40 P.S. § 991.1401, et seq. Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department within 30 days from the date of publication in the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Insurance Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, or fax to (717) 787-8557.

GREGORY S. MARTINO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 97-1102. Filed for public inspection July 3, 1997, 9:00 a.m.]

Eligible Surplus Lines Insurer List

In accordance with section 1605(b) of The Insurance Company Law of 1921 (40 P.S. § 991.1605(b)) the Insurance Department hereby publishes the most recent Eligible Surplus Lines Insurer List. This list replaces in its entirety the Eligible Surplus Lines Insurer List as of January 2, 1997 published at 27 Pa.B. 359 (January 18, 1997).

Persons who have questions concerning this notice should contact Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 787-2735.

Pennsylvania Insurance Department Eligible Surplus Lines Insurer List

As Of: July 1, 1997

<i>Key Number</i>	<i>Company Name</i>	<i>Statutory Home Office Address</i>
4001	Acceptance Insurance Company	222 South 15th Street Suite 600 North Omaha, NE 68102
4002	Admiral Insurance Company	1209 Orange Street Wilmington, DE 19801
4005	Adriatic Insurance Company	314 East Thayer Avenue Bismarck, ND 58501

<i>Key Number</i>	<i>Company Name</i>	<i>Statutory Home Office Address</i>
4010	Agricultural Excess and Surplus Insurance Company	The Corporation Trust Company 1209 Orange Street Wilmington, DE 19801
4014	Alliance General Insurance Company	6 West Hubbard Chicago, IL 60610
4017	Allianz Underwriters Insurance Company	3400 Riverside Drive Suite 300 Burbank, CA 91505-4669
4025	Alpine Insurance Company	311 South Wacker Drive Suite 500 Chicago, IL 60606
4044	American Country Insurance Company	222 N. LaSalle Street Chicago, IL 60601-1105
4047	American Dynasty Surplus Lines Insurance Company	The Corporation Trust Company 1209 Orange Street Wilmington, DE 19801
4050	American Empire Surplus Lines Insurance Company	1209 Orange Street Wilmington, DE 19801
4052	American Equity Insurance Company	8370 East Via De Ventura Building K Scottsdale, AZ 85258
4055	American International Specialty Lines Insurance Company	550 West 7th Street Anchorage, AK 99501
4062	American Western Home Insurance Company	600 Fidelity Plaza Oklahoma City, OK 73102
4070	Americas Insurance Company	400 Poydras Street Suite 2200 New Orleans, LA 70130
4081	Appalachian Insurance Company	Allendale Park P. O. Box 7500 Johnston, RI 02919-0500
4085	Assicurazioni Generali Di Trieste	Piazza Duca Degli Abruzzi, 2 34132 Trieste, Italy
4090	Associated Electric & Gas Insurance Services Limited	Argus Insurance Building P. O. Box HM1064 Hamilton, Bermuda HMX
4095	Associated International Insurance Company	21820 Burbank Boulevard, #330 Woodland Hills, CA 91367-6493
4100	Audubon Indemnity Company	2829 Lakeland Drive Suite 1400 Jackson, MS 39208
4135	British Aviation Insurance Company Limited	Fitzwilliam House 10 St. Mary's Axe London EC3A 8EQ England
4140	CNA International Reinsurance Company Limited	Fountain House 125-135 Fenchurch Street London EC3M 5DJ England
4150	Canal Indemnity Company	400 East Stone Avenue Greenville, SC 29601
4158	Centennial Casualty Company	2200 Woodcrest Place Suite 200 Birmingham, AL 35209
4159	Century American Insurance Company	3401 West End Avenue Suite 600 Nashville, TN 37209
4160	Century Surety Company	2400 Corporate Exchange Drive Columbus, OH 43231

<i>Key Number</i>	<i>Company Name</i>	<i>Statutory Home Office Address</i>
4170	Chubb Custom Insurance Company	32 Loockeman Square Dover, DE 19901
4180	Colony Insurance Company	9201 Forest Hill Avenue Suite 200 Richmond, VA 23235-6865
4193	Columbia Casualty Company	CNA Plaza Chicago, IL 60685
4196	Commercial Underwriters Insurance Company	100 Corporate Pointe Suite 350 Culver City, CA 90230
4200	Commercial Union Assurance Company plc	St. Helen's 1 Undershaft London EC3P 3DQ England
4210	Commonwealth Insurance Company	Suite 1500 595 Burrard Street—Bentall Cent Vancouver, B.C. Canada V7X 1G4
4213	Connecticut Specialty Insurance Company	9 Farm Springs Drive Farmington, CT 06032
4216	Copenhagen Reinsurance Company (UK) Limited	25/26 Lime Street London EC3M 7HR England
4220	Coregis Indemnity Company	181 West Madison Avenue Suite 2600 Chicago, IL 60602
4232	Diamond State Insurance Company	1600 Capital Ctr. S. 201 N. Illinois Street Indianapolis, IN 46204
4245	Eden Park Insurance Company	One Indiana Square Suite 1800 Indianapolis, IN 46204
4255	Empire Indemnity Insurance Company	809 Northwest 36th Street Oklahoma City, OK 73118
4268	Essex Insurance Company	1209 Orange Street Wilmington, DE 19801
4270	Evanston Insurance Company	Shand Morahan Plaza Evanston, IL 60201
4280	Executive Risk Specialty Insurance Company	82 Hopmeadow Street Simsbury, CT 06070-7683
4315	Fidelity Excess and Surplus Insurance Company	515 Main Street Cincinnati, OH 45202
4317	Fireman's Fund Insurance Company of Ohio	312 Walnut Street Suite 1100 Cincinnati, OH 45202
4319	First Financial Insurance Company	528 South Fifth Street Suite 210 Springfield, IL 62701-1822
4321	First Specialty Insurance Corporation	237 East High Street Jefferson City, MO 65102
4326	Florida International Indemnity Company	27 East Robinson Street Orlando, FL 32801
4329	Frontier Pacific Insurance Company	4250 Executive Square Suite 200 La Jolla, CA 92037
4331	Fulcrum Insurance Company	199 Water Street New York, NY 10038-3526
4332	Gan Insurance Company Limited	Gan House 12 Arthur Street London EC4R 9BJ England

<i>Key Number</i>	<i>Company Name</i>	<i>Statutory Home Office Address</i>
4335	General Agents Insurance Company of America, Inc.	4308 North Classen Boulevard Oklahoma City, OK 73118
4338	General Star Indemnity Company	695 East Main Street P. O. Box 10354 Stamford, CT 06904-2354
4350	Genesis Indemnity Insurance Company	316 North Fifth Street Bismarck, ND 58501
4360	Gotham Insurance Company	330 Madison Avenue New York, NY 10017
4370	Great Lakes Reinsurance (UK) PLC	Upper Ground Floor, 1 Minster Court Mincing Lane London EC3R 7AA England
4390	Gulf Underwriters Insurance Company	9200 Watson Road St. Louis, MO 63101
4395	Hallmark Insurance Company, Inc.	Three Bala Plaza, East Suite 300 Bala Cynwyd, PA 19004
4410	Home Insurance Company of Illinois (N. H.)	286 Commercial Street Manchester, NH 03101-1138
4420	Houston Casualty Company	13403 Northwest Freeway Houston, TX 77040-6094
4425	ITT Pacific Insurance Company, Limited	Hartford Plaza Hartford, CT 06115
4427	Illinois Emcasco Insurance Company	815 Commerce Drive Oak Brook, IL 60521-1978
4430	Illinois Insurance Exchange	311 South Wacker Drive Suite 400 Chicago, IL 60606
4432	Illinois Union Insurance Company	8755 West Higgins Road Chicago, IL 60631
4438	Indemnity Marine Assurance Company Limited	St. Helen's 1 Undershaft London EC3P 3DQ England
4441	Indian Harbor Insurance Company	One Greenwich Plaza P. O. Box 2568 Greenwich, CT 06836-2568
4444	Insurance Company of North America (UK) Limited	Cigna House 8 Lime Street London EC3M 7NA England
4451	Interstate Fire & Casualty Company	55 East Monroe Street Chicago, IL 60603
4453	Investors Insurance Company of America	200 Schulz Drive Red Bank, NJ 07701-6741
4469	La Concorde Compagnie D'Assurances	5, rue de Londres 75009 Paris France
4471	Landmark American Insurance Company	9800 South Meridian Boulevard Englewood, CO 80112
4472	Landmark Insurance Company	777 South Figueroa Street Los Angeles, CA 90017
4475	Legion Indemnity Company	123 North Wacker Drive Chicago, IL 60606
4478	Lexington Insurance Company	1209 Orange Street Wilmington, DE 19801
4482	Liberty Mutual Insurance Company (UK) Limited	4th Floor, One Minster Court Mincing Lane London EC3R 7AA England
4489	Lincoln Insurance Company	1209 Orange Street Wilmington, DE 19801

<i>Key Number</i>	<i>Company Name</i>	<i>Statutory Home Office Address</i>
4492	Lloyd's (Underwriters at)	One Lime Street London EC3M 7HA England
4510	London and Edinburgh Insurance Company Limited	Excess House 13 Fenchurch Avenue London EC3M 5BT England
4530	Marine Insurance Company Limited	34/36 Lime Street London EC3M 7JE England
4540	Maritime Insurance Company Limited	P. O. Box 6 Surrey Street Norfolk NR1 3NS England
4565	Monticello Insurance Company	1209 Orange Street Wilmington, DE 19801
4575	Mt. Hawley Insurance Company	7400 College Boulevard Suite 330 Overland Park, KS 66210
4590	NAMIC Insurance Company, Inc.	3601 Vincennes Road Indianapolis, IN 46268
4598	National Fire & Marine Insurance Company	3024 Harney Street Omaha, NE 68131-3580
4605	Nautilus Insurance Company	7273 East Butherus Drive Scottsdale, AZ 85260
4626	Neumann Insurance Company	6021 South Syracuse Way Suite 205 Englewood, CO 80111-4747
4637	North American Capacity Insurance Company	650 Elm Street Manchester, NH 03101-2524
4645	Northern Assurance Company Limited	St. Helen's 1 Undershaft London EC3P 3DQ England
4652	Northfield Insurance Company	12935 North Forty Drive St. Louis, MO 63141
4665	Nutmeg Insurance Company	Hartford Plaza Hartford, CT 06115
4667	Ocean Marine Insurance Company Limited	St. Helen's 1 Undershaft London EC3P 3DQ England
4668	Old Republic Union Insurance Company	307 North Michigan Avenue Chicago, IL 60601
4700	Pacific Insurance Company	4201 Wilshire Boulevard Los Angeles, CA 90010
4710	Paradigm Insurance Company	2450 One Indiana Square Indianapolis, IN 46204
4720	Phoenix Assurance plc	1 Bartholomew Lane London EC2N 2AB England
4730	Preferred National Insurance Company	210 University Drive Suite 900 Coral Springs, FL 33071
4755	QBE International Insurance Limited	14 Fenchurch Avenue London EC3M 5BS England
4757	Realm National Insurance Company	125 Maiden Lane New York, NY 10038
4760	Reliance Insurance Company of Illinois	233 South Wacker Drive Suite 9220 Chicago, IL 60606
4787	Rock River Insurance Company	3400 80th Street Moline, IL 61265
4793	Royal Surplus Lines Insurance Company	500 Winding Brook Drive Glastonbury, CT 06033

<i>Key Number</i>	<i>Company Name</i>	<i>Statutory Home Office Address</i>
4802	SAFECO Surplus Lines Insurance Company	SAFECO Plaza Seattle, WA 98185
4804	SR International Business Insurance Company Limited	71-77 Leadenhall Street London EC3A 2PQ England
4806	St. Paul Reinsurance Company Limited	52 Lime Street London EC3M 7BS England
4807	St. Paul Surplus Lines Insurance Company	32 Loockerman Square Dover, DE 19901
4810	Savers Property & Casualty Insurance Company	700 West 47th Street Kansas City, MO 64112-1802
4816	Scottsdale Insurance Company	One Nationwide Plaza Columbus, OH 43215
4819	Sheffield Insurance Corporation	3760 River Run Drive Birmingham, AL 35243
4823	Skandia International Insurance Corporation	S-103 50 Stockholm Sweden
4840	Sphere Drake Insurance plc	52-54 Leadenhall Street London EC3A 2BJ England
4845	Steadfast Insurance Company	Suite 202 32 Loockermann Square Dover, DE 19901
4849	Stonewall Insurance Company	31 Inverness Center Parkway Suite 200 Birmingham, AL 35242
4860	Storebrand Skadeforsikring AS	P. O. Box 1380 Vika 0114 Oslo Norway
4870	TIG Specialty Insurance Company	444 Market Street San Francisco, CA 94111
4875	Terra Nova Insurance Company Limited	41/43 Mincing Lane London EC3R 7SP England
4880	Through Transport Mutual Insurance Association Limited	Windsor Place, Queen Street P. O. Box HM655 Hamilton HMCX Bermuda
4884	Tudor Insurance Company	91 Court Street Keene, NH 03431
4887	ULICO Indemnity Company	320 West Capital Street Suite 1000 Little Rock, AR 72201-3525
4889	Underwriters Indemnity Company	8 Greenway Plaza Suite 400 Houston, TX 77046
4890	Unionamerica Insurance Company Limited	The London Underwriting Centre 3 Minster Court, Mincing Lane London EC3R 7DD England
4893	U. S. Underwriters Insurance Company	316 North Fifth Street Sixth Floor Bismarck, ND 58501
4897	United Capitol Insurance Company	400 Perimeter Center Terrace Atlanta, GA 30346
4900	United Coastal Insurance Company	40 North Central Avenue Phoenix, AZ 85004
4925	Vanguard Underwriters Insurance Company	5810 East Skelly Drive Suite 700 Tulsa, OK 74135
4935	Voyager Indemnity Insurance Company	5950 Live Oak Parkway Suite 300 Norcross, GA 30093

<i>Key Number</i>	<i>Company Name</i>	<i>Statutory Home Office Address</i>
4950	WASA International (UK) Insurance Company Limited	WASA House 26/27 Regency Square Brighton, East Sussex BN12FX Eng- land
4955	Wausau General Insurance Company	901 Warrenville Road Suite 500 Lisle, IL 60532-4344
4957	Westchester Surplus Lines Insurance Company	Six Concourse Parkway Suite 2500 Atlanta, GA 30328-5346
4962	Western Heritage Insurance Company	6263 N. Scottsdale Road Suite 240 Scottsdale, AZ 85250
4963	Western Indemnity Insurance Company	820 Gessner Suite 1000 Houston, TX 77024
4966	Western World Insurance Company	91 Court Street Keene, NH 03431
4980	Yorkshire Insurance Company Limited	Pitheavlis Perth PH2 0NH Scotland
4985	ZC Specialty Insurance Company	400 West 15th Street Suite 7 Austin, TX 78701
4990	Zurich International (Bermuda) Ltd.	Crawford House 50 Cedar Avenue Hamilton HM 11 Bermuda
4995	Zurich Re (UK) Limited	The Zurich Building 90 Fenchurch Street London EC3M 4JX England

Since publication of the January 2, 1997 eligible surplus lines insurer list, the following significant changes have occurred:

<i>Additions:</i>	<i>(Key Number)</i>	<i>(Company Name)</i>	<i>(Date)</i>
	4150	Canal Indemnity Company	03/17/97
	4540	Maritime Insurance Company Ltd.	01/10/97
	4860	Storebrand Skadeforsikring AS	04/28/97
	4925	Vanguard Underwriters Insurance Company	04/10/97
	4935	Voyager Indemnity Insurance Company	04/21/97

GREGORY S. MARTINO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 97-1103. Filed for public inspection July 3, 1997, 9:00 a.m.]

Liberty Mutual Fire Insurance Company; Private Passenger Automobile Rate Revision

On June 19, 1997, the Insurance Department received from Liberty Mutual Fire Insurance Company a filing for a rate level change for private passenger automobile insurance.

The company requests an overall 1.9% increase amounting to \$1,991,000 annually, to be effective September 15, 1997.

Unless formal administrative action is taken prior to August 18, 1997, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Insurance Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Michael W. Burkett, Insurance Department, Office of Rate and Policy Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

GREGORY S. MARTINO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 97-1104. Filed for public inspection July 3, 1997, 9:00 a.m.]

Nationwide Mutual Insurance Company; Private Passenger Automobile Rate Revision

On June 20, 1997, the Insurance Department received from Nationwide Mutual Insurance Company a filing for

a rate level change for private passenger automobile insurance.

The company requests an overall 1.5% increase amounting to \$7.3 million annually, to be effective October 15, 1997.

Unless formal administrative action is taken prior to August 19, 1997, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Insurance Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Michael W. Burkett, Insurance Department, Office of Rate and Policy Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

GREGORY S. MARTINO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 97-1105. Filed for public inspection July 3, 1997, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Resale Agreement

A-310104F0002. Bell Atlantic-Pennsylvania, Inc. and ATX Telecommunications Services, Ltd. Joint Petition of Bell Atlantic-Pennsylvania, Inc. and ATX Telecommunications Services, Ltd. for Approval of a Resale Agreement under section 252(e) of The Telecommunications Act of 1996.

Bell Atlantic—Pennsylvania, Inc. and ATX Telecommunications Services, LTD, by its counsel, filed on June 17, 1997, at the Pennsylvania Public Utility Commission, a Joint Petition for approval of a Resale Agreement under section 252(e) 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 ATX Telecommunications Services, LTD 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) 787-7466.

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 97-1106. Filed for public inspection July 3, 1997, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth

have been filed with the Pennsylvania Public Utility Commission (Commission). Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before July 28, 1997 as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.

A-00114012 (Corrected). Terranova Funeral Home, Inc. (1248 South Broad Street, Philadelphia, Philadelphia County, PA 19146), a corporation of the Commonwealth of Pennsylvania—(1) funeral accessories between points in the city and county of Philadelphia and within an airline distance of 30 miles of City Hall in said city; (2) persons, attending funerals and flowers for funerals between points in the city and county of Philadelphia, and within an airline distance of 30 miles of City Hall in said city; and (3) persons attending weddings and christening parties to or from homes of wedding and christening services and churches or places at which marriage ceremonies or christening services are performed in the city and county of Philadelphia; which is to be a transfer of the rights authorized Anthony Patrone, Jr., under the certificate issued at A-00080623, subject to the same limitations and conditions.

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating as common carriers for transportation of persons as described under each application.

A-00114040. Robert P. Donnery, t/d/b/a Pocono Express Bus Company (4569 Briarcliff Terrace, Tobyhanna, Monroe County, PA 18466)—persons, in group and party service, between points in the counties of Monroe, Carbon, Pike and Northampton, and from points in said counties, to points in Pennsylvania, and return; subject to the following condition: that the transportation be performed in school bus-type equipment and van vehicles.

A-00114063. Fayetteville Volunteer Fire Department, Inc. (101 West Main Street, Fayetteville, Franklin County, PA 17222), a corporation of the Commonwealth of Pennsylvania—persons in paratransit service, between points in the counties of Cumberland, Franklin and Adams, and from points in said counties to points in Pennsylvania, and return, provided that service may be operated only in specially modified vehicles with wheelchair ramps, lifts or tie downs for the transportation of nonambulatory persons. *Attorney:* Raymond E. Rotz, 793 Broad Street, Chambersburg, PA 17201.

Applications of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under each application.

A-00111548, Folder 1, Am-A. Primo Limousine Co., Inc. (3100 Penn Avenue, Pittsburgh, Allegheny County, PA 15201)—persons in limousine service, in the counties of Butler, Washington, Westmoreland, Somerset and

Fayette, and from points in Allegheny County to points in the counties of Butler, Lawrence, Washington, Somerset, Fayette and Westmoreland, and return; and (2) persons, in limousine service, between points in Westmoreland County, and from points in said county, to points in Allegheny County, and return: *so as to permit* persons in limousine service: (1) from points in Allegheny County, to points in the counties of Beaver and Lawrence, and vice versa; and (2) between points in the counties of Beaver and Lawrence. *Attorney:* Bernard J. Sweer, 2510 Lawyers Building, Pittsburgh, PA 15219.

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 21, 1997.

- A-00114068 Mooks Corp., t/d/b/a Distribution Logistics Management 838 Braddock Avenue, Braddock, PA 15104; John A. Pillar, 1106 Frick Building, Pittsburgh, PA 15219
- A-00114069 Randy G. Yoder
R. R. 1, Box 1980D, Nescopeck, PA 18635
- A-00114070 Windsor Oaks Development Corporation
P. O. Box 176, Long Lane, Oley, PA 19547;
E. Kenneth Nyce, 105 East Philadelphia Avenue, Boyertown, PA 19512
- A-00114071 Macey Transfer & Storage, Inc.
P. O. Box 498, Falconer, NY 14733
- A-00114072 K & S Trucking, Inc.
452 Ice Plant Road, Loretto, PA 15940
- A-00114073 Jon B. Lafferty, t/d/b/a Jon Lafferty Trucking
R. D. 1, Box 376, Imler, PA 16655
- A-00114065 Ann Horomanski, t/d/b/a Horomanski Trucking
5409 Oak Avenue, Altoona, PA 16601
- A-00114074 Mickey Chapman, t/d/b/a Chapman Mobile Home Moving
339 Mack Road, West Sunbury, PA 16061;
Bruno A. Muscatello, Esquire, 228 South Main Street, Butler, PA 16001
- A-00114075 Brian Kudrick, t/d/b/a Kudrick Trucking
R. D. 1, Box 14 D, Barden Brook Road, Eldred, PA 16731
- A-00114076 Philip Eltz, t/d/b/a Clydesdale Farms
R. R. 1, Box 155 D, Pleasant Mount, PA 18453
- A-00114077 Creative Science Centers, Inc., t/d/b/a CSC Transport
6120 Trumbull Avenue, Detroit, MI 48208; David K. Tillman, Esquire, 150 West Jefferson, Suite 900, Detroit, MI 48266

A-00114078 South Main Trucking Company
1000 South Main Street, Greensburg, PA 15601; Jeri A. Simon, Esquire, Rose, Schmidt, Hasley & Disalle, P. C., 900 Oliver Building, Pittsburgh, PA 15222-2310

JOHN G. ALFORD,
Secretary

[Pa.B. Doc. No. 97-1107. Filed for public inspection July 3, 1997, 9:00 a.m.]

TURNPIKE COMMISSION

Request for Proposals

Sealed Proposals will be received by Jeffrey L. Hess, Purchasing Manager, at the Administration Building, Harrisburg-East Interchange near Highspire, PA (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676) and publicly opened and read at the date and time indicated below for the following Contract:

Contract No. 98-022-RL99—Bridge Joint Repairs, Deck Repairs, Resurfacing and Toll Plaza Approach Roadway Repairs of Delaware River Bridge, Structure No. PO.00, M. P. 358.80 and Median Barrier Repairs Bridge No. DB-243, M. P. 356.08 in Bucks County, PA

Bid Opening Date—July 29, 1997, 11 a.m.

Bid Surety—5%

Plans, Specifications and Contract Documents will be available and open to the public inspection at the Administration Building. Copies may be purchased upon payment of \$25 per set (DO NOT add state tax) by check or P. O. Money Order (NO CASH) to the Pennsylvania Turnpike Commission, Attention: Secretary-Treasurer's Office, P. O. Box 67676, Harrisburg, PA 17106-7676. No refund for any reason will be made for plans, specifications and contract documents.

A Prequalification Certification and Maximum Capacity Rating assigned by the Prequalification Committee of the Pennsylvania Department of Transportation is a necessary prerequisite for bidding on this project.

Contact the Purchasing Manager for listing of other locations where plans and specs can be inspected.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 97-1108. Filed for public inspection July 3, 1997, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". A qualified small business concern is an independently owned, operated for profit, business employing 100 or fewer employes and is not a subsidiary or affiliate of a corporation otherwise not qualified.

Such penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter. The small business concern must include on every invoice submitted to the Commonwealth: "(name of vendor) is a qualified small business concern as defined at 4 Pa. Code § 2.32".

For information on the required payment date and annual interest rate, please call the Pennsylvania Department of Commerce, Small Business Action Center, 483 Forum Building, 783-5700.

Reader's Guide

Legal Services & Consultation—26

- ① Service Code Identification Number
- ② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services
 Location: Harrisburg, Pa.
 Duration: 12/1/93-12/30/93
 Contact: Procurement Division
 787-0000

③ Contract Information

④ Department

⑦

⑤ Location

(For Commodities: Contact:)
 Vendor Services Section
 717-787-2199 or 717-787-4705

⑥ Duration

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

GET THAT COMPETITIVE EDGE—FOR FREE!

Do you want to do business with your state government? The Treasury Department's office of Contract Information Services can assist you by providing you with information that may be helpful to you in successfully bidding on State contracts.

Act 244 of 1980 requires Commonwealth departments and agencies to file with the Treasury Department a copy of all contracts involving an expenditure of \$5,000 or more.

These fully executed contracts usually contain the vendor's name, dollar value, effective and termination dates and contract specifications. Some contracts also include the names of other bidding vendors and the bid proposal compiled by the awarded vendor. There is a minimal cost for photocopying contracts.

Allow the Treasury Department to "make a difference for you." For contract information call the office of Contract Information Services TOLL-FREE (in Pennsylvania) at 1-800-252-4700 or (717) 787-4586. Or you may write or visit the office at Room G13, Finance Building, Harrisburg, Pa. 17120.

BARBARA HAFER,
State Treasurer

Online Subscriptions At <http://www.statecontracts.com> 1-800-334-1429 x340

Commodities

8206680 Chemicals and chemical products—4,000 gallons potassium acetate runway deicing fluid; 4,000 gallons potassium acetate runway deicing fluid.

Department: Transportation
Location: Middletown, Dauphin County, PA
Duration: FY 97/98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

8970270 Construction, mining, excavating and highway maintenance equipment—2 each flusher, pipe cleaner.

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 97/98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

8970540 Construction, mining, excavating and highway maintenance equipment—2 each breaker, backhoe, attachment.

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 97/98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1978156 Materials handling equipment—1 each CGP20 Clark Yardlift L P capacity 4,000 lbs.

Department: Historical and Museum Commission
Location: Harrisburg, Dauphin County, PA
Duration: FY 97/98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

8970590 Motor vehicles, trailers and cycles—2 each latest model trailer, 15 ton Tag-A-Along.

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 97/98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

8970610 Motor vehicles, trailers and cycles—6 each truck, dump Type II, retrofit; 6 each truck, dump Type IV retrofit.

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 97/98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

7284230 Paper and printing—4416 M General Gov't Treasury Check Form-3 Up; 96 M Public and Assist Treasury Check Form-3 up.

Department: Treasury
Location: Harrisburg, Dauphin County, PA
Duration: FY 97/98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

7313850 Paper and printing—3,360 labels, direct thermal size 3-1/2" x 1" x 1/8", 5,000 per roll, 1-1/2" core bushing, color white, rounded corners.

Department: Liquor Control Board
Location: Harrisburg, Dauphin County, PA
Duration: FY 97/98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1083117 Promotional items—30,000 each license plates to be blanked with tiger and cub design with optional future purchases.

Department: Correctional Industries
Location: Correctional Industries, Pittsburgh, Allegheny County, PA
Duration: FY 97/98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1073117 Textiles—100,000 yards elastic 1-1/4" width, woven, white with colored stripes blue and gold 82% polyester/18% lycra to be put on 50 yard rolls.

Department: Correctional Industries
Location: Correctional Industries, Graterford, Montgomery County, PA
Duration: FY 97/98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

1079117 Weapons and accessories—40 each Model 65 Smith and Wesson .357 Magnum caliber hand gun, 4 in. barrel.

Department: Corrections
Location: Graterford, Montgomery County, PA
Duration: FY 97/98
Contact: Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199

SERVICES

Audio/Video—04

0400-CP Contractor to provide cellular phones and air-time service for use in all counties of District 4-0. Contract will be for a 3 year period. Contact Gerald Pronko at (717) 963-4039 for bid package.

Department: Transportation
Location: District 4-0: Lackawanna, Luzerne, Pike, Susquehanna, Wayne and Wyoming Counties
Duration: 3 years
Contact: Gerald Pronko, (717) 963-4039

Computer Related Services—08

11097009 Contractor to provide approximately 20 Internet hookups, each to include 1 e-mail address and connection software. Contractor must bill as a single account on one invoice and provide a detailed breakdown of individual hookups. Contractor must provide technical support to set up and maintain. Service must have local access number for the 429 telephone exchange.

Department: Transportation
Location: Engineering District 11-0, 45 Thoms Run Road, Bridgeville, Collier Township, Allegheny County, PA
Duration: 12 months with renewal options
Contact: Eric Wolfe, (412) 429-5049

ITQ Program 081 The OA/Office of Information Technology is requesting vendors to submit a response to ITQ-Program to provide a wide variety of programming services to all requesting State agencies. Vendors will be pre-qualified through an Invitation to Qualify (ITQ) format and successful vendors will be placed on a Statewide programming services contract. Services will range from mainframe, mini and desktop technology.

Department: Office for Information Technology
Location: Statewide. Agencies will secure services from pre-qualified vendors identified through the ITQ format.
Duration: Initial 2 year with three 1 year extensions
Contact: Matthew F. Carey, (717) 772-8199

Construction Maintenance—09

080980 Pike County Group 4-97-MC7; Pike County Group 4-97-ST14; Susquehanna County Group 4-97-ST12; Wayne County Group 4-97-ST13; Perry County SR 274 (007); District Wide District 11-0 Driveway Adjust No. 8; Washington County SR 136 (A10); Westmoreland County Group 12-97-S15-3; Lackawanna County Group 4-97-ST16; Lackawanna County Group 4-97-ST15; Schuylkill County, Group 5-97-POC6C; Philadelphia County, SR 3023(01B); Allegheny County, SR 130(12M); Districtwide 6-0, Group 6-97-RWM-1.

Department: Transportation
Location: Districts 4-0, 8-0, 11-0, 12-0, 5-0, 6-0
Duration: FY 1996-97
Contact: V. C. Shah, (717) 787-5914

DGS A 960-78 Rebid Project title: Partial Roof Replacement. Brief description: replace roof with a 2-ply, mop and torch, modified bitumen membrane to include new metal work, insulation (2"), vented base sheet. Repair lightweight concrete and parapet wall as required. General construction. Plans deposit: \$25 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Any and all bulletins issued prior to June 27, 1997 are hereby canceled. Mail requests to: Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125, (717) 787-3923. Bid date: Wednesday, July 23, 1997 at 2 p.m.

Department: General Services
Location: Southeastern Pennsylvania Veterans Center, Spring City, Chester County, PA
Duration: 145 calendar days from date of initial job conference
Contact: Contract Bidding Unit, (717) 787-6556

Engineering Services—14

409-EQ Lock Haven University of Pennsylvania of the State System of Higher Education, will select a firm for the purpose of providing professional architectural and engineering services to satisfy a need for a comprehensive Master Plan for the University (Project 409-EQ). Interested professionals should obtain a Request For Proposals (RFP) from Todd Webber, Facilities Contract Manager, at Maintenance Department, Room 12, Lock Haven University, Lock Haven, PA 17745; Phone (717) 893-2019; E-Mail: twebber@eagle.lhup.edu. There is a preproposal meeting on July 24th, 1997, 11 a.m. in Price Auditorium. RFP's are due on August 7th, 1997, at 2 p.m. The System encourages responses from small firms, minority firms, women owned firms, and firms which have not previously worked for the System, and will consider joint ventures which will enable these firms to participate in System professional services contracts. Nondiscrimination and equal opportunity are the policies of the Commonwealth and the State System of Higher Education.

Department: State System of Higher Education
Location: Lock Haven University of PA, Campus, Lock Haven, PA 17745
Duration: Indeterminate 1996-97
Contact: Todd D. Webber, FAC, Contract Manager, (717) 893-2019

08430AG2083 To provide preliminary engineering, final design and construction consultation for S. R. 0079-A12, Group I bridges, Allegheny County.

Department: Transportation
Location: Engineering District 11-0
Duration: 36 calendar months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2084 To provide preliminary engineering, final design and construction consultation for S. R. 0079-A12, Group II bridges, Allegheny County.

Department: Transportation
Location: Engineering District 11-0
Duration: 36 months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2085 Statewide Open-End Contract for various structural and structures related engineering services for all types of major or unusual and complex bridges.

Department: Transportation
Location: Statewide
Duration: 60 months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2086 To provide supplementary construction inspection staff of approximately six inspectors, under the Department's Inspector-in-Charge, for construction inspection and documentation services on S. R. 1030, Section A06 (Donora Industrial Park Access Road) in Washington County, Engineering District 12-0.

Department: Transportation
Location: Engineering District 12-0
Duration: 8 months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2087 To provide supplementary construction inspection staff of approximately 15 inspectors, under the Department's Inspector-in-Charge, for construction inspection and documentation services on S. R. 0079, Section 10 (Marianna Interchange) in Washington County, Engineering District 12-0.

Department: Transportation
Location: Engineering District 12-0
Duration: 19 months
Contact: Consultant Agreement Division, (717) 783-9309

Food—19

5957 Miscellaneous foods for October, November, and December 1997. Specifications and delivery dates available upon request from Agency.

Department: Public Welfare
Location: Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300
Duration: October, November, and December 1997
Contact: Jack W. Heinze, (717) 772-7435

5958 Poultry and poultry products for October, November, and December 1997. Specifications and delivery dates available upon request from Agency.

Department: Public Welfare
Location: Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300
Duration: October, November, and December 1997
Contact: Jack W. Heinze, Purchasing Agent, (717) 772-7435

5959 Meat and meat products for October, November, and December 1997. Specifications and delivery dates available upon request from Agency.

Department: Public Welfare
Location: Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300
Duration: October, November, and December 1997
Contact: Jack W. Heinze, Purchasing Agent, (717) 772-7435

6933 Meat and meat products.

Department: Military and Veterans Affairs
Location: Hollidaysburg Veterans Home, Route 220 at Meadows Int., P. O. Box 319, Hollidaysburg, PA 16648-0319
Duration: September 1997
Contact: Becky Clapper, (814) 696-5210

No. 8271 Meat; commodities and quantities available from Purchasing Office, Ebensburg Center, Route 22 West, P. O. Box 600, Ebensburg, PA 15931. To be delivered in a refrigerated vehicle between 8 a.m. and 3 p.m.

Department: Public Welfare
Location: Ebensburg Center, Dietary Building, Route 22 West, P. O. Box 600, Ebensburg, Cambria County, PA 15931
Duration: For period: September 1997
Contact: Marilyn Cartwright, Purchasing Agent, (814) 472-0259

Janitorial Services—23

060197 Janitorial service for District 6-0 office building; service to include cleaning offices, windows, carpets, venetian blinds, bathrooms and miscellaneous areas. All requests for bid packages must be received via FAX at (610) 964-6668.

Department: Transportation
Location: District 6-0, District Office Building No. 100-5762, 200 Radnor-Chester Road, St. Davids, PA 19087-5178
Duration: 1 year with three 1 year renewals
Contact: Michael Masterson or Larry J. McCool, (610) 964-6664 or 6670

SP355231 Provide janitorial services at the Crawford County Assistance Office. This is a one-story office facility; floor space is approximately 18,500 square feet. Complete details and specifications may be obtained by contacting the Procurement Office.

Department: Public Welfare
Location: 1084 Water Street, Meadville, PA 16335
Duration: January 01, 1998—December 31, 2000 with two additional 1-year renewals
Contact: Lori Vessella, (717) 783-9281

SP355232 Provide janitorial service for the Warren County Assistance Office which is located on the State Hospital Grounds. Complete details and specifications may be obtained by contacting the Procurement Office.

Department: Public Welfare
Location: Stone Building No. 29, State Hospital Grounds, P. O. Box 397, Warren, PA 16365
Duration: January 01, 1998—December 31, 1998 with four additional 1-year renewals
Contact: Lori Vessella, (717) 783-9281

Lodging/Meeting—27

10-97-13 The Pennsylvania State Police is seeking a facility to conduct a 4-day conference in the State College area beginning September 16, 1997 and ending September 19, 1997. Must provide lodging rooms, meeting rooms, break refreshments, breakfast, lunch and dinner.

Department: State Police
Location: State College Area
Duration: September 16, 1997 through September 19, 1997
Contact: Margaret M. Chapman, P&S Division, (717) 783-5485

10-97-14 The Pennsylvania State Police is seeking a facility to conduct a conference within a 25 mile radius of Harrisburg beginning January 11 through January 16, 1998. Forty single lodging rooms are required per night (smoking and non-smoking). One large conference/meeting room to accommodate 40 people and two small breakout rooms for 20 people each. Buffet breakfast and lunch for 40 people from January 12 through 16, 1998 in separate rooms and break refreshments daily.

Department: State Police
Location: Within a 25 mile radius of Harrisburg, PA
Duration: January 11, 1998 through January 16, 1998
Contact: Margaret M. Chapman, P&S Division, (717) 783-5485

10-97-15 The Pennsylvania State Police is seeking a facility to conduct a conference in the Philadelphia, Bucks, Delaware or Montgomery county area beginning November 16 through November 21, 1997. Facility must be within 25 miles of the Philadelphia City limits. Sixty single lodging rooms per night (smoking and non-smoking). Two large conference/meeting rooms to accommodate 50 people each, two breakout rooms and one break room for 50 people each. Hot/cold buffet style breakfast and break refreshments daily and lunch for 55—100 people in a separate room.

Department: State Police
Location: Philadelphia, Bucks, Delaware, Montgomery county area within 25 miles of the Philadelphia City limits
Duration: November 16, 1997 through November 21, 1997
Contact: Margaret M. Chapman, P&S Division, (717) 783-5485

10-97-16 The Pennsylvania State Police is seeking a facility to conduct a conference in the Allegheny, Fayette, Westmoreland County area beginning November 2 through November 7, 1997. Sixty-five single lodging rooms per night are required (smoking and non-smoking). Two large conference/meeting rooms to accommodate 50 people, two breakout rooms and one break room for 50 people. Hot/cold buffet style breakfast and lunch for 55—100 people each from November 3 through 7, 1997 in a separate room and break refreshments daily.

Department: State Police
Location: Allegheny, Fayette or Westmoreland County, PA
Duration: November 2, 1997 through November 7, 1997
Contact: Margaret M. Chapman, P&S Division, (717) 783-5485

Personnel, Temp—31

L&I-09-97 Transcription services: contractor to provide transcribing services for transcription of multi-voice testimony previously recorded on cassette tapes at Unemployment Compensation Referee hearings, and to deliver daily, Monday through Friday, except State holidays, each day's transcript production and complete tapes, by 9 a.m. the next day to the Unemployment Compensation Board of Review, Appeals Processing, Room 1116 Labor and Industry Building, Harrisburg, PA. The Commonwealth will be responsible for delivery of tapes to the contractor's principal place of transcribing. Turnaround time (receipt of tape by contractor to completion of transcription) to be a maximum of 5 days.

Department: Labor and Industry
Location: Unemployment Compensation Board of Review—Statewide
Duration: October 01, 1997 through September 30, 2000 with one 1-year renewal option
Contact: Carol A. Shaffner, Secretary of the Board, (717) 787-5122

Real Estate Services—35

996A Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the PA State Police with 6,278 useable square feet of new or existing office/barracks space, in Berks County, PA, with minimum parking for 50 vehicles, within the following boundaries: along or near US Route 61, beginning at the Intersection of Route 61 and I-78 and extending for a distance of 1.5 miles North. Proposals due: September 8, 1997. Solicitation No.: 99506.

Department: General Services
Location: Real Estate, 505 North Office Building, Harrisburg, PA 17105
Duration: Indeterminate 1996-97
Contact: Doris Deckman or John A. Hocker, (717) 787-4394

010319 Provide professional appraisal services for various types of properties on projects in Engineering District 1-0; these projects being located in Erie County and include SR 4034-A50 and SR 4034-A50G. The appraiser must be Generally State Certified and be currently on the Department's Pre-Qualified Fee Appraiser and Consultant list.

Department: Transportation
Location: PennDOT District Office, 1140 Liberty Street, Franklin, PA 16323
Duration: July 01, 1997 to June 30, 2002
Contact: William R. Pixley, Chief Appraiser, (814) 437-4203

Sanitation-36

208 30 Cubic yard "roll off" rectangular dumpster to be used at the Polk Center. Estimate: 12 loads yearly.

Department: Public Welfare
Location: Polk Center, Polk, Venango County, PA 16342
Duration: September 1, 1997 through August 31, 2000
Contact: Patty Frank, Purchasing Agent, (814) 432-0397

0640 Pickup and disposal of trash from stockpiles in Montgomery County. Vendor to supply one 6 cubic yard dumpster at each location. Location of stockpiles: (11) Skippack—approximately 3 miles west of Skippack on Route 73; (14) Sanatoga—at Sanatoga exit off of Route 422; (15) Black Rock—on upper Indian Head Road, Oaks exit off of Route 422; (16) Red Hill—on Route 29, Borough of Red Hill; (22) 309—on Route 309 Northbound past Springhouse exit. All requests for bid packages must be received FAX at (610) 270-1520 or call (610) 275-2368.

Department: Transportation
Location: See above
Duration: 1 year with four 1-year renewals
Contact: Susan M. Bailey, (610) 275-2368

4610-001 To provide refuse and trash removal service for the Department of Transportation Equipment Division, 17th and Arsenal Boulevard, Harrisburg, PA. Service will consist of two 8 cubic yard containers emptied weekly. Detailed requirements and an SPPC are available upon request. FAX requests to Phyllis Dietrich at (717) 783-4438.

Department: Transportation
Location: 17th and Arsenal Boulevard, Harrisburg, PA
Duration: October 01, 1997 through September 30, 2002
Contact: Phyllis Dietrich, (717) 787-3959

Vehicle, Heavy Equipment—38

0800 The PA Department of Transportation intends to rent on an as-needed basis, the following described equipment: truck mounted mobile mixer concrete batch plant.

Department: Transportation
Location: The following District 8-0 counties: Adams, Cumberland, Franklin, York, Dauphin, Lancaster, Lebanon and Perry
Duration: August 25, 1997 to August 24, 2000
Contact: R. A. Wiest, (717) 783-0443

5-037 District 05 anticipates placing under rental agreement the following items: truck and truck combinations with plow and spreader, loaders, graders, tractor mounted snow blowers, truck mounted snow blowers, conveyors and other miscellaneous equipment.

Department: Transportation
Location: Berks, Carbon, Lehigh, Monroe, Northampton, Schuylkill counties, PA
Duration: November 01, 1997 to April 30, 2000
Contact: Curtis Fratamico, (610) 798-4181

2-0-00341 The Pennsylvania Department of Transportation will be renting the following snow removal and standby equipment for the 97-98 winter season. Trucks, plows, and spreaders, standby loaders, and material elevator. This equipment will be bid and used at various county locations within Engineering District 0200.

Department: Transportation
Location: Various locations within District 0200
Duration: November 1, 1997 to April 30, 2000
Contact: Grover C. Beightol, (814) 765-0492

Miscellaneous—39

ME No. 70048, RFP No. 1997-01 The contractor will be required to provide Middle States accredited vocational or business related educational program services to inmates at the State Correctional Institution at Albion leading to Certificates of Specialization in the following areas: Business Management; Accounting; Management Information Systems; Advanced Business Management; Electrical Construction; and/or Plumbing and Heating Technology.

Department: Education
Location: Bureau of Correction Education, State Correctional Institution-Albion, 10745 Route 18, Albion, PA 16475-0001
Duration: October 01, 1997—June 30, 2002
Contact: Harold Heckler, Project Director, (814) 756-5778

ME No. 70049, RFP No. 1997-02 The contractor will be required to provide Middle States accredited vocational or business related educational program services to inmates at the State Correctional Institution at Cambridge Springs leading to Certificates of Specialization in the following areas: Business Management, Management Information Systems, Advanced Business Management, Electrical Construction, and/or Plumbing and Heating Technology.

Department: Education
Location: Bureau of Correction Education, State Correctional Institution-Cambridge Springs, Fullerton Avenue, Cambridge Springs, PA 16403-1229
Duration: October 01, 1997—June 30, 2002
Contact: Harold Heckler, Project Director, (814) 398-5400

ME No. 70050, RFP No. 1997-03 The contractor will be required to provide Middle States accredited vocational or business related educational program services to inmates at the State Correctional Institution at Cresson leading to Certificates of Specialization in the following areas: Business Management, Office Management, and/or Microcomputers.

Department: Education
Location: Bureau of Correction Education, State Correctional Institution-Cresson, P. O. Box A, Old Route 22, Cresson, PA 16699-0001
Duration: October 01, 1997—June 30, 2002
Contact: Richard Bayer, Project Director, (814) 946-6977

ME No. 70051, RFP No. 1997-04 The contractor will be required to provide Middle States accredited vocational or business related educational program services to inmates at the State Correctional Institution at Greensburg leading to Certificates of Specialization in the following areas: Business Management and/or Office Management.

Department: Education
Location: Bureau of Correction Education, State Correctional Institution-Greensburg, R. D. 10, Box 10, Route 119 South, Greensburg, PA 15601
Duration: October 01, 1997—June 30, 2002
Contact: Pete Baumhardt, Project Director, (412) 837-4397

ME No. 70052, RFP No. 1997-05 The contractor will be required to provide Middle States accredited vocational or business related educational program services to inmates at the State Correctional Institution at Houtzdale leading to Certificates of Specialization in the following areas: Business Management; Heating, Ventilating, and Air Conditioning Technology; and/or Computer Repair.

Department: Education
Location: Bureau of Correction Education, State Correctional Institution-Houtzdale, P. O. Box 1000, State Route 2007, Houtzdale, PA 16698-1000
Duration: October 01, 1997—June 30, 2002
Contact: James Hudack, School Principal, (814) 378-1000

ME No. 70053, RFP No. 1997-06 The contractor will be required to provide Middle States accredited vocational or business related educational program services to inmates at the State Regional Correctional Facility at Mercer leading to Certificates of Specialization in the following areas: Business Management; Management Information Systems; Accounting; and/or Electrical Construction.

Department: Education
Location: Bureau of Correction Education, State Regional Correctional Facility-Mercer, 801 Butler Pike, Mercer, PA 16137-9651
Duration: October 01, 1997—June 30, 2002
Contact: Catherine Morelli, Project Director, (412) 662-1837

ME No. 70054, RFP No. 1997-07 The contractor will be required to provide Middle States accredited vocational or business related educational program services to inmates at the State Correctional Institution at Somerset leading to Certificates of Specialization in the following areas: Business Management and/or Office Management.

Department: Education
Location: Bureau of Correction Education, State Correctional Institution-Somerset, 1590 Walters Mill Road, Somerset, PA 15501-5103
Duration: October 01, 1997—June 30, 2002
Contact: Pete Baumhardt, Project Director, (814) 443-8100

[Pa.B. Doc. No. 97-1109. Filed for public inspection July 3, 1997, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,
Secretary

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
0018-03	07/01/97	Williams & Heintz Map Corp.	64,338.80
0042-03	07/01/97	Moore Business Forms and Systems	704,319.20
0048-03	07/01/97	Colony Papers, Inc.	20,850.00
0048-03	07/01/97	Multi Graphic Business Systems	20,850.00
0048-03	07/01/97	Duplex Products, Inc.	20,850.00
0048-03	07/01/97	Moore Business Forms and Systems Div.	20,850.00
0048-03	07/01/97	Progressive Forms and Labels Syds.	20,850.00
0048-03	07/01/97	Globe Ticket and Label Co.	20,850.00
1013117-01	06/23/97	PA Police Supply	5,707.90
1013117-02	06/23/97	Firing Line, Inc.	4,987.50
1017117-01	06/23/97	Independent Hardware, Inc.	9,296.88
1065157-01	06/20/97	Griffin Motor Co.	28,424.00
1604386-01	06/20/97	Scott Plastics Ltd.	15,148.00
1716226-01	06/20/97	Pymatuning Boat Sales	11,678.10
1754116-01	06/20/97	Wellco Equipment	11,522.00
1811116-01	06/20/97	Lock Equipment Company	5,684.80
1826216-01	06/20/97	Crown Lift Trucks	16,669.00
1847116-01	06/20/97	Todd Devin Food Equip.	9,188.00
1869256-01	06/20/97	Phillips Office Products, Inc.	9,890.00
1872116-01	06/20/97	Gloekler Refrigerator Co.	16,895.00

Requisition or Contract #	Awarded On	To	In the Amount Of
1875156-01	06/23/97	Research Technology International	15,520.00
1875156-02	06/23/97	Pierce-Phelps, Inc.	1,385.00
1881116-01	06/20/97	Safeguards Technology, Inc.	377,982.50
1926116-01	06/20/97	Trew Co., Inc.	8,191.00
1944116-01	06/20/97	Tile City Stores, Inc.	15,999.93
1944116-02	06/20/97	Continental Flooring Company	13,612.50
1953206-01	06/20/97	Gamma Promotions	19,460.00
1957076-01	06/23/97	United Electric Supply Co.	28,480.00
1969186-01	06/20/97	Keith Whitman Marketing	15,340.00
1971206-01	06/20/97	Mauney Hosiery Mills, Inc.	15,704.50
1976116-01	06/20/97	Edward Don & Co.	26,011.70
1980116-01	06/20/97	Duff Supply Company	1,178.71
1980116-02	06/20/97	Cooney Brothers, Inc.	8,980.33
1980116-03	06/20/97	Hajoca Corporation	394.10
1980116-04	06/20/97	Deacon Industrial Supply Co., Inc.	1,778.98
1980116-04	06/20/97	Deacon Industrial Supply Co., Inc.	1,778.98
1984156-01	06/20/97	Troemner, Inc.	6,250.00
1990206-01	06/23/97	Safety League, Inc.	135,675.00
2008116-01	06/20/97	Allegheny Fence Const., Inc.	10,640.00
2550-07	07/01/97	Sunbury Motor Co.	67,500.00
3830-01	07/01/97	Valk Mfg. Co.	708,450.00
3830-01	07/01/97	Winter Equipment Co.	151,430.00
3830-01	07/01/97	Kennametal, Inc.	762,111.50
3830-01	07/01/97	G. C. Castings	21,975.00
6840-03	06/30/97	Ecolab, Inc.	21,725.60

STATE CONTRACT INFORMATION

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Requisition or Contract #	Awarded On	To	In the Amount Of
6840-03	06/30/97	National Chemical Lab of PA, Inc.	105,963.00
6840-03	06/30/97	Resourcenet Internat- ional	154,406.89
7110-01 Supplement No. 1	07/01/97	Direct Line	5,000.00
7440-01 Rebid in Part No. 1	07/01/97	Media Recov- ery, Inc.	2,000.00
7450-02 Rebid in Part No. 1	07/01/97	HH Beam	9,000.00
7930-08	07/01/97	Dynasurf Chemical Corp.	10,000.00
7930-08	07/01/97	D. H. Bertenthal & Sons	20,000.00
7930-08	07/01/97	Ecolab, Inc.	30,000.00
7930-08	07/01/97	Camden Bag and Paper Company	10,000.00
7930-08	07/01/97	Eagle Janito- rial Supply Co.	20,000.00
7930-08	07/01/97	Desantis Jani- tor Supply Co.	20,000.00
7930-08	07/01/97	Resourcenet Internat- ional	10,000.00
7930-08	07/01/97	Galer & Hults, Inc.	10,000.00
7930-08	07/01/97	Quaker City Paper	10,000.00

Requisition or Contract #	Awarded On	To	In the Amount Of
8110-01	07/01/97	Can Corpora- tion of America	400,517.00
8141210-01	06/20/97	Foster Grad- ing Co.	397,018.65
8503710-01	06/20/97	Eastern Shore Concrete Products LLC	9,984.00
8503850-01	06/20/97	Wharton Hardware and Supply	6,865.00
8503850-02	06/20/97	Emsco Group	16,128.00
8970050-01	06/20/97	Groff Tractor and Equip- ment, Inc.	188,200.00
8970170-01	06/20/97	Tenco USA, Inc.	266,572.00
8970250-01	06/20/97	Winner Group, Inc.	119,665.00
9905-08	07/01/97	Eastern Metal Elmira, Inc.	227,033.80
9905-08	07/01/97	Detronics Lim- ited	142,650.00
9905-13	06/30/97	Keystone Sign Supply, Inc.	31,482.50
9905-13	06/30/97	William Graphics, Inc.	248,933.00

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 97-1110. Filed for public inspection July 3, 1997, 9:00 a.m.]