

# PENNSYLVANIA BULLETIN

Volume 26 Number 17  
Saturday, April 27, 1996 • Harrisburg, Pa.  
Pages 1975—2080

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**No. 257, April 1996**

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**PENNSYLVANIA**

**BULLETIN**

(ISSN 0162-2137)

published weekly by Fry Communications, Inc. for the Commonwealth of Pennsylvania, Legislative Reference Bureau, 647 Main Capitol Building, State & Third Streets, Harrisburg, Pa. 17120, under the policy supervision and direction of the Joint Committee on Documents pursuant to Part II of Title 45 of the Pennsylvania Consolidated Statutes (relating to publication and effectiveness of Commonwealth Documents). Subscription rate \$75 per year, postpaid to points in the United States. Individual copies \$2. Checks for subscriptions and individual copies should be made payable to "Fry Communications, Inc." Second class postage paid at Harrisburg, Pennsylvania.

Postmaster send address changes to:

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

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

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

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ISBN 0-8182-0004-9

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

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

## ***Pennsylvania Bulletin***

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

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

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

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

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

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

**Printing Format**

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

**Fiscal Notes**

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

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

# List of Pa. Code Chapters Affected

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# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CHS. 85 AND 89]

#### Amendments to the Rules of Organization and Procedure of The Disciplinary Board of the Supreme Court of Pennsylvania; Doc. R-108

##### Order No. 48

Adopting Amendments to the Rules and Procedures of the Board relating to Recusal and Reinstatement

In this Order, The Disciplinary Board of the Supreme Court of Pennsylvania is adopting amendments to its Rules of Organization and Procedure relating to the procedures for (i) recusal of members of the Board or a hearing committee or a special master and (ii) reinstatement of formerly admitted attorneys.

Pa.R.D.E. 220 provides for the recusal of members of the Board or hearing committees or special masters under certain circumstances. The amendment to 204 Pa. Code § 85.11 being adopted by this Order establishes the procedures to be followed when such a motion is made.

Pa.R.D.E. 208(g)(1) provides that when the expenses of a formal proceeding are taxed against a respondent-attorney the expenses must be paid within 30 days after the entry of the order taxing the expenses. Pa.R.D.E. 531 provides that a respondent-attorney may not be reinstated until the Lawyers Fund for Client Security has been reimbursed for any disbursements it has made as a result of the conduct of the respondent-attorney. Notwithstanding those rules, the Board has encountered situations where formerly admitted attorneys have sought reinstatement before the taxed costs have been paid or the Lawyers Fund for Client Security has been reimbursed. This Order is accordingly amending several provisions of the Rules of the Board to provide expressly that reinstatement may not be sought until all taxed costs have been paid and reimbursement has been made.

A Notice of Proposed Rulemaking regarding the changes being adopted by this Order was published in the *Pennsylvania Bulletin* on January 22, 1996. No comments were received in response.

The Disciplinary Board of the Supreme Court of Pennsylvania hereby finds that the amendments to the Rules of Organization and Procedure of the Board adopted hereby are not inconsistent with the Pennsylvania Rules of Disciplinary Enforcement and are necessary and appropriate for the administration of the affairs of the Board.

The Board, acting pursuant to Rule 205(c)(10) of the Pennsylvania Rules of Disciplinary Enforcement, orders:

- (1) Title 204 of the *Pennsylvania Code* is hereby amended as set forth in Annex A hereto.
- (2) The Secretary of the Board shall duly certify this Order, and deposit the same with Administrative Office of Pennsylvania Courts as required by Pa.R.J.A. 103(c).

(3) The amendments adopted hereby shall take effect upon publication in the *Pennsylvania Bulletin* and shall apply to all disciplinary proceedings thereafter commenced and, insofar as just and practical, to proceedings pending at the time.

(4) This order shall take effect immediately.

*By The Disciplinary Board of the Supreme Court of Pennsylvania*

ELAINE BIXLER,  
*Secretary*

### Annex A

#### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART V. PROFESSIONAL ETHICS AND CONDUCT

#### Subpart C. DISCIPLINARY BOARD OF THE SUPREME COURT OF PENNSYLVANIA

#### CHAPTER 85. GENERAL PROVISIONS

#### § 85.11. Recusal.

\* \* \* \* \*

(b) *Procedure for recusal.* Enforcement Rule 220(b) provides that a motion to disqualify a member of the Board or of a hearing committee or a special master shall be made in accordance with these rules, but the making of such a motion shall not stay the conduct of the proceedings or disqualify the challenged member or special master pending disposition of the motion. **The procedures applicable to a motion for recusal shall be as follows:**

- (1) **The motion shall be filed and served in accordance with Subchapter 89A (relating to preliminary provisions).**
- (2) **In the case of a motion to disqualify a member of a hearing committee or special master, the motion must be filed within 15 days after the party filing the motion has been given notice of the referral of the matter to the hearing committee or special master.**
- (3) **The motion shall be ruled upon by the challenged member or special master.**
- (4) **An interlocutory appeal from the decision on the motion, which appeal shall be ruled upon by the Board Chairman, may be filed within five days after the decision on the motion.**

#### CHAPTER 89. FORMAL PROCEEDINGS

#### Subchapter F. REINSTATEMENT AND RESUMPTION OF PRACTICE

#### REINSTATEMENT OF FORMERLY ADMITTED ATTORNEYS

#### § 89.272. Waiting period.

\* \* \* \* \*

(b) *Premature petitions.* Unless otherwise provided in an order of suspension or disbarment, the Board will not entertain a petition for reinstatement filed more than nine months prior to the expiration of the period set forth in subsection (a), or of the suspension, as the case may be. **The Board will also not entertain a petition for**

reinstatement filed before the formerly admitted attorney has paid in full any costs taxed under § 89.209 (relating to expenses of formal proceedings) and has made any required restitution to the Lawyers Fund for Client Security under Enforcement Rule 531 (relating to restitution a condition for reinstatement).

\* \* \* \* \*

§ 89.273. Procedures for reinstatement.

\* \* \* \* \*

(b) Attorneys suspended for less than one year: Enforcement Rule 218(f) provides that:

\* \* \* \* \*

(3) A verified statement may not be filed under paragraph (1) until the formerly admitted attorney has paid in full any costs taxed under § 89.209 (relating to expenses of formal proceedings) and has made any required restitution to the Lawyers Fund for Client Security under Enforcement Rule 531 (relating to restitution a condition for reinstatement).

\* \* \* \* \*

§ 89.274. Notice of reinstatement proceedings.

(a) General rule. The Office of the Secretary shall forward a copy of the petition for reinstatement and Form DB-30 (Reference for Reinstatement Hearing) to:

\* \* \* \* \*

(6) The Executive Director of the Lawyers Fund for Client Security.

\* \* \* \* \*

§ 89.275. Completion of questionnaire by respondent-attorney.

(a) General rule. If the petition for reinstatement does not have attached thereto a fully completed Form DB-36 (Reinstatement Questionnaire), the Office of the Secretary shall forward to the formerly admitted attorney four copies of Form DB-36 which shall require such attorney to set forth fully and accurately the following information and such other information as the Office of Disciplinary Counsel may require:

\* \* \* \* \*

(16) An itemization of any costs taxed under § 89.209 (relating to expenses of formal proceedings) and any required restitution to the Lawyers Fund for Client Security under Enforcement Rule 531 (relating to restitution a condition for reinstatement), and a statement that all of those amounts have been paid in full.

(17) A concise statement of facts claimed to justify reinstatement to the bar of this Commonwealth.

\* \* \* \* \*

[Pa.B. Doc. No. 96-665. Filed for public inspection April 26, 1996, 9:00 a.m.]

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

[210 PA. CODE CH. 3]

Amendments to Rule 311; No. 100; Doc. No. 1

Order

Per Curiam:

And Now, this 10th day of April, 1996, the amendments to Rule 311 of the Pennsylvania Rules of Appellate Procedure and the Note to Rule 311 are adopted as follows.

This order shall be processed in accordance with Rule 103(b), Pa.R.J.A. and shall become effective April 27, 1996.

Annex A

TITLE 210. APPELLATE PROCEDURE
PART I. RULES OF APPELLATE PROCEDURE
ARTICLE I. PRELIMINARY PROVISIONS
CHAPTER 3. ORDERS FROM WHICH APPEALS MAY BE TAKEN

INTERLOCUTORY APPEALS

Rule 311. Interlocutory Appeals as of Right.

(a) General rule. [ Except as otherwise prescribed by general rule, an ] An appeal may be taken as of right and without reference to Pa.R.A.P. 341(c) from:

\* \* \* \* \*

(2) Attachments, etc. An order confirming, modifying or dissolving or refusing to confirm, modify or dissolve an attachment, custodianship, receivership or similar matter affecting the possession or control of property, except for [ attachments pursuant to Sections 401(c) and 403 (a) of the Divorce Code, Act of April 2, 1980, P. L. 63, 23 P. S. §§ 401(c) and 403(a) ] orders pursuant to Sections 3323(f) and 3505(a) of the Divorce Code, 23 Pa.C.S. §§ 3323(f) and 3505(a).

\* \* \* \* \*

(4) Injunctions. An order granting, continuing, modifying, refusing or dissolving injunctions, or refusing to dissolve or modify injunctions, except for injunctions pursuant to [ Sections 401(c) and 403(a) of the Divorce Code, Act of April 2, 1980, P. L. 63, 23 P. S. §§ 401(c) and 403(a) ] Sections 3323(f) and 3505(a) of the Divorce Code, 23 Pa.C.S. §§ 3323(f) and 3505(a). A decree nisi granting or denying an injunction is not appealable as of right under this rule, unless the decree nisi (i) grants an injunction effective upon the entry of a decree nisi or (ii) dissolves a previously granted preliminary injunction effective upon the entry of a decree nisi.

(5) Peremptory judgment in mandamus. An order granting peremptory judgment in mandamus.

[ (5) ] (6) \*\*\*

[ (6) ] (7) \*\*\*

[ (7) ] (8) \*\*\*

\* \* \* \* \*

(d) *Commonwealth Appeals in Criminal Cases.* In a criminal case, under the circumstances provided by law, the Commonwealth may take an appeal as of right from an order that does not end the entire case [ **but** ] where the Commonwealth [ **asserts** ] **certifies in the notice of appeal** that the order will terminate or substantially handicap the prosecution.

\* \* \* \* \*

*The official Note to Rule 311 is rescinded and replaced with the following:*

**Official Note: Authority—This rule implements 42 Pa.C.S. § 5105(c) (interlocutory appeals), which provides:**

(c) **Interlocutory appeals.** There shall be a right of appeal from such interlocutory orders of tribunals and other government units as may be specified by law. The governing authority shall be responsible for a continuous review of the operation of section 702(b) (relating to interlocutory appeals by permission) and shall from time to time establish by general rule rights to appeal from such classes of interlocutory orders, if any, from which appeals are regularly allowed pursuant to section 702(b).

The appeal rights under this rule, and under Rule 312 (interlocutory appeals by permission), Rule 313 (collateral orders), Rule 341 (final orders generally), and Rule 342 (final distribution orders), are cumulative; and no inference shall be drawn from the fact that two or more rules may be applicable to an appeal from a given order.

**Subdivision (a)—If an order falls under Rule 311, an immediate appeal may be taken as of right simply by filing a notice of appeal. The procedures set forth in Rules 341(c) and 1311 do not apply to an appeal under Rule 311.**

**Subdivision (a), Paragraph (a)(1) (Affecting judgments)—The 1989 amendment to paragraph (a)(1) eliminated interlocutory appeals of right from orders opening, vacating, or striking off a judgment while retaining the right of appeal from an order refusing to take any such action.**

**Paragraph (a)(2) (Attachments, etc.)—The 1987 Amendment to paragraph (a)(2) is consistent with appellate court decisions disallowing interlocutory appeals in matrimonial matters. *Fried v. Fried*, 509 Pa. 89, 501 A.2d 211 (1985); *O'Brien v. O'Brien*, 359 Pa. Super. 594, 519 A.2d 511 (1987).**

**Paragraph (a)(3) (Change of criminal venue or venire)—Under prior practice, either a defendant or the Commonwealth could appeal an order changing venue. See former Pa.R.Crim.P. 311(a) (Third sentence) before amendment of June 29, 1977, 471 Pa. XLIV. An order refusing to change venue is not appealable. *Commonwealth v. Swanson*, 424 Pa. 192, 225 A.2d 231 (1967). This rule makes no change in existing practice.**

**Change of venire is authorized by 42 Pa.C.S. § 8702 (impaneling jury from another county). Pa.R.Crim.P. 312 (motion for change of venue or change of venire) treats changes of venue and venire the same. Thus an order changing venire is appealable by the defendant or the Commonwealth, while an order refusing to change venire is not.**

See also Rule 903(c)(1) regarding time for appeal.

**Paragraph (a)(4) (Injunctions)—The 1987 amendment to paragraph (a)(4) is consistent with appellate court decisions disallowing interlocutory appeals in matrimonial matters. *Fried v. Fried*, 509 Pa. 89, 501 A.2d 211 (1985); *O'Brien v. O'Brien*, 359 Pa. Super. 594, 519 A.2d 511 (1987).**

The 1996 amendment to paragraph (a)(4) reconciled two conflicting lines of cases by adopting the position that generally an appeal may not be taken from a decree nisi granting or denying a permanent injunction. *Humphreys v. Cain*, 84 Pa. Cmwlth. 222, 474 A.2d 353 (1984). To the extent that *Agra Enterprises Inc. v. Brunozzi*, 302 Pa. Super. 166, 170, 448 A.2d 579, 581 (1982); *Martin Industrial Supply Corp. v. Riffert*, 366 Pa. Super. 89, 91, 530 A.2d 906, 907 (1987); *Bolus v. Ryder Truck Rental, Inc.*, 258 Pa. Super. 387, 388, 517 A.2d 995, 996 (1986); *Commonwealth ex. rel. Lewis v. Allowill Realty Corp.*, 330 Pa. Super. 32, 35, 478 A.2d 1334, 1336 (1984); and *Neshaminy Constructors, Inc. v. Philadelphia, Pennsylvania Building and Construction Trades Council, AFL-CIO*, 303 Pa. Super. 420, 422 n.1, 449 A.2d 1389, 1390 n.1 (1982) permit an immediate appeal from a decree nisi granting or denying prospective injunctive relief, they are overruled.

The 1996 amendment to paragraph (a)(4) simultaneously recognized two exceptions to the non-appealability of a decree nisi; these exceptions, identified as phrases (a)(4)(i) and (ii), permit an appeal from a decree nisi if the order has the immediate effect of changing the status quo. Thus, if the decree nisi grants or denies permanent injunctive relief to become effective when the decree nisi is made final, no appeal is possible. If, however, the decree nisi provides for permanent injunctive relief upon entry of the decree nisi, or strikes a previously granted preliminary injunction upon entry of the decree nisi, the decree nisi is appealable pursuant to phrase (a)(4)(i) or (ii).

**Paragraph (a)(5) (Peremptory judgment in mandamus)—Paragraph (a)(5), added in 1996, authorizes an interlocutory appeal as of right from an order granting a motion for peremptory judgment in mandamus without the condition precedent of a motion to open the peremptory judgment in mandamus. Under prior practice established in *Hamby v. Stoe*, 448 Pa. 483, 295 A.2d 309 (1972), an order granting peremptory judgment in mandamus was not appealable; only the order denying a motion to open the peremptory judgment in mandamus was appealable. The 1996 amendment eliminated the need to move to open. The January 1, 1996 amendment to Pa.R.C.P. 1098 eliminates the former practice of filing a petition to open a peremptory judgment in mandamus. The 1996 amendment overrules *Hamby v. Stoe* and other decisions that quashed appeals that were taken from the peremptory judgment in mandamus rather than the order denying the motion to open the judgment, e.g., *Butler v. Emerson*, 76 Pa. Cmwlth. 156, 463 A.2d 109 (1983); *Mertz v. Lakatos*, 21 Pa. Cmwlth. 291 (1975); *Ellenbogen v. Larsen*, 16 Pa. Cmwlth. 353, 328 A.2d 587 (1974). An order denying a motion for peremptory judgment in mandamus remains unappealable.**

**Paragraph (a)(8) (Other cases)—Paragraph (a)(8) is directed primarily to statutes and general rules hereafter enacted or promulgated. The current text**

of the Pennsylvania Rules of Civil Procedure, the Pennsylvania Rules of Criminal Procedure, etc., should be consulted to identify any interlocutory appeal rights provided for therein. See also, e.g., 42 Pa.C.S. § 7320 (appeals from court orders), concerning appeals from certain orders in nonjudicial arbitration proceedings, which section is not suspended by these rules. See Rule 5102(a) (Judicial Code unaffected).

**Subdivision (b) (Order sustaining venue or personal or in rem jurisdiction)**—Subdivision (b) is based in part on the Act of March 5, 1925, P. L. 23 (order ruling on question of jurisdiction). The term “civil action or proceeding” is broader than the term “proceeding at law or in equity” under the prior practice and is intended to include orders entered by the orphans’ court division. Cf. In the Matter of Phillips, 471 Pa. 289, 370 A.2d 307 (1977).

In paragraph (b)(1), a plaintiff is given a qualified (because it can be overridden by petition for and grant of permission to appeal under Rule 312 (interlocutory appeals by permission)) option to gamble that the venue of the matter or personal or in rem jurisdiction will be sustained on appeal. Paragraph (g)(ii) provides that if the plaintiff timely elects final treatment, the failure of the defendant to appeal constitutes a waiver. The appeal period under Rule 903 (time for appeal) ordinarily runs from the entry of the order, and not from the date of filing of the election, which procedure will ordinarily afford at least 20 days within which to appeal. See Rule 903(c) as to treatment of special appeal times. If the plaintiff does not file an election to treat the order as final, the case will proceed to trial unless (1) the trial court makes a finding under Paragraph (b)(2) of the existence of a substantial question of jurisdiction and the defendant elects to appeal, (2) an interlocutory appeal is permitted under Rule 312 or (3) another basis for appeal appears, e.g., under paragraph (a)(1), and an appeal is taken. Presumably a plaintiff would file such an election where he desires to force the defendant to decide promptly whether the objection to venue or jurisdiction will be seriously pressed. Subdivision (b) does not cover orders that do not sustain jurisdiction because they are, of course, final orders appealable under Rule 341.

**Subdivision (b)(2) (Substantial issue of venue or jurisdiction)**—The 1989 amendment to paragraph (b)(2) permits an interlocutory appeal as of right where the trial court certifies that a substantial question of venue is present. This eliminated an inconsistency formerly existing between subdivision (b) and paragraph (b)(2).

**Subdivision (c) (Changes of venue, etc.)**—Subdivision (c) is based in part on the act of March 5, 1925 (P. L. 23, No. 15) (order ruling on question of jurisdiction). The term “civil action or proceeding” is broader than the term “proceeding at law or in equity” under the prior practice and is intended to include orders entered by the orphans’ court division. Cf. In the Matter of Phillips, 471 Pa. 289, 370 A.2d 307 (1977).

Subdivision (c) covers orders that do not sustain venue, e.g., orders under Pa.R.C.P. 1006(d) and (e).

However, the subdivision does not relate to a transfer under 42 Pa.C.S. § 933(c)(1) (concurrent

and exclusive jurisdiction), 42 Pa.C.S. § 5103 (transfer of erroneously filed matter) or under any other similar provision of law, because such a transfer is not to a “court of coordinate jurisdiction” within the meaning of this rule; it is intended that there shall be no right of appeal from a transfer order based on improper subject matter jurisdiction. Such orders may be appealed by permission under Rule 312, or an appeal as of right may be taken from an order dismissing the matter for lack of jurisdiction. See *Balshy v. Rank*, 507 Pa. 384, 388, 490 A.2d 415, 416 (1985).

Other orders relating to subject matter jurisdiction (which for this purpose does not include questions as to the form of action, e.g., as between law and equity, or divisional assignment, see 42 Pa.C.S. § 952 (status of court divisions)) will be appealable under Rule 341 if jurisdiction is not sustained, and otherwise will be subject to Rule 312.

**Subdivision (d) (Commonwealth appeals in criminal matters)**—In subdivision (d), the 1992 amendment permits appeals by the Commonwealth from certain interlocutory orders that were previously treated as final orders under the pre-1992 version of Rule 341(c). See, e.g., *Commonwealth v. Dugger*, 506 Pa. 537, 486 A.2d 382 (1985); *Commonwealth v. Deans*, 530 Pa. 514, 610 A.2d 32 (1992); and *Commonwealth v. Cohen*, 529 Pa. 552, 605 A.2d 1212 (1992). The 1996 amendment to Rule 904(e) requires that the Commonwealth assert in the notice of appeal that the trial court’s order will terminate or substantially handicap the prosecution.

**Subdivision (e) (Orders overruling preliminary objections in eminent domain cases)**—In subdivision (e), the 1992 amendment permits interlocutory appeals from orders overruling preliminary objections in eminent domain cases. These orders were previously appealable as final orders under Rule 341 even though such orders did not dispose of all claims and all parties. See *In Re Certain Parcels of Real Estate*, 420 Pa. 289, 216 A.2d 774 (1966); and *Central Bucks Joint School Bldg. Authority v. Rawls*, 8 Pa. Cmwlth. 491, 303 A.2d 863 (1973).

**Subdivision (f) (Administrative remand)**—In subdivision (f), the 1992 amendment permitted an immediate appeal as of right from an order of a common pleas court or government unit remanding a matter to an administrative agency or hearing officer for execution of the adjudication of the reviewing tribunal in a manner that does not require the exercise of administrative discretion. Examples of such orders include: (1) a remand by a court of common pleas to the Department of Transportation for removal of points from a drivers license; and (2) an order of the Workmen’s Compensation Appeal Board reinstating compensation benefits and remanding to a referee for computation of benefits.

Subdivision (f) further permits immediate appeal from an order of a common pleas court or government unit remanding a matter to an administrative agency or hearing officer that decides an issue that would ultimately evade appellate review if an immediate appeal is not allowed. See *Department of Environmental Resources v. Big B Mining Co., Inc.*, 123 Pa. Cmwlth. 591, 554 A.2d 1002 (1989) (order of Environmental Hearing Board reversing D.E.R.’s denial of a surface mining permit and remanding to

D.E.R. for re-evaluation of effluent limitations); *Phila. Commission On Human Relations v. Gold*, 95 Pa. Cmwlth. 766, 503 A.2d 1120 (1986) (court of common pleas order reversing a Philadelphia Human Relations Commission finding of discrimination on ground the commission impermissibly commingled prosecutorial [or] and adjudicative functions). The 1992 amendment overrules, in part, *FMC Corporation v. Workmen's Compensation Appeal Board*, 116 Pa. Cmwlth. 527, 542 A.2d 616 (1988) to the extent that it is inconsistent with subdivision (f).

**Subdivision (h) (Further proceedings in lower court)—See note to Rule 1701(a) (effect of appeal generally).**

[Pa.B. Doc. No. 96-666. Filed for public inspection April 26, 1996, 9:00 a.m.]

[210 PA. CODE CHS. 1, 3, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 33 AND 51]

**Proposed Amendments to Pa.R.A.P. 121 et seq.; Recommendation 28**

The Appellate Court Rules Committee proposes to amend Rules 121, 123, 313, 341, 343, 752, 904, 906, 907, 1112, 1311, 1501, 1513, 1514, 1515, 1532, 1571, 1734, 1751, 1782, 1911, 2132, 2136, 2140, 2153, 2154, 2185, 2186, 2187, 2311, 2313, 2543, 2546, 3331, 5101 and 5102 of the Pennsylvania Rules of Appellate Procedure. The amendments are being submitted to the bench and bar for comments and suggestions prior to their submission to the Supreme Court.

All communications in reference to the proposed amendments should be sent not later than June 30, 1996 to Dean R. Phillips, Esquire, Counsel, Appellate Court Rules Committee, Exton Office Court, 300-F North Pottstown Pike, Exton, PA 19341.

The Explanatory Comment which appears in connection with the proposed amendments has been inserted by the Committee for the convenience of the bench and bar. It will not constitute part of the rules nor will it be officially adopted or promulgated by the Court.

*By the Appellate Court Rules Committee*

ROBERT L. BYER, ESQUIRE,  
*Chair*

**Annex A**

**TITLE 210. APPELLATE PROCEDURE**

**PART I. RULES OF APPELLATE PROCEDURE**

**ARTICLE I. PRELIMINARY PROVISIONS**

**CHAPTER 1. GENERAL PROVISIONS**

**DOCUMENTS GENERALLY**

**Rule 121. Filing and Service.**

(a) *Filing.* Papers required or permitted to be filed in an appellate court shall be filed with the prothonotary. Filing may be accomplished by mail addressed to the prothonotary, but except as otherwise provided by these rules filing shall not be timely unless the papers are received by the prothonotary within the time fixed for filing. Paperbooks shall be deemed filed on the day of

mailing if first class mail is utilized. If an application under these rules requests relief which may be granted by a single judge, the judge in extraordinary circumstances may permit the application and any related papers to be filed with [him] that judge, in which event [he] that judge shall note thereon the date of filing and shall thereafter transmit such papers to the clerk.

(b) *Service of all papers required.* Copies of all papers filed by any party and not required by these rules to be served by the prothonotary shall, concurrently with their filing, be served by a party or person acting [for him] on behalf of that party or person on all other parties to the matter. Service on a party represented by counsel shall be made on [his] counsel.

\* \* \* \* \*

(e) *Additional time after service by mail.* Whenever a party is required or permitted to do an act within a prescribed period after service of a paper upon [him] that party (other than an order of a court or other government unit) and the paper is served by mail, three days shall be added to the prescribed period.

\* \* \* \* \*

**Rule 123. Application for Relief.**

\* \* \* \* \*

(e) *Power of single judge to entertain applications.* In addition to the authority expressly conferred by these rules or by law or rule of court, a single judge of an appellate court may entertain and may grant or deny any request for relief which under these rules may properly be sought by application, except that an appellate court may provide by order or rule of court that any application or class of applications must be acted upon by the court. The action of a single judge may be reviewed by the court **except for actions of a single judge under Rule 3102(c)(2) (relating to a quorum in Commonwealth Court in any election matter).**

**Official Note: The 1996 amendment precludes review by the Commonwealth Court of actions of a single judge in election matters.** Based on former Supreme Court Rules 62, 63, and 66, former Superior Court Rules 53, 54, and 57, former Commonwealth Court Rule 112A and Pa.R.Crim.P. 304.

**CHAPTER 3. ORDERS FROM WHICH APPEALS MAY BE TAKEN**

**INTERLOCUTORY APPEALS**

**Rule 313. Collateral Orders.**

\* \* \* \* \*

*The Official Note to Rule 313 is rescinded and replaced with the following:*

**Official Note: Rule 313 is a codification of existing case law with respect to collateral orders. See *Pugar v. Greco*, 483 Pa. 68, 73, 394 A.2d 542, 545 (1978) (quoting *Cohen v. Beneficial Industrial Corp.*, 337 U. S. 541 (1949)). Examples of collateral orders include an order denying a pre-trial motion to dismiss based on double jeopardy, *Commonwealth v. Brady*, 510 Pa. 363, 508 A.2d 286, 289-91 (1986) (allowing an immediate appeal from denial of double jeopardy claim under collateral order doctrine where trial court makes a finding that motion is not frivolous); an order denying a petition to**

permit the payment of death taxes, *Hankin v. Hankin*, 338 Pa. Super. 442, 487 A.2d 1363 (1985); and an order denying a petition for removal of an executor, *Re: Estate of Georgianna*, 312 Pa. Super. 339, 458 A.2d 989 (1983), *aff'd*, 504 Pa. 510, 475 A.2d 744. Thorough discussions of the collateral order doctrine as it has been applied by Pennsylvania appellate courts are found in the following sources: *Darlington, McKeon, Schuckers and Brown*, 1 Pennsylvania Appellate Practice Second Edition, §§ 313:1—313:201 (1994) and *Byer*, *Appealable orders under the Pennsylvania Rules of Appellate Procedures in Practice and Procedures in Pennsylvania Appellate Courts* (PBI No. 1994-869); *Pines*, *Pennsylvania Appellate Practice: Procedural Requirements and the Vagaries of Jurisdiction*, 91 *Dick. L. Rev.* 55, 107—115 (1986). If an order falls under Rule 313, an immediate appeal may be taken as of right simply by filing a notice of appeal. The procedures set forth in Rules 341(c) and 1311 do not apply under Rule 313.

FINAL ORDERS

Rule 341. Final Orders Generally.

\* \* \* \* \*

(b) *Definition of Final Order.* A final order is any order that:

- (1) disposes of all claims [or] and of all parties; or
- (2) any order that is expressly defined as a final order by statute; or
- (3) any order entered as a final order pursuant to [subsection] subdivision (c) of this rule.

(c) *Determination of finality.* When more than one claim for relief is presented in an action, whether as a claim, counterclaim, cross-claim, or third-party claim or when multiple parties are involved, the trial court or other governmental unit may enter a final order as to one or more but fewer than all of the claims [or] and parties only upon an express determination that an immediate appeal would facilitate resolution of the entire case. Such an order becomes appealable when entered. In the absence of such a determination and entry of a final order, any order or other form of decision that adjudicates fewer than all the claims [or] and parties shall not constitute a final order.

(1) \*\*\*

(2) The trial court or other governmental unit is required to act on an application for a determination of a finality under subdivision (c) within 30 days of entry of the order. During the time an application for determination for finality is pending, the action will be stayed. Any denial of such an application shall be reviewable only for abuse of discretion pursuant to Chapter 15. **Unless the trial court or other governmental unit acts on the application within 30 days after it is filed the trial court or other governmental unit shall no longer consider the application and it shall be deemed to have been denied.**

\* \* \* \* \*

Official Note:

\* \* \* \* \*

Orders which are separable from and collateral to the main cause of action where the right involved is too important to be denied review, and the question pre-

sented is such that if review is postponed until final judgment in the case, the claim will be irreparably lost, previously appealable as final orders under Rule 341, are now appealable under Rule 313. See *Pugar v. Greco*, 483 Pa. 68, 73, 394 A.2d 543, 545 (1978) (quoting *Cohen v. Beneficial Industrial Loan Corp.*, 337 U.S. 541 (1949)).

\* \* \* \* \*

Orders formerly appealable under Rule 341 by the Commonwealth in criminal cases as heretofore provided by law, but which do not dispose of the entire case, are now appealable as interlocutory appeals as of right under Subdivision [ (e) ] (d) of Rule 311.

The 1996 amendments to subdivisions (a) and (c), substituting the conjunction “and” for “or” are not substantive. The amendments merely clarify that by definition any order which disposes of all claims will dispose of all parties and any order that disposes of all parties will dispose of all claims.

The 1996 amendment to subdivision (c)(2) provides for a deemed denial where the trial court or other governmental unit fails to act on the application within 30 days. Under such circumstances, a party may need to praecipe for entry of the deemed denial pursuant to Rule 301(d) to perfect an appeal.

Rule 343. [ Order Determining Challenge to a Plea of Guilty. ] Rescinded.

[ If a timely motion has been filed pursuant to Rule 321 of the Pennsylvania Rules of Criminal Procedure (challenge to guilty plea), any appeal taken as of right shall be from the final order disposing of such motion. Such timely motion shall have the effect, for the purposes of Rule 1701(b)(3) (authority of lower court or agency after appeal), of an order expressly granting reconsideration of the judgment previously entered on the plea of guilty. ]

Official Note: [ Pa.R.Crim.P. 321 provides a procedure whereby a timely motion challenging the validity of a plea of guilty, or the denial or a motion to withdraw a plea of guilty, shall be heard by the lower court. In such event, the time for filing an appeal from the judgment on the plea does not begin to run until such motion is decided by the lower court.

In the event an appeal from the judgment on a plea of guilty has been filed before a timely motion under Pa.R.Crim.P. 321 has been made, the filing of such motion acts as an automatic grant of reconsideration under Rule 1701(b)(3) (authority of lower court or agency after appeal), so as to render inoperative the prior appeal. In such event, an appeal could be filed anew after disposition of the Pa.R.Crim.P. 321 motion. ]

The Supreme Court rescinded this Rule in 1996 as obsolete in view of the changes to the Rules of Criminal Procedure rescinding Pa.R.Crim.P. 321 and adopting new Pa.R.Crim.P. 1401, effective as to cases in which the determination of guilt occurs on or after January 1, 1994. See *Criminal Procedural Rules Committee Final Report at 620—621 A.2d (Pennsylvania Reporter Series) pages CVIII—CXXXIII.*

**CHAPTER 7. COURTS TO WHICH APPEALS SHALL BE TAKEN**

**TRANSFERS OF CASES**

**Rule 752. Transfers Between Superior and Commonwealth Courts.**

\* \* \* \* \*

(b) *Content of application; answer.* The application shall contain a statement of the facts necessary to an understanding of the same or related questions of fact, law or discretion; a statement of the questions themselves; and a statement of the reasons why joint consideration of the appeals would be desirable. The application shall be served on all other parties to all appeals or other matters involved, and shall include or have annexed thereto a copy of each order from which any appeals involved were taken and any findings of fact, conclusions of law and opinions relating thereto. **[ Within seven days after service of the application any ]** Any other party to any appeal or other matter involved may file an answer in opposition **in accordance with Rule 123(b).** The application and answer shall be submitted without oral argument unless otherwise ordered.

**ARTICLE II. APPELLATE PROCEDURE**

**CHAPTER 9. APPEALS FROM LOWER COURTS**

**Rule 904. Content of the Notice of Appeal.**

\* \* \* \* \*

(c) **[ Order ] Request for transcript.** The **[ order ] request for transcript [ , if any, ]** contemplated by Rule 1911 (order for transcript) **or a statement signed by counsel that there is either no verbatim record of the proceedings or the complete transcript has been lodged of record,** shall accompany the notice of appeal, but the absence of or defect in the order for transcript shall not affect the validity of the appeal.

\* \* \* \* \*

(e) **Content in criminal cases.** When the Commonwealth takes an appeal pursuant to Rule 311(d), the notice of appeal shall include a certification by counsel that the order will terminate or substantially handicap the prosecution.

**Official Note: [ The former requirement that the appellant swear that the appeal is not taken for the purpose of delay has been omitted. The appeal to the Commonwealth Court was governed by former Commonwealth Court Rule 20A. ]**

The Offense Tracking Number (OTN) is required only in an appeal in a criminal proceeding. It enables the Administrative Office of the Pennsylvania Courts to collect and forward to the Pennsylvania State Police information pertaining to the disposition of all criminal cases as provided by the Criminal History Record Information Act, 18 Pa.C.S. § 9101 *et seq.*

**[ The form of the notice of appeal provided by subdivision (a) has been revised to include the required certification. ]**

The 1986 amendment requires that the notice of appeal include a statement that the order appealed from has been entered in the docket. The 1986 amendment deletes the requirement that the appellant certify that the order

has been reduced to judgment. This omission does not eliminate the requirement of reducing an order to judgment before there is a final appealable order where required by applicable practice or case law.

**An order for transcript is a request by the appellant of the court reporter to prepare a transcript of the verbatim record of the proceedings. It is not an order of the court, and no court order is required to obtain a transcript of the proceedings. See Pa.R.J.A. 5005.5 and the 1996 amendment to subdivision (a) of Rule 1911.**

**With respect to subdivision (e), in Commonwealth v. Dugger, 506 Pa. 537, 486 A.2d 382 (1985) the Supreme Court held that the Commonwealth's certification that an order will terminate or substantially handicap the prosecution is not subject to review as a prerequisite to the Superior Court's review of the merits of the appeal. Thus, the need for a detailed analysis of the effect of the order, formerly necessarily a part of the Commonwealth's appellate brief, was eliminated. See also Commonwealth v. Deans, 530 Pa. 514, 610 A.2d 32 (1992); Commonwealth v. Cohen, 529 Pa. 552, 605 A.2d 1212 (1992) (allowing appeals by the Commonwealth from adverse rulings on motions in limine). Accordingly, the 1996 amendment added subdivision (e) as a requirement when the Commonwealth takes an appeal pursuant to Rule 311(d).**

**Rule 906. Service of Notice of Appeal.**

(a) \*\*\*

(1) All parties to the matter in the trial court, **including parties previously dismissed pursuant to an interlocutory order.**

(2) The judge of the court below, whether or not the reasons for the order appealed from already appear of record.

(3) The official court reporter of the trial court, whether or not an order for transcript accompanies the papers.

(4) The district court administrator or other person designated by the administrator pursuant to Rule **[ 5000.5(a)(4) ] 5000.5(a)(3)** of the Pennsylvania Rules of Judicial Administration (requests and orders for transcripts).

(b) \*\*\*

**Official Note: See Rule 908 (Parties on Appeal).**

**Rule 907. Docketing of Appeal.**

(a) *Docketing of appeal.* Upon the receipt of the papers specified in Rule 905(b) (transmission to appellate court) the prothonotary of the appellate court shall immediately enter the appeal upon the docket, note the appellate docket number upon the notice of appeal, and give written notice of the docket number assignment in person or by first class mail to the clerk of the lower court, to the appellant[, ] **and to the persons named in the proof of service accompanying the notice of appeal [ and to the Administrative Office ].** An appeal shall be docketed under the caption given to the matter in the lower court, with the appellant identified as such, but if such caption does not contain the name of the appellant, his name, identified as appellant, shall be added to the caption in the appellate court.



(b) *Entry of appearance.* Upon the docketing of the appeal the prothonotary of the appellate court shall note on the record as counsel for the appellant the name of [ his ] counsel, if any, set forth in or endorsed upon the notice of appeal, and, as counsel for other parties, counsel, if any, named in the proof of service. The prothonotary of the appellate court shall upon praecipe of any such counsel for other parties, filed within 30 days after filing of the notice of appeal, strike off or correct the record of appearances. Thereafter [ **an entry of appearance may be withdrawn only by leave of the appellate court** ] a counsel's appearance for a party may not be withdrawn without leave of court, unless another lawyer has entered or simultaneously enters an appearance for the party.

**Official Note:** The transmission of a photocopy of the notice of appeal, showing a stamped notation of filing and the appellate docket number assignment, without a letter of transmittal or other formalities, will constitute full compliance with the notice requirement of Subdivision (a) of this rule.

With regard to subdivision (b) and withdrawal of appearance without leave of the appellate court, counsel may nonetheless be subject to trial court supervision pursuant to Pa.R.Crim.P. 1504 (Appointment of Counsel; Forma Pauperis).

**CHAPTER 11. APPEALS FROM COMMONWEALTH COURT AND SUPERIOR COURT**

**PETITION FOR ALLOWANCE OF APPEAL**

**Rule 1112. Appeals by Allowance.**

\* \* \* \* \*

(b) **Definition. Final Order.** A final order of the Superior Court or Commonwealth Court is any order that concludes an appeal, including an order that remands an appeal, in whole or in part, unless the appellate court remands and retains jurisdiction.

[ (b) ] (c) \*\*\*

[ (c) ] (d) \*\*\*

[ (d) ] (e) \*\*\*

[ (e) ] (f) *Entry of appearance.*—Upon the filing of the petition for allowance of appeal the Prothonotary of the Supreme Court shall note on the record as counsel for the petitioner the name of his counsel, if any, set forth in or endorsed upon the petition for allowance of appeal, and, as counsel for other parties, counsel, if any, named in the proof of service. The Prothonotary shall upon praecipe of any such counsel for other parties, filed at any time within 30 days after filing of the petition, strike off or correct the record of appearance. Thereafter [ **an entry of appearance may be withdrawn only by leave of court** ] a counsel's appearance for a party may not be withdrawn without leave of court unless another lawyer has entered or simultaneously enters an appearance for the party.

\* \* \* \* \*

With regard to subdivision (f) and withdrawal of appearance without leave of the appellate court, counsel may nonetheless be subject to trial court supervision pursuant to Pa.R.Crim.P. 1504 (Appointment of Counsel; Forma Pauperis).

**CHAPTER 13. INTERLOCUTORY APPEALS BY PERMISSION**

**Rule 1311. Interlocutory Appeals by Permission.**

\* \* \* \* \*

(b) *Petition for permission to appeal.* Permission to appeal from an interlocutory order containing the statement prescribed by 42 Pa.C.S. § 702(b) may be sought by filing a petition for permission to appeal with the prothonotary of the appellate court within 30 days after entry of such order in the lower court or other government unit with proof of service on all other parties to the matter in the lower court or other government unit and on the government unit or clerk of the lower court, who shall file the petition of record in such lower court. An application for an amendment of an interlocutory order to set forth expressly the statement specified in 42 Pa.C.S. § 702(b) shall be filed with the lower court or other government unit within 30 days after the entry of such interlocutory order and permission to appeal may be sought within 30 days after entry of the order as amended. [ **The trial court must act on the application within 30 days.** ] Unless the trial court or other governmental unit acts on the application within 30 days after it is filed, the trial court or other governmental unit shall no longer consider the application and it shall be deemed denied. If the petition for permission to appeal is transmitted to the prothonotary of the appellate court by means of first class mail, the petition shall be deemed received by the prothonotary for the purposes of Rule 121(a) (filing) on the date deposited in the United States mail, as shown on a U. S. Postal Service Form 3817 certificate of mailing. The certificate of mailing shall show the docket number of the matter in the lower court or other government unit and shall be either enclosed with the petition or separately mailed to the prothonotary. Upon actual receipt of the petition for permission to appeal the prothonotary of the appellate court shall immediately stamp it with the date of actual receipt. That date, or the date of earlier deposit in the United States mail as prescribed in this subdivision, shall constitute the date when permission to appeal was sought, which date shall be shown on the docket. The prothonotary of the appellate court shall immediately note the appellate docket number assignment upon the petition for permission to appeal and give written notice of the docket number assignment in person or by first class mail to the government unit or clerk of the lower court, to the petitioner and to the other persons named in the proof of service accompanying the petition.

\* \* \* \* \*

(d) *Entry of appearance.* Upon the filing of the petition for permission to appeal the prothonotary of the appellate court shall note on the record as counsel for the petitioner the name of [ his ] counsel, if any, set forth in or endorsed upon the petition for permission to appeal, and, as counsel for other parties, counsel, if any, named in the proof of service. The prothonotary shall upon praecipe of any such counsel for other parties, filed at any time within 30 days after filing of the petition, strike off or correct the record of appearance. Thereafter [ **an entry of appearance may be withdrawn only by leave of court** ] a counsel's appearance for a party may not be withdrawn without leave of court, unless another lawyer has entered or simultaneously enters an appearance for the party.

**Official Note:**

\* \* \* \* \*

The 1996 amendment provides for a deemed denial where the trial court or other governmental unit fails to act on the application within 30 days. Under such circumstances, a party may need to praecipe for entry of the deemed denial pursuant to Rule 301(d).

With regard to subdivision (d) and withdrawal of appearance without leave of the appellate court, counsel may nonetheless be subject to trial court supervision pursuant to Pa.R.Crim.P. 1504 (relating to Appointment of Counsel; Forma Pauperis).

CHAPTER 15. JUDICIAL REVIEW OF GOVERNMENTAL DETERMINATIONS IN GENERAL

Rule 1501. Scope of Chapter.

\* \* \* \* \*

(c) Unsupended statutory procedures. This chapter does not apply to any appeal pursuant to the following statutory provisions, which are not suspended by these rules:

(1) Section [ 135 ] 137 of Title 15 of the Pennsylvania Consolidated Statutes (Court to pass upon rejection of documents by Department of State).

\* \* \* \* \*

PETITION FOR REVIEW

Rule 1513. Petition for Review.

\* \* \* \* \*

(d) Notice [ of demand for evidentiary hearing ] to plead.—If under the applicable law the questions raised by the petition for review may be determined in whole or in part upon the record made before the court, the petition shall contain or have endorsed upon it a notice to plead.

\* \* \* \* \*

Official Note:

\* \* \* \* \*

The 1996 amendment to subdivision (d) remedies what had been an inconsistency between the former heading and the text of the rule.

Rule 1514. Filing and Service of the Petition for Review.

\* \* \* \* \*

(d) Entry of appearance.—Upon the filing of the petition for review the prothonotary shall note on the record as counsel for the petitioner the name of [ his ] counsel, if any, set forth in or endorsed upon the petition for review, and, as counsel for other parties, counsel, if any, named in the proof of service. The prothonotary shall upon praecipe of any such counsel for other parties, filed within 30 days after filing of the petition, strike off or correct the record of appearances. Thereafter [ an entry of appearance may be withdrawn only by leave of court ] a counsel's appearance for a party may not be withdrawn without leave of court, unless another lawyer has entered or simultaneously enters an appearance for the party.

\* \* \* \* \*

Rule 1515. Answer to Petition.

Where under the applicable law the questions raised by the petition for review may be determined in whole or in

part upon the record made before the court, and the right to an evidentiary hearing has been claimed by inclusion or endorsement of a notice to plead as prescribed by Rule 1513(d) [ (notice of demand for evidentiary hearing) ] (notice to plead), any adverse party may file an answer to the petition controverting any factual allegation of the petition.

\* \* \* \* \*

Rule 1532. Special and Summary Relief.

\* \* \* \* \*

(b) Summary relief.—At any time after the filing of a petition for review in an appellate or original matter the court may on application enter judgment if the right of the applicant thereto is clear. [ A party against whom judgment is entered under this subdivision may apply to open or vacate the judgment within 30 days after entry, or within such lesser time as may be fixed by the court under Rule 105 (waiver and modification of rules) after reasonable notice to the parties. ]

Official Note:

\* \* \* \* \*

The 1996 amendment to subdivision (b) is analogous to the 1996 amendment to Pa.R.C.P. 1098.

The deletion of the last sentence of Rule 1532(b) is intended to eliminate the requirement of filing a motion to open or vacate the order granting summary relief. Under prior practice, a party was required to file a motion to open or vacate the order granting summary relief before an appeal could be taken. To the extent that Zemprelli v. Scranton, 102 Pa. Commw. 637, 519 A.2d 518 (1986) suggest that an aggrieved party may appeal only from an order denying a motion to open or vacate an order granting summary relief, rather than the order granting summary relief, it is overruled. An order denying an application for summary relief is not appealable as of right.

REVIEW OF DETERMINATIONS OF THE BOARD OF FINANCE AND REVENUE

Rule 1571. Determinations of the Board of Finance and Revenue.

\* \* \* \* \*

(d) Service.—In the case of a petition for review by a taxpayer or similar party, a copy of the petition shall be served on the Board of Finance and Revenue and on the Attorney General by the petitioner in accordance with Rule 1514(c). All other parties before the Board shall be served as prescribed by Rule 121(b) (service of all papers required).

\* \* \* \* \*

CHAPTER 17. EFFECTS AND APPEALS; SUPERSEDEAS AND STAYS

STAY OR INJUNCTION IN CIVIL MATTERS

Rule 1734. Appropriate Security.

(a) General rule. For the purposes of this chapter any of the following, when deposited with the clerk, constitutes appropriate security, unless otherwise ordered pursuant to this chapter:

- (1) Legal tender of the United States.
(2) Any of the following, if registered in the name of or to the order of the Commonwealth of Pennsylvania:
(i) United States Treasury bills, (ii) certificates of de-

posit issued by a Federally-insured bank, bank and trust company, savings bank, savings association, banking association or savings and loan association having an office within this Commonwealth, (iii) irrevocable letters of credit issued by a Federally-insured bank, bank and trust company, savings bank, savings association, banking association or saving and loan association having an office within this Commonwealth. The clerk may transfer or negotiate such bills or certificates for the purposes of this chapter. [ The clerk shall be entitled to receive commission or poundage with respect to such bills or certificates only when the deposit is made pursuant to Rule 1782 (security on review on tax matters). ]

\* \* \* \* \*

**Rule 1751. Form of Bond.**

A bond under this chapter may be in substantially the following form:

(Caption)

Appellant, having appealed from an order of the Court of Common Pleas of \_\_\_\_\_ County (or "of the \_\_\_\_\_ Judicial District"), entered in this matter on the \_\_\_ day of \_\_\_\_\_, 19\_\_\_, and having procured the execution of this instrument for the purpose of complying with the Pennsylvania Rules of Appellate Procedure, the undersigned surety acknowledges itself bound and indebted to the Commonwealth of Pennsylvania, for the use of the persons or parties entitled thereto, in the sum of \_\_\_\_\_ dollars (\$ \_\_\_\_\_), to be paid as required by law.

[ The condition of this obligation is that if the appellant shall satisfy the above-identified order, if it is affirmed or if for any reason the appeal is dismissed, or shall satisfy any modification of the order, and in either case shall pay all costs, interest and any damages for delay that may be awarded, this obligation shall be void; but otherwise it shall remain in force. ]

Upon conclusion of this matter, if the appellant satisfies the above identified order or any court order modifying or affirming that order and pays all costs, interest and damages for delay that may be awarded, this obligation shall be void; otherwise, it shall remain in force.

Date \_\_\_\_\_  
(Name of Surety)

By \_\_\_\_\_  
(Name and Title of Authorized signatory)

\* \* \* \* \*

**STAY PENDING ACTION ON PETITION FOR REVIEW**

**Rule 1782. Security on Review in Tax Matters.**

\* \* \* \* \*

(b) *Form of bond.* A bond under this rule may be in substantially the following form:

(Caption)

Petitioner, having sought review of an order of the Board of Finance and Revenue entered (or deemed entered) in this matter on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_, and having procured the execution of this instrument for the purpose of complying with the Pennsylvania Rules of

Appellate Procedure, the undersigned surety acknowledges itself bound and indebted to the Commonwealth of Pennsylvania in the [ sum of 120% of ] amount of \$( \_\_\_\_\_ ), which is 120% of the sum of \$ \_\_\_\_\_ (taxes found due) and \$( \_\_\_\_\_ ) (penalty found due), the amount of taxes and penalty found due by the Board and remaining unpaid in this matter, to be paid as required by law.

[ The condition of this obligation is that if the Petitioner shall satisfy the above-identified order, if it is affirmed or if for any reason the matter is dismissed, or shall satisfy any modification of the order, and in either case shall pay all costs, interest and any damages for delay that may be awarded, this obligation shall be void; but otherwise it shall remain in force. ]

Upon conclusion of this matter, if the petitioner satisfies the above identified order or any court order modifying or affirming that order and pays all costs, interest and any damages for delay that may be awarded, this obligation shall be void; otherwise it shall remain in full force.

Date \_\_\_\_\_  
(Name of Surety)

By \_\_\_\_\_  
(Name and Title of Authorized signatory)

\* \* \* \* \*

**CHAPTER 19. PREPARATION AND TRANSMISSION OF RECORD AND RELATED MATTERS**  
**RECORD ON APPEAL FROM LOWER COURT**

**Rule 1911. [ Order ] Request for Transcript.**

\* \* \* \* \*

Official Note: [ The order under this rule constitutes the "formal request" under ] The 1996 amendment deletes the reference to order for transcript. See Pa.R.J.A. 5000.5 and 1996 amendment to Rule 904(c).

\* \* \* \* \*

**CHAPTER 21. BRIEFS AND REPRODUCED RECORD**  
**CONTENT OF BRIEFS**

**Rule 2132. References in Briefs to the Record.**

(a) *General rule.* References in the briefs to parts of the record appearing in a reproduced record filed with the brief of the appellant (see Rule 2154(b) (large records)) shall be to the pages in the reproduced record where those parts appear, e.g.: "(R. 26a)." If the record is reproduced after the briefs are [ filed ] served in advance typewritten or page proof form (see Rule 2185(c) (definitive copies)), the brief may also contain references to the pages of the parts of the original record, e.g.: "(Tr. 279—280; R. 26a—27a)."

\* \* \* \* \*

**Rule 2136. Briefs in Cases Involving Cross Appeals.**

If a cross appeal is filed, the plaintiff or moving party in the court or other government unit below shall be deemed the appellant for the purposes of this chapter and Chapter 23 (sessions and argument), unless the parties

otherwise agree or the appellate court otherwise orders. Where the nature of the matter is such that the identity of the appellant for the purposes of this chapter and Chapter 23 is not readily apparent the prothonotary of the appellate court shall designate the appellant for the purposes of this chapter and Chapter 23 when giving notice under Rule 1934 (filing of the record). The brief of the appellee shall contain the issue and argument involved in [ his ] the cross appeal, as well as the answer to the brief of the appellant, and the appellant may file a brief in answer to the brief of the appellee on the cross appeal.

**Official Note:** Ordinarily there will be three briefs in a case involving a cross appeal: appellant's main brief, appellee's main brief, and appellant's reply brief directed to the issues on the cross appeal. However, [ if the case is submitted without oral argument, ] Rule 2113 permits a fourth brief: appellee's reply to appellant's answer on the cross appeal.

**Rule 2140. Brief on Remand or Following Grant of Reargument or Reconsideration.**

\* \* \* \* \*

(b) [ **Caption** ] **Cover on brief.** The brief (whether new or refiled) shall be appropriately [ **captioned** ] titled to reflect the current status of the case (e.g., brief on remand, supplemental brief on remand, brief on reargument, supplemental brief on reargument).

\* \* \* \* \*

**CONTENT OF REPRODUCED RECORD**

**Rule 2153. Docket Entries and Related Matter.**

\* \* \* \* \*

[ **Official Note:** Based on former Supreme Court Rules 42 and 43; former Superior Court Rules 34 and 35, and (in the case of Subdivision (a)) former Commonwealth Court Rule 87, without change in substance. As to the type of matters contemplated by Subdivision (b) see *Steel v. Levy*, 282 Pa. 338, 343, 127 A. 766, 768 (1925). ]

**Rule 2154. Designation of Contents of Reproduced Record.**

\* \* \* \* \*

**Explanatory Note—1979**

The principal criticism of the new Appellate Rules has been the provisions for deferred preparation of the reproduced record, and the resulting procedure for the filing of advance copies of briefs (since the page citations to the reproduced record pages are not then available) followed by the later preparation and filing of definitive briefs with citations to the reproduced record pages. It has been argued that in the typical state court appeal the record is quite small, with the result that the pre-1976 practice of reproducing the record in conjunction with the preparation of appellant's definitive brief is entirely appropriate and would ordinarily be followed if the rules did not imply a preference for the deferred method. The Committee has been persuaded by these comments, and the rules have been redrafted to imply that the deferred method is a secondary method particularly appropriate for longer records.

[ **Also, the number of briefs to be filed under the in forma pauperis procedure has been increased from ten to 15 in the Commonwealth and Superior Courts. ]**

**FILING AND SERVICE**

**Rule 2185. Time for Serving and Filing Briefs.**

(a) *General rule.* The appellant shall serve [ his ] **appellant's** brief not later than the date fixed pursuant to Subdivision (b) of this rule, or within 40 days after the date on which the record is filed, if no other date is so fixed. The appellee shall serve [ his ] **the appellee's** brief within 30 days after service of the **appellant's** brief [ **of the appellant** ] **and reproduced record if proceeding under Rule 2154(a).** A party may serve a reply brief permitted by these rules within 14 days after service of the preceding brief but, except for good cause shown, a reply brief must be served and filed so as to be received at least three days before argument. Except as prescribed by Rule 2187(b) (advance text of briefs), each brief shall be filed not later than the last day fixed by or pursuant to this rule for its service.

\* \* \* \* \*

**Official Note:** Former Supreme Court Rule 57 and former Superior Court Rule 47 provided that the brief of the appellant was to be filed within 60 days after the issuance of the writ of certiorari. Former Commonwealth Court Rule 32A provided that the brief of the appellant was to be filed within 30 days of mailing of notice of the filing of the record. To avoid paperwork relating to continuances because the record is not ready, the time under these rules commences to run from the filing of the record. The time for filing the brief of the appellee is the same as under the prior practice, except that formerly only 25 days was allowed in the Commonwealth Court.

Subdivision (b) is necessary because approximately one year can elapse under existing practices before an appellate court hears a case filed in the Middle or Harrisburg districts, and briefing the case far in advance permits intervening decisions and legislation to render the briefs stale. ]

Unlike the provision for filing other papers, Rule 121(a) provides "paperbooks shall be deemed filed on the day of mailing if first class mail is utilized." "Paperbooks" are defined in Rule 102 as briefs and reproduced records, but "the term does not include applications for reconsideration of denial of allowance of appeal under Rule 1123(b) (reconsideration) or applications for reargument under Chapter 25 (post-submission proceedings)."

**Rule 2186. Time for Serving and Filing Reproduced Record.**

(a) *General rule.* The reproduced record shall be served and filed not later than:

(1) the date of service of the **appellant's** brief [ **of the appellant** ]; or

(2) [ **51 days after the date of service of the brief of appellant in advance form** ] **21 days from the date of service of the appellee's brief in advance form**, if the record is being reproduced pursuant to Rule 2154(b) (large records).

\* \* \* \* \*

**Official Note:** Former Supreme Court Rule 57, former Superior Court Rule 47 and former Commonwealth Court Rule 32A provided that the appellant was to serve and file the reproduced record with his brief, which continues

to be the rule under Paragraph [ (a)(2) ] (a)(1) of this rule. The delayed filing of the reproduced record results in the designation and reproduction of the minimum amount of the original record since the parties will then know exactly the portions of the original record mentioned in their briefs and may accordingly limit the amount of record reproduced.

**Rule 2187. Number of Copies to be Served and Filed.**

(a) General rule. [ Twenty-five copies of each definitive brief and of each reproduced record shall be filed with the Prothonotary of the Supreme Court, and fifteen copies of each definitive brief and of each reproduced record shall be filed with the Prothonotary of the Commonwealth Court and ten copies shall be filed with the Superior Court, unless the appellate court by order in a particular case shall direct a lesser number, and two copies of each definitive brief and of each reproduced record shall be served on each party separately represented. ] Unless the appellate court directs otherwise, each party shall file:

- (i) twenty-five (25) copies of each definitive brief and reproduced record in the Supreme Court;
- (ii) fifteen (15) copies of each definitive brief and eight (8) copies of each reproduced record in the Commonwealth Court;
- (iii) seven (7) copies of each definitive brief and reproduced record in the Superior Court.

Each party shall serve two (2) copies of its definitive brief and reproduced record on every other party separately represented.

\* \* \* \* \*

(c) *In forma pauperis*. [ A party who has been permitted to proceed in forma pauperis shall file fifteen copies of his brief with the prothonotary of the appellate court and shall serve one copy on each party separately represented. ] Unless the appellate court directs otherwise, a party who has been permitted to proceed in forma pauperis shall file:

- (i) fifteen (15) copies of each definitive brief with the Supreme Court;
- (ii) fifteen (15) copies of each definitive brief with the Commonwealth Court;
- (iii) seven (7) copies of each definitive brief with the Superior Court.

Each party who has been permitted to proceed in form pauperis shall serve one copy of each definitive brief on every other party separately represented.

\* \* \* \* \*

**CHAPTER 23. SESSIONS AND ARGUMENT  
SCHEDULING OF ARGUMENT**

**Rule 2311. Submission on Briefs.**

\* \* \* \* \*

(b) *Post conviction [ hearing ] relief cases*. All parties shall submit post conviction [ hearing ] relief cases on the briefs unless otherwise directed by the court on its own motion or upon application.

\* \* \* \* \*

**Rule 2313. Advancement or Continuance.**

\* \* \* \* \*

**Official Note:** [ Based on former Supreme Court Rules 27 and 72, former Superior Court Rules 16 and 17, and former Commonwealth Court Rule 71. The omitted procedural provisions are covered by Rule 123 (applications for relief). Obviously, when all parties join in an application, the court may act upon it without waiting the seven-day period for answer. The Supreme Court formerly permitted two automatic extensions of time for filing briefs (usually resulting in corresponding continuance to a later argument list) by consent of the parties; the Superior Court formerly permitted one such automatic extension. Generally the only justifiable basis for such automatic extensions was the difficulty in securing the preparation and transmission of the original record. Since under Rule 2185 (time for serving and filing briefs) the usual briefing schedule commences no earlier than the filing of the record in the appellate court, there is no longer any need for the automatic extension machinery.

The rule does not, as did former Supreme Court Rule 72 and former Superior Court Rule 17, contain any specific deadline for the filing of an application for continuance. Obviously, the later the party files such an application the greater the risk (1) that the court will not be able to act upon it in time, or (2) if it is denied, that the unsuccessful applicant will find it difficult or impossible to comply with these rules, with the adverse consequences which flow therefrom.

In the Supreme Court, continuances are handled by the Chief Justice. ] Rule 3305 provides that in the Supreme Court, the prothonotary may dispose of motions generally relating to calendar control. In the Superior Court, continuances are handled by the presiding judge of the panel. In the Commonwealth Court, continuances are handled by the president judge or the duty judge. In each [ Appellate Court ] appellate court, the application is to be submitted to the prothonotary and not to an individual judge of the appellate court.

**CHAPTER 25. POST-SUBMISSION PROCEEDINGS  
APPLICATION FOR REARGUMENT**

**Rule 2543. Considerations Governing Allowance of Reargument.**

Reargument before an appellate court is not a matter of right, but of sound judicial discretion, and reargument will be allowed only when there are compelling reasons therefor. An application for reargument is not permitted from a final order of an intermediate appellate court under (1) the Pennsylvania Election Code; or (2) the Local Government Unit Debt Act or any similar statute relating to the authorization of public debt.

**Official Note:** The following, while neither controlling nor fully measuring the discretion of the court, indicate the character of the reasons which will be considered:

\* \* \* \* \*

The 1996 amendment eliminates the prior practice of permitting application for reargument in matters arising under the Pennsylvania Election Code, the act of June 3, 1937, P. L. 1333, 25 P. S. §§ 2600—3591, [ et seq., ] or the Local Government Unit Debt Act, the act of July 12, 1972, P. L. 781, 53

**P. S. §§ 6780-1—6780-609. [ et seq. ] Matters involving elections and authorization of public debt require expeditious treatment. See, e.g., Rule 1113(c).**

**Rule 2546. Transmission of Papers to and Action by the Court.**

\* \* \* \* \*

**Official Note: See Rule 2140 regarding the filing and content of briefs following the grant of reargument or reconsideration.**

**Where there is a deemed denial of an application for reargument, a party seeking a further appeal must follow subdivision (d) of Rule 301 and praecipe for entry of the deemed denial on the docket, if the prothonotary has failed to do so.**

**ARTICLE III. MISCELLANEOUS PROVISIONS**

**CHAPTER 33. BUSINESS OF THE SUPREME COURT**

**REVIEW OF SPECIAL PERSECUTIONS OR INVESTIGATIONS**

**Rule 3331. Review of Special Prosecutions or Investigations.**

(a) *General rule.* Any of the following orders shall be subject to review pursuant to Chapter 15 (judicial review of governmental determinations):

\* \* \* \* \*

[ (5) An order enforcing or refusing to enforce a subpoena issued by or otherwise affecting the existence or operation of the Pennsylvania Crime Commission existing under the Pennsylvania Crime Commission Act (71 P. S. § 1199.1 et seq.) ]

[ (6) ] (5) \*\*\*

**Official Note:** This rule is intended to provide a simple and expeditious method for Supreme Court supervision of special prosecutions and investigations, e.g. orders of the supervising judge of an investigating grand jury, findings of contempt (whether civil or criminal) by witnesses called before such a grand jury, etc. Rule 702([ b ]c) (supervision of special prosecutions or investigations) and 42 Pa.C.S. § 722(5) (direct appeals from courts of common pleas) vest jurisdiction over such matters in the Supreme Court. However, this rule is not applicable to review of investigating grand jury issues which collaterally arise in plenary criminal prosecution initiated by complaint, information or indictment. Rule 1512(b)(3) (special provisions) requires that review be sought within ten days. Essentially the procedure is analogous to the review of a bail order under Rule 1762 (release in criminal matters). The last brief is due not later than 21 days after the entry of the order sought to be reviewed. There is no delay for certification of the record, oral argument is ordinarily not available, and the matter is ready for final disposition by the Supreme Court immediately upon completion of the briefing schedule. The term "investigating grand jury" in Subdivision (a) includes a "multicounty investigating grand jury" convened under 42 Pa.C.S. § 4544 (convening multicounty investigating grand jury).

The "independent grounds" referred to in Subdivision (d) include grounds for relief in the nature of mandamus, prohibition, etc. and cases where the order is reviewable under the standards of 42 Pa.C.S. § 702(b) (interlocutory appeals by permission). Failure to petition for review under this rule from an interlocutory order will ordinarily

not constitute a waiver of objections to the order since, except as prescribed by Rule 311 ([ d ]g)(1)(ii) (waiver of objections), there is no requirement under these rules that a party seek available interlocutory relief.

Under Rule 1702(a) (stay ancillary to appeal) the Supreme Court or a justice thereof will not entertain an application for relief under Rule 1781 (stay pending action on petition for review) in connection with a special prosecution or investigation order until a petition for review has been filed under this rule.

**CHAPTER 51. PROVISIONS OF LAW SAVED AND ABROGATED**

*Rule 5101 is rescinded and replaced with the following:*

**Rule 5101. Statutes and Other Authorities Suspended or Abrogated.**

(a) **The Statute of 13 Edw. 1, c. 31 (3 Binney 606) (1 Ruffhead 99) is hereby suspended absolutely insofar as it is in force in this Commonwealth as supplied by Rule 1923 of these rules.**

(b)

(1) **The practice and procedure provided in all former statutes governing appellate procedure within the scope of these rules, which have been repealed effective June 27, 1978 or June 27, 1979 by the Judiciary Act Repealer Act (JARA), act of April 28, 1978 (P. L. 202, No. 53), and which are now part of the common law of this Commonwealth by virtue of Section 3(b) of JARA (42 P. S. § 20003(b)) are hereby abolished and shall not continue as part of the common law of this Commonwealth.**

(2) **With respect to all statutes relating to practice and procedure, repeal of which will become effective June 27, 1980 as provided by Section 4(b) of JARA (42 P. S. § 20004(b)), these rules are a general rule within the meaning of Section 3(b) of JARA and the practice and procedure provided in those statutes, so far as relates to appellate procedure within the scope of these rules, shall not continue as part of the common law of this Commonwealth.**

(c) **These rules are intended to provide a complete and exclusive procedure relating to appellate practice and procedure and:**

(1) **Except as provided in Rule 5102 (statutes saved from suspension), all statutes relating to practice and procedure finally enacted prior to January 1, 1981 are hereby suspended to the extent inconsistent with these rules.**

(2) **All local rules of court relating to appellate practice and procedure are hereby abrogated, except where these rules expressly authorize the adoption of a local rule of court supplementary to a provision of these rules applicable to appeals generally.**

**Rule 5102. Statutes Saved from Suspension.**

\* \* \* \* \*

(b) **Other statutes.—**These rules shall not be deemed to suspend or affect:

- (1) \*\*\*
- (2) \*\*\*
- (3) \*\*\*
- (4) \*\*\*

[ (5) Last sentence of section 423 of the act of June 13, 1967 (P. L. 31, No. 21), known as the Public Welfare Code (62 P. S. § 423). ]

**Official Note:** Relates to automatic *supersedes* of orders in public assistance matters.

(6) 15 Pa.C.S. § [ 135 ] 137 (Commonwealth Court to pass upon rejection of documents by Department of State).

(7) Rescinded. 20 Pa.C.S. § 746 (money paid into court), repealed by the Judiciary Act Repealer Act effective June 27, 1980.

**Official Note:** Rule 5102(b)(7) is rescinded as obsolete effective June 27, 1980.

### Explanatory Comment

*Introduction:* The Appellate Court Rules Committee originally published Recommendation 28 at 24 Pa.B. 2289—2296 (April 30, 1994) following comments the Committee withdrew proposed amendments to Rules 2113, 2315 and 2542. In addition, the Committee has added proposed amendments to Rules 313, 341, 343, 752, 1514, 1911, 2153 and 2154, 2313, 2543, 2546 and 3331. Because of the extensive revisions to Recommendation 28 the Committee has republished it for comment.

*Rule 121* (Filing and Service)

The proposed amendment substitutes gender neutral language.

*Rule 123* (Application for Relief)

The proposed amendment to Rule 123 specifies that actions of a single judge acting as a quorum of the Commonwealth Court in an election matter, *see* Pa.R.A.P. 3102(c)(2), are not subject to review by that court. The proposed amendment to Rule 2543 is to specify that no application for reargument will be entertained in cases under either the Pennsylvania Election Code or the Local Government Debt Act. The proposed amendments to Rules 123 and 2543 will expedite final determination of Election Code matters and matters under the Local Government Unit Debt Act. It is inconsistent to permit reargument or reconsideration in such cases while maintaining a ten day time limit for a petition for allowance of appeal. *See* Rule 1113(c). *See also* Rule 903(c)(2) and (3) (ten day appeal period for matters arising under Election Code and Local Government Unit Debt Act) and Rule 1512(b)(1) (15 day petition for review period from determination of the Department of Community Affairs in any matter arising under the Local Government Unit Debt Act).

*Rule 313* (Collateral Orders)

The Official Note to Rule 313 is amended to correct typographical errors and to update citations.

*Rule 341* (Final Orders; Generally)

The 1996 amendments to subdivisions (a) and (c) of Rule 341 substitute the conjunction "and" for "or". These amendments are not substantive; they merely clarify that by definition any order which disposes of all claims will dispose of all parties and any order that disposes of all parties will dispose of all claims. Use of the conjunction "or" mistakenly implies that it is possible to dispose of all claims, but not all parties, or all parties, but not all claims. Also, the Official Note to Rule 341 is amended to correct a typographical error in a citation.

The proposed 1996 amendment to subdivision (c)(2) provides for a deemed denial where the trial court or

other governmental unit fails to act on the application within 30 days. Under such circumstances, a party may need to praecipe for entry of the deemed denial pursuant to Rule 301(d) to perfect an appeal.

*Rule 343* (Order Determining Challenge to a Plea of Guilty)

Rule 343 is rescinded as obsolete in view of prior rescission of Pa.R.Crim.P. 321 and adoption of Pa.R.Crim.P. 1410 (Post-Sentence Procedures; Appeal).

*Rule 752* (Transfers Between Superior and Commonwealth Courts)

Rule 752 is amended to require a party filing an answer opposing an application for transfer to proceed in accordance with Rule 123(b).

*Rule 904* (Content of the Notice of Appeal)

The proposed amendment to subdivision (c) provides for a statement signed by counsel that there is either no verbatim record of the proceedings or that the complete transcript has been lodged of record. The proposed amendment to subdivision (c) also explains that the order of transcript is, in fact, a request by appellant and not an order of court. The proposed note cross-references Rule 1911(a) (Order for Transcript; General Rule), which explains that the transcript is "ordered" by appellant. The proposed amendment to the note remedies a problem where some common pleas court judges have required that an order for transcript be entered by the Court.

The proposed amendment to subdivision (e) requires certification in the notice of appeal when the Commonwealth takes an appeal pursuant to Rule 311(d).

The proposed amendment adding subdivision (e) provides that when the Commonwealth takes an appeal pursuant to Rule 311(d), the notice of appeal shall include a certification by counsel that the order will terminate or substantially handicap the prosecution.

The proposed amendment to the Official Note to Rule 904 deletes the penultimate sentence of the last paragraph which is not useful.

The proposed amendment to the Note to Rule 904 adds an explanation of *Commonwealth v. Dugger*, 506 Pa. 537, 486 A.2d 382 (1985) and its progeny.

*Rule 906* (Service of Notice of Appeal)

The proposed amendment to Rule 906 provides for service of a notice of appeal to parties previously dismissed from an action where the dismissal was nonappealable or where an interlocutory appeal as of right is optional and an immediate appeal was not taken. The interests of such dismissed parties may be directly affected by such appeals and they should receive notices of appeal. Because an order dismissing one party in a multiparty case is no longer appealable immediately as of right, a defendant dismissed by an interlocutory order from a case prior to entry of a final order dismissing all claims and all parties may be brought back into the case by a plaintiff/appellant appealing the earlier order of dismissal.

*Rule 907* (Docketing of Appeal)

The proposed amendment to subdivision (a) deletes the requirement of docket number assignment notice to the Administrative Office.

The proposed amendment to subdivision (b) deletes the requirement that substitution of counsel not delay proceedings. The Official Note is to be amended to cross-reference Pa.R.Crim.P. 1504.

Subsection (b) is amended to prohibit withdrawal of appearance without leave of court unless another attorney has entered or simultaneously enters an appearance.

*Rule 1112 (Appeals by Allowance)*

The proposed amendment adds a new subdivision (b) is added defining a final order for purposes of appeals by allowance as "any order that concludes an appeal including an order that remands an appeal, in whole or in part, unless the appellate court remands and retains jurisdiction." The proposed new subdivision (b) also clarifies that where an intermediate appellate court remands a matter, but retains jurisdiction, there is no final order from which to petition for allowance of appeal. The proposed amendment is needed because of some confusion in the bar that order of an intermediate appellate court such as a remand for trial is interlocutory. In fact, such an order of an intermediate appellate court is final for purposes of an appeal or petition for allowance of appeal to the Supreme Court.

The proposed amendment to subdivision (f) provides that a counsel's appearance can be withdrawn without leave of court where another lawyer has entered or simultaneously enters an appearance for the party.

The proposed amendment to the Official Note cross-references Pa.R.Crim.P. 1504.

*Rule 1311 (Interlocutory Appeals by Permission)*

Subdivision (b) is amended as follows: "The trial court or other government unit must act on the application within 30 days."

Subdivision (d) is amended to prohibit withdrawal of appearance without leave of court unless another attorney has entered or simultaneously enters an appearance.

The proposed 1996 amendment provides for a deemed denial where the trial court or other governmental unit fails to act on the application within 30 days. Under such circumstances, a party may need to praecipe for entry of the deemed denial pursuant to Rule 301(d).

*Rule 1501 (Scope of Chapter)*

This is a technical amendment to paragraph (c)(1) to correct a code citation as follows: "Section [135] 137 of Title 15 . . ." This is to conform to legislative renumbering of Title 15 of the Pennsylvania Consolidated Statutes.

*Rule 1513 (Petition for Review)*

The proposed amendment redesignates subdivision (d) as "Notice to Plead" instead of "Notice of Demand for Evidentiary Hearing," when a matter is within the original jurisdiction of Commonwealth Court. This remedies an inconsistency between the heading and the text of rule.

*Rule 1514 (Filing and Service of the Petition for Review)*

The proposed amendment clarifies that a counsel's appearance can be withdrawn without leave of court where another lawyer has entered or simultaneously enters an appearance for the party.

*Rule 1515 (Answer to Petition)*

The proposed amendment conforms the reference to "Notice To Plead." See proposed amendment to Rule 1513(d).

*Rule 1532 (Special and Summary Relief)*

The proposed amendment deletes the last sentence of subdivision (b) to eliminate the requirement of filing a motion to open or vacate an order granting summary relief. The proposed amendment overrules *Zemprelli v. Scranton*, 102 Pa. Cmwlth. Ct. 637, 519 A.2d 518 (1986). The proposed amendment to subdivision (b) is explained in the proposed amendment to the Official Note. This change is similar to amendment to Pa.R.C.P. 1098 effective January 1, 1996. See also proposed amendment to Rule 311(a)(5) in Recommendation 28-A.

*Rule 1571 (Determinations of the Board of Finance and Revenue)*

The proposed amendment requires that service of a petition for review from a Board of Finance and Review determination must be served on the Attorney General *in accordance with Rule 1514(c)*, i.e., service in person or by certified mail.

*Rule 1734 (Appropriate Security)*

The proposed amendment to Pa.R.A.P. 1734 adds as appropriate security irrevocable letters of credit and uses language comparable to that applicable to certificates of deposit.

*Rule 1751 (Form of Bond)*

The proposed amendment to Pa.R.A.P. 1751 substitutes plain English for the legalese in the second paragraph of the bond form.

*Rule 1782 (Security on Review in Tax Matters)*

The proposed amendment simplifies the second paragraph of subdivision (b) which sets forth the form of bond on a petition for review in tax matters.

*Rule 1911 ([Order] Request for Transcript)*

The Proposed amendment deletes the reference to an order for transcript. Since the order for transcript is, in fact, a request by a party and not an order of court, the use of the term order is misleading. See proposed amendment to Rule 904.

*Rule 2132 (References in Briefs to the Record)*

The proposed amendment corrects a reference to advance forms of brief. Advance briefs are to be served, but not filed.

*Rule 2136 (Briefs in Cases Involving Cross Appeals)*

The proposed amendment to the rule substitutes gender neutral language. The proposed amendment to the note is necessary because based on the 1987 amendments waiver of oral argument is no longer a prerequisite before an appellee may file a reply to appellant's answer on a cross-appeal.

*Rule 2140 (Brief on Remand or Following Grant of Reargument or Reconsideration)*

The proposed amendment reflects that the title on the cover of the brief (not the caption) should reflect the current status of the case.

*Rule 2153 (Docket Entries and Related Matter)*

The proposed amendment deletes the Official Note. The Official Note is a historical reference that does not assist in application of the rule.



*Rule 2154* (Designation of Contents of Reproduced Record)

The proposed amendment deletes an inaccurate reference in the note of the number of briefs to be filed under the in forma pauperis procedure.

*Rule 2185* (Time for Serving and Filing Briefs)

The proposed amendment requires that reproduced record be filed before the appellee's brief is due.

*Rule 2186* (Time for Serving and Filing Reproduced Record)

The proposed amendment sets the time for service of the reproduced record as 21 days after service of appellee's brief rather than 51 days after service of appellant's advance brief. The proposed amendment to the official note corrects an erroneous reference to paragraph (a)(2). The proper reference is to paragraph (a)(1).

*Rule 2187* (Number of Copies to be Served and Filed)

The proposed amendment conforms the number of briefs required by Commonwealth Court and Superior Court to actual practice.

*Rule 2311* (Submission on Briefs)

The proposed amendment changes "PCHA" to "PCRA".

*Rule 2313* (Advancement or Continuance)

The proposed amendment deletes historical references in the Official Note which do not assist in application of the rule. The Official Note is further amended to cross-reference Rule 3305 and explain that "*in the Supreme Court the prothonotary may dispose of motions generally relating to calendar control.*"

*Rule 2543* (Considerations Governing Allowance of Reargument)

Rule 2543 is amended to provide that: "An application for reargument is not permitted from a final order of an appellate court under (1) the Pennsylvania Election Code; or (2) the Local Government Unit Debt Act or any similar statute relating to the authorization of public debt." See summary to Rule 123 (explaining why reargument is anomalous to the expedited appeal period for such cases).

*Rule 3331* (Review of Special Prosecutions or Investigations)

Paragraph (a)(5) ("An order enforcing or refusing to enforce a subpoena issued by or otherwise affecting the existence or operation of the Pennsylvania Crime Commission existing under the Pennsylvania Crime Commission Act (71 P. S. § 1190.1 et seq.)" is deleted.

*Rule 5101* (Statutes and Other Authorities Suspended or Abrogated)

The proposed amendment to Rule 5101 deletes subdivisions (a) and (c) because the legislature has repealed the statutory provisions which previously had been suspended by this Rule. The proposed amendment also deletes subdivision (d) which is obsolete.

*Rule 5102* (Statutes Saved from Suspension)

The proposed amendment corrects the Rule to conform legislative renumbering of Title 15 of the *Pennsylvania Consolidated Statutes*.

[Pa.B. Doc. No. 96-667. Filed for public inspection April 26, 1996, 9:00 a.m.]

## Title 246—MINOR COURT CIVIL RULES

### PART I. GENERAL

#### [246 PA CODE CHS. 500 AND 1000]

Order Amendment PA.R.C.P.D.J. Nos. 504, 514, 515, 517, 519, 520, 581, 1002, 1008, 1013 and 1081; No. 165; Doc. No. 1

Please be advised that the docket number for the above captioned matter has been changed to the following:

*No. 107 Magisterial Docket No. 1, Book 2*

PATRICIA JOHNSON,  
Chief Clerk—Eastern District

(*Editor's Note:* For the document referenced in this notice, see 26 Pa.B. 1691 (April 13, 1996).)

[Pa.B. Doc. No. 96-668. Filed for public inspection April 26, 1996, 9:00 a.m.]

## Title 252—ALLEGHENY RULES

### ALLEGHENY COUNTY

Rules of Court of Common Pleas; No. 2 of 1996  
Rules Docket; No. 2 of 1996 District Justice  
Docket

#### Order of Court

And Now, this 11th day of April, 1996, pursuant to action of the Board of Judges, the following local rule of the Court of Common Pleas (Rule 1005C—District Justice Proceedings) is adopted, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

ROBERT E. DAUER,  
President Judge

#### Proposed Local Rule 1005C. District Justice Proceedings.

C. \*(1) At the same time an appeal is filed and using envelopes provided by the Prothonotary with the Prothonotary's return address, every appellant appealing from a judgment entered by a district justice:

(a) shall address an envelope to every other party at his or her address as listed on the complaint form filed in the office of the district justice or as otherwise appears in the records of that office, or the attorney of record, if any;

(b) shall address an envelope to the district justice in whose office the judgment was rendered; and

(c) shall, if the appellant was a defendant in the action before the district justice, (i) address an envelope to himself or herself at the address used for the appeal and (ii) in addition to the envelopes required by subsection \*(1)(a) of this Local Rule, address another envelope to every other defendant, if any, at his or her address as it appears in the records of the district justice, or his or her attorney of record, if any.

C. \*(2) Using the envelopes addressed by the appellant under Allegheny County Local Rule 1005C. \*(1), the Prothonotary shall mail by first class mail:

(a) to every party other than appellant, (i) a copy of the notice of appeal, and (ii) if any other party was a plaintiff in the action before the district justice, a copy of the rule pursuant to Pa.R.C.P.D.J. No. 1004B, or, if any other party was a defendant in the action before the district justice, a copy of the complaint, with such service and any return being noted on the court's docket;

(b) to the district justice, a copy of the notice of appeal, with such service and any return being noted on the court's docket; and

(c) if appellant was a defendant in the action before the district justice, to appellant and any other defendant, a copy of any complaint filed pursuant to a rule to file a complaint, with such service and any return being noted on the court's docket.

C. \*(3) Pursuant to Pa.R.C.P.D.J. No. 1005C, such first class mailings by the Prothonotary pursuant to Allegheny County Local Rule 1005C. \*(2) shall operate as service and proof of service as required by Pa.R.C.P.D.J. Nos. 1005A and 1005B.

[Pa.B. Doc. No. 96-669. Filed for public inspection April 26, 1996, 9:00 a.m.]

## ALLEGHENY COUNTY

### Rules of Court of Common Pleas; No. 3 of 1996 Rules Docket

#### Order of Court

*And Now*, this 11th day of April, 1996, pursuant to action of the Board of Judges, the following local rules affecting the Summary Appeals Branch of the Court of Common Pleas are adopted, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

*By the Court*

ROBERT E. DAUER,  
*President Judge*

#### Proposed Local Rules of the Summary Appeals Branch of the Court of Common Pleas of Allegheny County

##### Rule 1. Filing of Appeals.

A. Appeals from summary criminal convictions, ordinance violations and summary convictions for offenses of the Pennsylvania Vehicle Code shall be filed with the office of the Clerk of Courts of Allegheny County in accordance with the Pennsylvania Rules of Court, "Pennsylvania Rules of Criminal Procedure," Rule 86.

B. Appeals from summary determinations and orders of civil service commissions, zoning boards, the Pennsylvania Liquor Control Board, the Pennsylvania Department of Transportation and other miscellaneous summary proceedings from which appeal to the Court of Common Pleas is specifically authorized by statute shall be filed with the office of the Prothonotary of Allegheny County in accordance with the Pennsylvania Rules of Court, "Rules of Conduct, Office Standards and Civil Procedure for District Justices," Rule 1005.

##### Rule 2. Notice of Appeal.

The appellant shall notify the respondent (appellee) and the District Justice, City Magistrate, governmental agency, department, board or commission in writing of the appeal and the date of hearing at least thirty (30) days prior to the scheduled hearing date in accordance with the Pennsylvania Rules of Court, "Rules of Conduct, Office Standards and Civil Procedure for District Justices", Rule 1005, or Rule 86 of the "Pennsylvania Rules of Criminal Procedure," whichever is applicable.

##### Rule 3. Determination of Timeliness of Appeal.

The office of the Prothonotary of Allegheny County and the office of the Clerk of Courts of Allegheny County shall, upon presentation of a summary appeal to the Court of Common Pleas for filing, determine if the appeal is timely. All untimely attempts to file appeals shall be rejected by the filing agency unless an order granting allowance of appeal nunc pro tunc accompanies the appeal.

##### Rule 4. Sessions of Court.

The regular sessions of court shall be held daily before the assigned judge, except Saturdays, Sundays, and legal holidays, commencing at 8:30 o'clock a.m. and 1:00 o'clock p.m. unless otherwise ordered by the President Judge.

##### Rule 5. Notice of Presentment of Motions.

The moving party shall notify the respondent in writing of any presentment (with the exception of petitions to proceed in forma pauperis) at least five (5) days prior to the date of said presentment.

##### Rule 6. Motions.

All petitions, motions (including motions for postponement) and miscellaneous business shall be presented before the assigned motions judge on Mondays at 8:30 o'clock a.m. In the event that any Monday is an official court holiday or that the court is closed by order of the President Judge, all such matters shall be presented on Tuesday at 8:30 o'clock a.m. unless otherwise ordered by the President Judge.

##### Rule 7. Motions for Postponement.

Motions for postponement of cases shall be presented a minimum of seven (7) days prior to the scheduled hearing date of the case unless otherwise permitted by the court upon a showing of good cause. All such motions shall be completed using the forms supplied by the Summary Appeals Branch of the Court of Common Pleas. Motions granted by the court shall be filed with the appropriate filing agency and the appropriate filing fee paid within three (3) days of the date of the granting of the motion.

##### Rule 8. Petitions for Reconsideration.

Petitions pursuant to 42 Pa.C.S. 5505 shall be filed directly with the Summary Appeals Branch of the Court of Common Pleas and forwarded by the court to the assigned judge for review. Argument on such petitions may be held at the discretion of the assigned judge.

##### Rule 9. Petitions to Proceed in Forma Pauperis.

Petitions to proceed in forma pauperis in the Summary Appeals Branch of the Court of Common Pleas shall be presented before the court within twenty (20) days of the date of the decision of the issuing authority (District Justice or City Magistrate). Such petitions shall be presented before the assigned motions judge on Mondays

at 8:30 o'clock a.m. At the time of presentment Petitioner shall document all averments contained in the petition.

**Rule 10. Advisement of In Forma Pauperis Presentation.**

In addition to the mandate of Pa.R.C.P. 83(e) regarding advisement of appellate rights by the issuing authority (District Justice or City Magistrate) defendant shall be advised by the issuing authority that petitions to proceed in forma pauperis in the Summary Appeals Branch of the Court of Common Pleas shall be presented before the court within twenty (20) days of the date of the decision of the issuing authority.

**Rule 11. Scheduling of Miscellaneous Summary Appeals and Motions.**

A. The assigned judge presiding over summary appeals to the Court of Common Pleas from determinations of the Pennsylvania Labor Relations Board, Civil Service Commissions, School Boards, Water and Sewer Authorities, Housing Authorities, and other local and non-local agencies (with the exception of the Pennsylvania Liquor Control Board and Zoning Boards) shall hold the hearing, conference or conciliation within thirty (30) days of the assignment of the case to the court. Presentment of petitions, motions and other miscellaneous business shall be completed according to the procedure implemented by the assigned judge.

B. The assigned judge presiding over summary appeals to the Court of Common Pleas from determinations of the Pennsylvania Liquor Control Board and Zoning Boards shall schedule the date and time of hearing, conference or conciliation and any other necessary proceedings including the presentment of all petitions, motions and other miscellaneous business. Presentment of petitions, motions and other miscellaneous business shall be completed according to the procedure implemented by the assigned judge.

**Rule 12. Disposition of Miscellaneous Summary Appeals.**

A verdict in miscellaneous summary appeals (with the exception of appeals from zoning boards and the Pennsylvania Liquor Control Board) shall be entered within thirty (30) days of the date of hearing, conference, or conciliation. The filing of briefs shall be completed according to the procedure implemented by the assigned judge.

**Rule 13. Withdrawal of Appeals.**

Summary Appeals to the Court of Common Pleas from summary criminal convictions, ordinance violation convictions, vehicle code violation convictions and orders of the Pennsylvania Department of Transportation may be withdrawn at any time by the personal appearance of appellant or appellant's counsel before the court. Withdrawal of miscellaneous summary appeals shall be completed according to the procedure implemented by the assigned judge.

[Pa.B. Doc. No. 96-670. Filed for public inspection April 26, 1996, 9:00 a.m.]

# Title 25—LOCAL COURT RULES

## GREENE COUNTY

### Amendment and Addition to Local Rules of Procedure G216, G2206 and G216-CRIM

#### Order

And now, this 12th day of April, 1996, it is *Ordered* that the above-stated Local Rules be amended as follows. The prior listed rules are rescinded upon the effective date of these amendments.

These amendments shall be effective 30 days after publication in the *Pennsylvania Bulletin*.

H. TERRY GRIMES,  
*President Judge*

**Rule G216: Continuances.**

\* \* \* \* \*

d. A filing fee of twenty five (\$25.00) dollars shall be paid to the Prothonotary upon filing of the motion for continuance and receipt received prior to the Prothonotary's time stamp and prior to presentment to this Court.

e. The Prothonotary shall remit said filing fee on a monthly basis to the Court Administrator for expenditure on the Greene County Law Library.

**Rule G2206: Settlement, Compromise, Discontinuance and Judgment—Notice to the Department of Revenue. Contents of the Petition. Department's Response.**

a. When a petition is presented seeking an order permitting a compromise of a claim, whether in suit or not, by an estate or when a petition is presented pursuant to Pa.R.C.P. 2206, the court shall set a date for hearing. Petitioner shall provide a copy of the petition and notice of the hearing date to the Office of Chief Counsel, Department of Revenue, Commonwealth of Pennsylvania, at least twenty-one (21) days prior to the hearing date.

b. Said petition shall contain the following information:

1. The extent, if any, of the decedent's conscious pain and suffering resulting from the incident giving rise to the decedent's claim;

2. A copy of an accident report, if available;

3. The medical expenses incurred resulting from the incident giving rise to the decedent's claim;

4. Name, age, relationship to decedent, and the extent of financial dependence upon decedent of wrongful death beneficiaries of decedent;

5. Non-minor decedent's probable future earned income less cost of maintenance discounted to present worth (attach supporting economist's report, if available).

c. Counsel for the Department of Revenue shall notify the petitioner's counsel at least seven (7) days prior to the hearing date whether or not the Department agrees with the proposed apportionment.

**Rule G216-CRIM: Continuances.**

a. Motions for continuance shall contain the following information:

1. A statement of the number of prior continuances, if any,

2. A clear, concise and certain reason for the request, and

3. In the event the reason for requesting a continuance is a prior commitment to another Court appearance or administrative agency, a copy of the notice of the conflicting hearing shall be attached as an exhibit.

b. If the continuance is by consent, all counsel *and all parties* must sign the application.

c. Granting of a continuance pursuant to this Rule and Pa.R.Crim.P. 301 shall be at the discretion of the Court.

d. A filing fee of twenty-five (\$25.00) dollars shall be paid to the Clerk of Courts upon filing of the motion for continuance and receipt received prior to the Clerk of Courts' time stamp and prior to presentation to this Court.

e. The Clerk of Courts shall remit said filing fee on a monthly basis to the Court Administrator for expenditure on the Greene County Law Library.

[Pa.B. Doc. No. 96-671. Filed for public inspection April 26, 1996, 9:00 a.m.]

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**MONROE COUNTY**  
**Civil Court Rules**

**Order**

*And Now*, April 4th, 1996, the following Civil Court Rules 206 and 207 are adopted to be effective June 1, 1996. Local Civil Rules 206 and 207 heretofore adopted are rescinded effective June 1, 1996.

This is a certified copy of the proposed Civil Court Rules 206 and 207 to be adopted June 1, 1996.

*By the Court*

RONALD E. VICAN,  
*President Judge*

**Rule 206. Petition and Rule to Show Cause Practice.**

1. A petition and rule to show cause may be used to bring before the court any proper matter for which no other specific procedure is authorized or in which only a petition is prescribed as the authorized procedure for bringing such matter before the court for disposition.

2. A rule to show cause shall be issued at the discretion of a judge of the court as contemplated by Pa.R.C.P. 206.5. The court, upon its own initiative, may schedule an evidentiary hearing on disputed issues of material fact and may, in its discretion, provide for disposition of the matter on briefs, without the necessity of oral argument. In such instances, the court shall establish a briefing schedule in its initial order.

3. All petitions shall contain a certification by counsel for the moving party that concurrence in the petition has been sought from all opposing counsel and that such concurrence has been granted or denied. Where concurrence has been granted, the written concurrence of opposing counsel shall be attached to the petition.

4. All petitions, except those made in the course of trial or hearing, shall be in writing. All written petitions shall be signed by counsel and may be filed at any time during regular business hours with the prothonotary (civil division), clerk of courts (criminal division), or clerk of

orphans' court<sup>1</sup> or presented to the motions court judge at a time specified on the court calendar. Counsel's signature upon a petition shall constitute a certification that counsel has read the petition and that, to the best of counsel's knowledge, information and belief, it is supported by sufficient legal or factual grounds and that it is not interposed merely for delay. The prothonotary/clerk of courts shall deliver daily a petitions list with accompanying petitions to the court administrator to monitor and assign to a judge.

5. All petitions and answers thereto, shall comply with the provisions of Pa.R.C.P. 206.1 through 206.3.

6. The party obtaining the issuance of a rule to show cause shall forthwith serve a true and correct copy of the court order entering the rule and specifying a return date, along with a copy of the underlying petition, upon each attorney of record and unrepresented party in the manner prescribed by Pa.R.C.P. 440. An affidavit of service shall be filed within five (5) days with the prothonotary/clerk of courts and court administrator.

7. If no answer is filed on or before the return date, the moving party may file a motion to make the rule absolute. A motion to make the rule absolute shall evidence compliance with the service requirements of Pa. R.C.P. 440, setting forth the time, place and nature of service. No rule shall be made absolute without certification that the petition and rule to show cause have been served in compliance with Pa.R.C.P. 440. Counsel or the moving party shall make such certification under oath or in conformance with Pennsylvania Rules of Civil Procedure.

8. Failure to comply with any provision of this rule may constitute sufficient grounds for the court to dismiss the petition and/or deny any requested relief.

**Rule 207. Motion Practice.**

1. All motions, except those made in the course of trial or hearing, shall be in writing. All written motions shall be signed and presented at motions court or filed with the prothonotary (civil division), clerk of courts (criminal division), or clerk of orphans' court.<sup>1</sup> Counsel's signature upon a motion shall constitute a certification that counsel has read the motion and that, to the best of counsel's knowledge, information and belief, the underlying circumstances which give rise to the filing of the motion are based upon either sufficient legal or factual grounds and that it is not interposed merely for delay.

2. All motions shall state with particularity those grounds upon which relief is sought and, where written, shall be in paragraph form in conformity with Pa.R.C.P. 207. Further, all written motions shall cite any statute or procedural rule authorizing the grant of such relief.

3. Except for motions enumerated in subsection (4), all motions shall contain a certification by counsel for the moving party that concurrence in the motion has been sought from all opposing counsel and that such concurrence has been granted or denied. Where concurrence has been granted, the written concurrence of opposing counsel shall be attached to the motion.

4. At the time of filing motions authorized by Pa. R.C.P. 1028 (preliminary objections), 1034 (judgment on the pleadings), 1035 (summary judgment), and 1509 (preliminary objections), the moving party shall also file a praecipe to place the matter on the first argument list set

<sup>1</sup> The form and substance of Petition and Rule to Show Cause Practice will be adhered to in criminal court and orphans' court.

<sup>1</sup> The form and substance of Motion Practice will be adhered to in criminal court and orphans' court.

forth on the court calendar occurring more than thirty (30) days following the date of filing the motion. Briefs in support of legal propositions shall be filed in accordance with 43 J.D.R.C.P. 210 and 211.

5. At the time of presentation at motions court or filing with the prothonotary, clerk of courts, or clerk of orphans' court, the party filing the motion shall forthwith serve a true and correct copy of the motion, proposed order, praecipe for argument (if applicable), upon each attorney of record and unrepresented party in the manner prescribed by Pa.R.C.P. 440. Within seven (7) days, the party filing the motion shall file with the court an affidavit of service indicating the time, place and manner of service.

6. The legibility of all attachments, exhibits and photocopies shall be the sole responsibility of counsel initiating the motion.

7. Failure to comply with any provision of this rule may constitute sufficient grounds for the court to deny the motion.

[Pa.B. Doc. No. 96-672. Filed for public inspection April 26, 1996, 9:00 a.m.]

\_\_\_\_\_

**MONROE COUNTY**  
**Criminal Court Rule 303—Arraignment**

**Order**

*And Now*, April 4th, 1996, the following Criminal Court Rule 303—Arraignment is adopted to be effective June 1, 1996. Local Criminal Rule VIII heretofore adopted is rescinded effective June 1, 1996.

This is a certified copy of the proposed Criminal Court Rule 303—Arraignment to be adopted June 1, 1996.

*By the Court*

RONALD E. VICAN,  
*President Judge*

**Rule 303. Arraignment.**

Arraignment may be in writing as an alternative to an appearance by the defendant. At the discretion of the district attorney, a personal appearance by the defendant may be required. The form for arraignment shall be as follows:

**WAIVER OF APPEARANCE AT ARRAIGNMENT**

Case No. \_\_\_\_\_ Date: \_\_\_\_\_

Defendant's Name: \_\_\_\_\_

Address: \_\_\_\_\_

S. S. Number: \_\_\_\_\_-\_\_\_\_\_-\_\_\_\_\_

Driver's License Number: \_\_\_\_\_ State: \_\_\_\_\_

Defense Counsel's Name: \_\_\_\_\_

I. D. Number: \_\_\_\_\_

I, the undersigned Defendant, understand the nature of the charges filed against me by the Commonwealth of Pennsylvania and do hereby waive formal arraignment and do expressly waive my right to appear for arraignment.

Commencing with the date of this Waiver, I acknowledge the right to request a bill of particulars within seven (7) days; to file a discovery motion and inspection within

fourteen (14) days; and to file an omnibus pretrial motion within thirty (30) days, unless extended by order of court.

I further acknowledge that I must personally attend the call of the criminal trial list scheduled for \_\_\_\_\_, at 9:30 a.m., Courtroom No. 1, Monroe County Courthouse, Stroudsburg, Pennsylvania, and be present for trial during the \_\_\_\_\_ Criminal Trial Term commencing \_\_\_\_\_, at 9:00 a.m., in Courtroom No. 3, Monroe County Courthouse, Stroudsburg, Pennsylvania.

\_\_\_\_\_  
Date Signature of Defendant

\_\_\_\_\_  
Date Signature of Defense Counsel

[Pa.B. Doc. No. 96-673. Filed for public inspection April 26, 1996, 9:00 a.m.]

**NORTHAMPTON COUNTY**

**Administrative Order 1996-3—A.R.D. in Summary Cases; Misc. 122-1996**

**Order of Court**

*And Now*, this 10th day of April, 1996, Northampton County Administrative Order 1996-3—A.R.D. in Summary Cases—is hereby adopted as follows, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

Seven (7) certified copies of the within Administrative Order shall be filed with the Administrative Office of Pennsylvania Courts; two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; and one (1) certified copy shall be filed with the Pennsylvania Criminal Procedural Rules Committee. One (1) copy of this Administrative Order shall be kept available in the Office of the Clerk of Courts. A copy is directed to be published in the *Northampton County Reporter*.

**Order of Court**

*And Now*, this 10th day of April, 1996, pursuant to Pa.R.Crim.P. 160(d), the Court adopts the following local procedure for A.R.D. in summary cases:

1. The following types of summary cases shall be eligible for A.R.D., to be supervised by the District Justice, pursuant to Pa.R.Crim.P. 161:

- a. Retail theft. 18 Pa.C.S.A. § 3929(a), (b)(1)(i).
- b. Purchase, consumption, possession, or transportation of intoxicating beverages by one less than 21 years of age. 18 Pa.C.S.A. § 6308.
- c. Misrepresentation of age to secure liquor or malt or brewed beverages by one less than 21 years of age. 18 Pa.C.S.A. § 6307.
- d. Carrying a false identification card. 18 Pa.C.S.A. § 6310.3.

2. Admission shall be requested within ten (10) days of receipt of the citation or summons. Extensions of the application period may be granted by the District Justice for good cause. The District Justice shall determine eligibility for summary A.R.D. within seventy-two (72) hours of the submission of the application.

3. a. A District Justice shall notify the Minor-Judiciary Administrator when a defendant is placed in A.R.D. for a summary matter.

b. The Minor-Judiciary Administrator shall maintain a list of all defendants placed in A.R.D. in a summary matter.

4. a. No defendant who has previously been placed in an A.R.D. program in any court shall be admitted to A.R.D. in a summary matter.

b. A defendant who applies for A.R.D. in a summary matter shall execute the following:

#### AFFIDAVIT

I have not previously been placed in an A.R.D. program in any court at either the common pleas or district justice level. I make this statement subject to the penalties of 18 Pa.C.S.A. 4904, relating to unsworn falsification to authorities.

Date	Name
_____	_____

c. Prior to placing a defendant in A.R.D., the District Justice shall determine that the defendant has not previously been placed in A.R.D. in a summary matter in this judicial district by contacting the Minor-Judiciary Administrator.

5. Costs of supervision and restitution, if any, must be paid in full before admission to the A.R.D. program. These costs include court costs incident to a non-traffic summary offense and any costs incident to the program to which the defendant is referred.

6. The defendant shall be notified in writing of acceptance or rejection from A.R.D.

a. If accepted, defendant shall appear at a time designated by the District Justice for completion of all documentation incident to admission to A.R.D.

b. If rejected, the District Justice shall notify defendant that he has ten (10) days to enter his plea and the case shall proceed in accord with Chapter 50 of the Pennsylvania Rules of Criminal Procedure.

7. The District Justice shall schedule and notify the defendant at the time of admission to A.R.D. of a hearing date to determine if all A.R.D. requirements have been met within ninety (90) days of the entry into A.R.D.

8. Requests for continuance of said hearing shall be denied, except in compelling circumstances. No continuance shall be for more than seven (7) days.

9. A defendant accepted into A.R.D. for retail theft shall be referred to the Stoplift program conducted by THE PROGRAM for Women and Families. A defendant accepted for the alcohol-related offenses shall be referred to the Alcohol and Drug Dependence Center—Lehigh Valley for counseling. Successful completion of the rehabilitation program shall be required.

10. Each District Justice shall file a report on a monthly basis with the Minor-Judiciary Administrator setting forth the disposition and completion or non-completion of all program requirements. If a defendant eligible for A.R.D. is not admitted, the District Justice shall include the reasons therefor in the report. Upon successful completion of all requirements, the defendant's case shall be dismissed and defendant discharged.

11. If defendant declines A.R.D. or fails to successfully complete the program requirements, the case shall pro-

ceed in accord with Chapter 50 of the Pennsylvania Rules of Criminal Procedure.

12. No summary case shall remain "active" for purposes of A.R.D. supervision in excess of ninety (90) days.

13. The following shall be displayed in each District Justice office:

#### NOTICE TO THOSE CHARGED WITH SUMMARY RETAIL THEFT OR UNDERAGE ALCOHOL-RELATED OFFENSES

You may be eligible to participate in a program (A.R.D.) which will result in dismissal of the charge against you. The A.R.D. program is available for defendants who have not previously been placed into an A.R.D. program.

You must pay all costs and restitution before admission to the A.R.D. program. You will be required to attend a counseling program for up to ninety (90) days. If you successfully complete the program, the charge against you will be dismissed. If you want to apply for the A.R.D. program, notify the District Justice immediately.

*By the Court*

ROBERT A. FREEDBERG,  
*President Judge*

[Pa.B. Doc. No. 96-674. Filed for public inspection April 26, 1996, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Transfer of Attorneys to Inactive Status

The following attorneys have been transferred to inactive status by Order of the Supreme Court of Pennsylvania dated March 13, 1996, pursuant to Rule 219, Pa.R.D.E. The Order became effective April 12, 1996.

Notice with respect to attorneys having Pennsylvania registration addresses, who have been transferred to inactive status by said Order, was published in the appropriate county legal journal.

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

FRANCIS BRADFORD BATCHA  
Freehold, NJ

THOMAS ASHTON EDWARDS  
Coral Gables, FL

LUDWIG PETER GAINES  
Washington, DC

BRUCE J. MILLER  
Dix Hills, NY

[Pa.B. Doc. No. 96-675. Filed for public inspection April 26, 1996, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

### STATE BOARD OF NURSING [49 PA. CODE CH. 21] Student Health Programs

The State Board of Nursing (Board) amends §§ 21.111 and 21.222 (relating to health program; and student services) pertaining to student services health programs for both registered and practical nursing students, as set forth in Annex A.

The amendments are made under the authority of section 2.1(k) of the Professional Nursing Law (63 P. S. § 212.1(k)), and under section 17.6 of the Practical Nurse Law (63 P. S. § 667.6), which empower the Board to establish rules and regulations for the administration of the respective acts.

The amendments will remove outdated requirements of student health programs which are unduly restrictive and unnecessary.

#### *Consideration of Suggestions During Proposed Rulemaking*

Notice of proposed rulemaking was published at 24 Pa.B. 4697 (September 17, 1994), following which the Board accepted public comment for 30 days. The Independent Regulatory Review Commission (IRRC), the Senate Committee on Consumer Protection and Professional Licensure (Senate Committee) and the House Committee on Professional Licensure (House Committee) made no comment to the proposal.

The Pennsylvania Nurses Association recommended that the Board amend §§ 21.111(d)(1) and 21.222(1)(i) by adding the term "advanced practice nurse" as another appropriate health care practitioner to administer the physical examination. The Board, however, felt that that practitioner is already included in the term "qualified nurse clinician."

The Hospital Association of Pennsylvania wrote in support of the amendments. The Board did not receive any other public comments.

#### *Fiscal Impact and Paperwork Requirements*

The amendments will have no fiscal impact and will require no additional paperwork by the Commonwealth, its political subdivisions or the private sector.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted for review and comment a copy of the notice of proposed rulemaking, published at 24 Pa.B. 4697 to IRRC and to the House and Senate Committees. In compliance with section 5(b.1) of the Regulatory Review Act, the Board has provided IRRC and the House and Senate Committees with a copy of the comments received as well as other documentation.

In preparing these amendments, the Board has considered comments received from IRRC and the House and Senate Committees and the public.

The final-form regulations were approved by the Senate Committee on November 14, 1995, the House Committee on November 15, 1995, and were deemed approved by IRRC on November 15, 1995, in accordance with section 5(b.3) of the Regulatory Review Act.

#### *Findings*

The Board finds that:

(1) Public notice of the Board's intention to adopt the amendments was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The amendments are necessary and appropriate for the administration of section 2.1(k) of the Professional Nursing Law and section 17.6 of the Practical Nurse Law.

#### *Order*

The Board orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 21, are amended by amending §§ 21.111 and 21.222 to read as set forth in Annex A.

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

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

(d) The amendments shall take effect upon publication in the *Pennsylvania Bulletin*.

SISTER RITA MORIARTY,  
*Chairperson*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 25 Pa.B 5667 (December 9, 1995).)*

**Fiscal Note:** Fiscal Note 16A-511 remains valid for the final adoption of the subject regulations.

#### **Annex A**

### **TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

#### **PART I. DEPARTMENT OF STATE**

#### **Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

#### **CHAPTER 21. STATE BOARD OF NURSING**

#### **Subchapter A. REGISTERED NURSES**

#### **STUDENT SERVICES**

#### **§ 21.111. Health program.**

(a) There shall be written objectives and policies for the health program.

(b) The health program shall include at least the following:

(1) Preentrance and periodic health examinations.

(2) Provisions for necessary immediate professional health care.

(3) An immunization policy.

(4) A policy addressing student absences due to illness which gives the student the opportunity to attain the learning objectives not achieved due to absences.

(c) Appropriate cumulative student health records shall be maintained throughout the enrollment of the student.

**Subchapter B. PRACTICAL NURSES  
STUDENTS**

**§ 21.222. Student services.**

(a) *Health program.* There shall be written objectives and policies for the health program.

(b) *Program requirements.* The health program shall include at least the following:

- (1) Preentrance and periodic health examinations.
- (2) Provisions for necessary immediate professional health care.

(3) An immunization policy.

(4) A policy addressing student absences due to illness which gives the student the opportunity to attain the learning objectives not achieved due to absences.

(c) *Maintenance of health records.* Appropriate cumulative student health records shall be maintained throughout the enrollment of the student.

(d) *Student employment.* When part-time student employment is permitted, written policies shall include the type of employment and conditions regulating the employment, such as health, academic load and scholastic progress and consideration of current Federal and State laws affecting employment. When students are employed in health agencies, they may not perform the functions normally assigned to a professional or practical nurse unless they are currently licensed. Students in this role cannot be assigned as charge nurse of a unit. Student employment shall be on a voluntary basis and not a requirement of the institution. Remuneration for employment shall be within the range of the salary scale for the position.

(e) *Student housing.* Policies concerning housing shall include the following:

(1) Adequate space, equipment and furnishings for each student, such as desk, chairs, proper lighting, ventilation and closet space.

(2) Safe and adequately maintained facilities directly related to personal hygiene and personal security measures which include appropriate supervision of housing facilities and periodic inspection of safety devices, such as fire extinguishers, housing exits and fire drills.

(3) Provision of facilities which promote recreational and social activities.

(4) Facilities for obtaining adequate, well-balanced meals.

(f) *Counseling and guidance.* The scope of the counseling program shall be clearly defined in accordance with the objectives of the program. A program shall include

academic counseling, initiated by either faculty or students. Adequate provision shall be made for the student's referral to or consultation with skilled counselors, psychiatrists, psychologists or religious advisors when professional and personal assistance is needed for individual student problems.

(g) *Financial aid.* Policies and procedures relating to scholarships, loans and grants shall be developed within the framework of the philosophy of the controlling institution and defined in writing.

[Pa.B. Doc. No. 96-676. Filed for public inspection April 26, 1996, 9:00 a.m.]

## Title 61—REVENUE

### DEPARTMENT OF REVENUE

**[61 PA. CODE CHS. 853, 854, 856, 857,  
859—861 AND 864]**

#### Termination of Instant Lottery Games

The following instant games were terminated by public announcement by the Executive Director of the Lottery and are being deleted from the *Pennsylvania Code*:

Sections 853.1—853.22, Pennsylvania Zodiac '93 Instant Lottery (see § 853.22 (relating to termination of chapter)). November 1, 1993.

Sections 854.1—854.22, Pennsylvania Baseball '93 Instant Lottery (see § 854.22 (relating to termination of chapter)). November 1, 1993.

Sections 856.1—856.19, Pennsylvania Mother's Day ('93) Instant Lottery (see § 856.19 (relating to termination of chapter)). August 23, 1993.

Sections 857.1—857.22, Pennsylvania Tic-Tac-Toe ('93) Instant Lottery (see § 857.22 (relating to termination of chapter)). February 28, 1994.

Sections 859.1—859.22, Pennsylvania Monopoly Instant Lottery (see § 859.22 (relating to termination of chapter)). April 4, 1994.

Sections 860.1—860.22, Pennsylvania Football '93 Instant Lottery (see § 860.22 (relating to termination of chapter)). February 28, 1994.

Sections 861.1—861.19, Pennsylvania Cash Explosion Instant Lottery (see § 861.19 (relating to termination of chapter)). August 31, 1993.

Sections 864.1—864.19, Pennsylvania Stocking Stuffer '93 Instant Lottery (see § 864.19 (relating to termination of chapter)). February 28, 1994.

ROBERT A. JUDGE, Sr.,  
*Secretary*

[Pa.B. Doc. No. 96-677. Filed for public inspection April 26, 1996, 9:00 a.m.]



# PROPOSED RULEMAKING

## DEPARTMENT OF REVENUE

### [61 PA. CODE CHS. 9 AND 47] Passenger Car Rental Tax

The Department of Revenue (Department), under the authority contained in section 270 of the Tax Reform Code of 1971 (TRC) (72 P. S. § 7270), proposes to delete § 9.14 (relating to passenger car rental tax) and add § 47.20 (relating to passenger car rental tax) as set forth in Annex A. Section 1603-A of the TRC (72 P. S. § 8603-A) provides in subsection (c) that unless otherwise noted, the provisions of Article II of the TRC (72 P. S. §§ 7201—7281.2) applies to the tax required under Article XVI-A of the TRC (72 P. S. §§ 8601-A—8604-A). This proposal is therefore being promulgated under the authority contained in section 270 of the TRC. Section 270(a) of the TRC specifically provides that the Department is authorized and empowered to prescribe, adopt, promulgate and enforce, rules and regulations consistent with the provisions of Article II of the TRC, Tax For Education, relating to any matter or thing pertaining to the administration and enforcement of the provisions of Article II and the collection of taxes, penalties and interest imposed by Article II.

This proposal sets forth the Department's interpretation of Article XVI-A of the TRC.

Section 47.20(a) relates to definitions. The Department has developed several definitions to assist in the interpretation of this section. Though the act defined the term "motor vehicle" in section 1601-A of the TRC, the Department has created the term "passenger car" because the term "motor vehicle" has a specific meaning and using it in this section would create confusion.

Section 47.20(b) relates to general provisions. This subsection provides taxpayers with information regarding statutory authority for the collection of passenger car rental tax, registration, returns, payments, including direct payment permits, and the applicability of the TRC.

Section 47.20(c) relates to scope. In accordance with section 1604-A of the TRC, paragraph (1) provides that, with respect to rental contracts entered into on or after July 1, 1994, a tax of 2% is imposed upon rental payments made on or after August 15, 1994. Paragraph (2) sets forth examples of transactions that are and are not subject to the passenger car rental tax.

Section 47.20(d) relates to exclusions and provides that, if the rental of a passenger car is exempt from State sales or use tax, the rental is also exempt from passenger car rental tax. The subsection also details the use of an exemption certificate to support a claim for exemption.

In accordance with section 1603-A of the TRC, subsection (e)(1) provides that the initial annual reconciliation report shall be due on or before February 15, 1995, and subsequent annual reconciliation reports shall be due on February 15 of each subsequent calendar year. Paragraph (2) provides for the date of filing, paragraph (3) sets forth the information the reconciliation report must contain,

paragraph (4) details the particulars regarding refunds, and paragraph (5) provides an example of how the refund process works.

To assist taxpayers prior to the adoption of this proposal, the Department has also set forth its interpretation in a pronouncement codified at § 9.14. This pronouncement has provided taxpayers and tax practitioners with an immediate source of information on which they can rely. Upon adoption of this proposal, § 9.14 will be deleted.

#### *Fiscal Impact*

The Department has determined that the proposed amendments will have no significant fiscal impact on the Commonwealth.

#### *Paperwork*

The proposed amendments will not generate additional paperwork for the public or the Commonwealth.

#### *Effectiveness/Sunset Date*

The proposed amendments will become effective upon final publication in the *Pennsylvania Bulletin*. The proposed amendments will be monitored annually. No sunset date has been assigned.

#### *Contact Person*

Interested persons are invited to submit in writing any comments, suggestions or objections regarding the proposed amendments to Anita M. Doucette, Office of Chief Counsel, Department of Revenue, Dept. 281061, Harrisburg, PA 17128-1061, within 30 days after the date of the publication of this notice in the *Pennsylvania Bulletin*.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Department submitted a copy of these proposed amendments on April 11, 1996, to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Finance and the Senate Committee on Finance. In addition to submitting the proposed amendments, 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 1982-2, "Improving Government Regulations." A copy of this material is available to the public upon request.

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

ROBERT A. JUDGE, Sr.,  
*Secretary*

**Fiscal Note:** 15-376. 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

## § 9.14. (Reserved).

## CHAPTER 47. RENTALS

## Subpart B. GENERAL FUND REVENUES

## ARTICLE II. SALES AND USE TAX

## § 47.20. Passenger car rental tax.

(a) *Definitions.* The following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

*Licensing and title fees*—Licensing and title fees imposed by 75 Pa.C.S. (relating to the Vehicle Code) and collected by the Department of Transportation. The term does not include encumbrance fees.

*Local sales or use tax*—Sales or use tax imposed by a county of this Commonwealth or the city of Philadelphia and administered by the Department.

*PCRT*—Passenger Car Rental Tax—The tax authorized under Article XVI-A of the TRC (72 P. S. §§ 8601-A—8604-A).

*PTA*—Public transportation assistance.

*Passenger car*—A passenger motor vehicle designed to transport 15 or fewer passengers which is used for the transportation of persons and rented without a driver. The term does not include a motorcycle, motor-driven cycle, school bus, truck, truck-tractor, hearse, motor home or mobile home.

*Purchaser*—A person who acquires, for money or other consideration, the custody or possession of a passenger car under a rental contract.

*Rental contract*—A contract between a purchaser and a vehicle rental company for the use of a passenger car for less than 30 days. If a passenger car is rented for less than 30 days, and the use of the passenger car subsequently extends beyond a 29-day period, the transaction remains a rental, and the rental payments continue to be subject to the PCRT until the rental contract is terminated.

*Rental payment*—Full consideration paid or delivered or promised to be paid or delivered to the vehicle rental company under a rental contract, excluding charges for local sales or use tax, State sales or use tax and PTA fees.

*State sales or use tax*—Sales or use tax imposed by Article II of the TRC (72 P. S. §§ 7201—7281.2).

*Vehicle rental company*—A business entity engaged in the business of renting passenger cars in this Commonwealth which owns or has available for rental five or more passenger cars.

(b) *General provisions.*

(1) *General.* This section is promulgated to administer the provisions of Article XVI-A of the TRC relating to the PCRT.

(2) *Registration.* A vehicle rental company renting passenger cars that are subject to the PCRT shall register with the Department.

(3) *Returns.* A vehicle rental company shall report the PCRT on a return prescribed by the Department. The initial return was due on or before October 20, 1994, and subsequent returns will be due thereafter on a quarterly basis.

(4) *Payment.* A vehicle rental company shall make payment with the return.

(5) *Direct payment permit.* A purchaser cannot use a direct payment permit issued under § 34.4 (relating to direct payment permit) in conjunction with the PCRT because the vehicle rental company may be entitled to a refund of the tax collected.

(6) *Applicability of TRC.* Unless otherwise specifically noted, Article II of the TRC and regulations promulgated thereunder apply to the PCRT.

(c) *Scope.*

(1) *General.* With respect to rental contracts entered into on or after July 1, 1994, a tax of 2% is imposed upon rental payments made on or after August 15, 1994. If the vehicle rental company fails to collect the applicable tax, the purchaser shall pay the tax directly to the Department.

(2) *Examples.*

(i) The following are examples of transactions that are subject to the PCRT:

(A) "A" rents a passenger car from a vehicle rental company for 14 days. Due to circumstances unforeseen at the commencement of the rental, "A" uses the car for 36 days before returning it. Because the transaction continues to be governed by the rental contract for the entire 36-day period, the rental payment is subject to the PCRT.

(B) "B" rents a passenger car from a vehicle rental company for 10 days. The rental contract provides for an additional charge for excess mileage as well as a pick up and drop off fee. In addition, under the rental contract, "B" elects to obtain a vehicle damage waiver, a child's car seat and a car top carrier. Because the charges for excess mileage, a pick up and drop off fee, a vehicle damage waiver, a child's car seat and a car top carrier are all part of the rental payment, the cost of these items is subject to the PCRT.

(C) "P" rents a passenger car for 7 days from "R." "R" owns two and leases 28 of the 30 passenger cars that it rents to others. Because "R" has five or more passenger cars available for rental, "R" is a vehicle rental company, and the rental payment made by "P" is subject to the PCRT.

(ii) The following are examples of transactions that are not subject to the PCRT:

(A) "Y" rents a passenger car from "E" vehicle rental company for 28 days. Due to circumstances unforeseen at the commencement of the rental, "Y" wishes to use the car for a longer period of time. After using the car for 28 days, "Y" returns the car to "E," and pays the PCRT on the rental payment, and the parties terminate the rental contract. They then enter into a lease agreement under which "Y" leases the same car from "E" for 2 years. Because the second transaction is a lease agreement and not a rental, the lease payments are not subject to the PCRT.

(B) "Z" rents a passenger car from "D" car dealership, which has only three passenger cars available for rental. Because "D" has fewer than five passenger cars available for rental, "D" is not a vehicle rental company and the rental payment is not subject to the PCRT.

(C) On June 15, 1994, "S" rents a passenger car from a vehicle rental company for 21 days. Due to circumstances unforeseen at the commencement of the rental, "S" does not return the car until August 24, 1994. Although the transaction is governed by a rental contract, the rental payment is not subject to the PCRT because the rental contract was entered into prior to July 1, 1994.

(d) *Exclusions.* If the rental of a passenger car is exempt from State sales or use tax, the rental is also exempt from the PCRT. A purchaser shall support a claim for exemption from the PCRT by submitting a completed Pennsylvania exemption certificate setting forth a valid basis for exemption. A purchaser may use the same exemption certificate used to claim an exemption from State sales or use tax, but the exemption certificate shall clearly indicate that the purchaser is claiming an exemption from the PCRT. The purchaser shall make that indication either by checking the appropriate blocks for the PCRT on the recently revised exemption certificate form or by checking the paragraph labeled "other" on the older exemption certificate form and explaining that an exemption is being claimed from the PCRT.

(e) *Annual reconciliation reports.*

(1) *General.* A vehicle rental company that has remitted the PCRT and is claiming a refund shall file an annual reconciliation report. An annual reconciliation report shall be on a form prescribed by the Department. An annual reconciliation report is not required if the vehicle rental company is not claiming a refund. The initial annual reconciliation report shall be due on or before February 15, 1995, and subsequent annual reconciliation reports shall be due on February 15 of each calendar year.

(2) *Date of filing.* The United States Postal Service postmark date will be used to determine the date of filing of an annual reconciliation report.

(3) *Contents.* An annual reconciliation report shall set forth the amount of both:

(i) The PCRT remitted during the previous calendar year.

(ii) The total amount of licensing and title fees imposed by the Commonwealth on a vehicle rental company's passenger cars and paid to the Department of Transportation by the vehicle rental company in the previous calendar year.

(4) *Refund.* The Department will refund to a vehicle rental company that has remitted the PCRT an amount, not including interest or penalties that may have been paid by the vehicle rental company, equal to the total amount of licensing and title fees paid to the Department of Transportation on the passenger cars that the vehicle rental company owns or has available for rental. The amount of refund cannot exceed the amount of the PCRT remitted by the vehicle rental company in the previous calendar year.

(5) *Example.* "R" owns a vehicle rental company that "R" sells to "S" on July 30, 1995. Prior to the sale, "R" pays licensing and title fees on a portion of its fleet of vehicles. "R" also files tax returns and remits the PCRT on January 20, April 20 and July 20, 1995. Under paragraph (4), "R" may claim a refund up to the amount of the PCRT remitted by "R" with the three tax returns. After acquiring ownership of the vehicle rental company, "S" pays the licensing and title fees due between August 1 and December 31, 1995, on the other vehicles in the fleet, and remits the PCRT for the third quarter on October 20, 1995. "S" may claim a refund of the licensing and title fees paid from August to December. The amount of the refund to "S" may not exceed the amount of the PCRT "S" remitted in October. To claim a refund, both "R" and "S" shall file their respective annual reconciliation reports on or before February 15, 1996.

[Pa.B. Doc. No. 96-678. Filed for public inspection April 26, 1996, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

#### [4 PA. CODE CH. 9]

#### Reorganization of the Department of General Services

The Executive Board approved a reorganization of the Department of General Services effective April 15, 1996.

The organization chart at 26 Pa.B. 2011 (April 27, 1996) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

[Pa.B. Doc. No. 96-679. Filed for public inspection April 26, 1996, 9:00 a.m.]

#### [4 PA. CODE CH. 9]

#### Reorganization of the Office of Administration

The Executive Board approved a reorganization of the Office of Administration effective April 9, 1996.

The organization chart at 26 Pa.B. 2012 (April 27, 1996) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

[Pa.B. Doc. No. 96-680. Filed for public inspection April 26, 1996, 9:00 a.m.]



# NOTICES

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending April 16, 1996.

### BANKING INSTITUTIONS

#### New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-16-96	First County Bank Doylestown Bucks County	842 N. Easton Rd. Doylestown Plumstead Twp. Bucks County	Approved

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-12-96	Northwest Savings Bank, Warren, and First National Bank of Centre Hall, Centre Hall surviving institution— Northwest Savings Bank, Warren	Warren	Effective
	<i>Branches Acquired:</i> 219 Pennsylvania Avenue Centre Hall Centre County	1524 W. College Avenue State College Centre County	
	611 University Drive State College Centre County		

#### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-11-96	Irwin Bank & Trust Company Irwin Westmoreland County	4548 Broadway Blvd. Monroeville Allegheny County	Filed
4-12-96	The Drovers & Mechanics Bank York York County	Adjacent to Shipley Stores Dover Square Intersection of Canal Road and Main Street (Route 74) Dover York County	Approved
4-12-96	The Drovers & Mechanics Bank York York County	Southeast Intersection of Church Road and Susquehanna Trail (Route 238) Manchester Township York County	Approved
4-12-96	FirstService Bank Lansdale Montgomery County	90 N. Main Street Doylestown Bucks County	Filed
4-12-96	The Peoples State Bank East Berlin Adams County	155 Glen Drive Manchester York County	Opened

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-12-96	The York Bank and Trust Company York York County	280 Granite Run Dr. Lancaster Lancaster County	Effective

**SAVINGS ASSOCIATIONS****Main Office Relocations**

<i>Date</i>	<i>Name of Association</i>	<i>Location</i>	<i>Action</i>
4-11-96	Quaint Oak Building and Loan Association Southampton Bucks County	<i>To:</i> 607 Lakeside Drive Southampton Upper Southampton Twp. Bucks County  <i>From:</i> 52 East Street Road Feasterville Lower Southampton Twp. Bucks County	Effective

**CREDIT UNIONS****Charter Applications**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
4-11-96	Aliquippa Regional Credit Union Aliquippa Beaver County	392 Franklin Ave. Aliquippa Beaver County	Approved
4-16-96	Montgomery County Emergency Service Credit Union Conshohocken Montgomery County	1175 Conshohocken Rd. Conshohocken Montgomery County	Filed

**Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
4-10-06	BMY Employees Credit Union York, and First Capital Federal Credit Union, York surviving institution— First Capital Federal Credit Union, York	York	Effective
4-15-96	Shaare Shamayim-Wynnefield Credit Union, Philadelphia, and Rhawnhurst Federal Credit Union, Philadelphia surviving institution— Rhawnhurst Federal Credit Union, Philadelphia	Philadelphia	Effective

RICHARD C. RISHEL,  
*Secretary*

[Pa.B. Doc. No. 96-681. Filed for public inspection April 26, 1996, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Professional Standards and Practices Commission; Application of Vicki Lee Paulina for Reinstatement of Teaching Certificates; Doc. No. RE-96-01

Under the Teacher Certification Law (24 P. S. §§ 2070.1—2070.18) (the law), the Professional Standards and Practices Commission (the Commission) has initiated hearing procedures to consider the application of Vicki Lee Paulina for reinstatement of her teaching certificates.

On or about January 2, 1996, Vicki Lee Paulina filed an application for reinstatement of her teaching certificates under section 16 of the Teacher Certification Law (24 P. S. § 2070.16), §§ 35.1 and 35.2 of the General Rules of Administrative Practice and Procedure (1 Pa. Code §§ 35.1—35.2) and 22 Pa. Code § 233.14 (relating to reinstatement). Under section 16 of the law, the Department of Education on April 4, 1996, notified the Commission that it must oppose Vicki Lee Paulina's reinstatement. In accordance with the Law, and the General Rules of Administrative Practice and Procedure, the Commission has appointed a hearing examiner to serve as presiding officer to conduct such proceedings and hearings as might be necessary, and to prepare a proposed report to the Commission containing findings of fact,

conclusions of law and a recommended decision on the application.

Any interested party desiring to participate in these hearing procedures must file a notice of intervention or a petition to intervene in accordance with §§ 35.27 to 35.32 of the General Rules of Administrative Practice and Procedure (1 Pa. Code §§ 35.27—35.32) within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Any person objecting to the approval of the application may also, within 30 days after publication of this notice in the *Pennsylvania Bulletin*, file a protest in accordance with § 35.23 of the General Rules of Administrative Practice and Procedure (1 Pa. Code § 35.23).

All notices and petitions to intervene and protest shall be filed with Dr. Warren D. Evans, Executive Director of

the Professional Standards and Practices Commission, at 333 Market Street, Harrisburg, PA 17126-0333, on or before 4 p.m. on the due date prescribed by this notice. Persons with a disability who wish to attend the hearings and require an auxiliary aid, service or other accommodation to participate, should contact Suzanne B. Markowicz at (717) 787-6576 to discuss how the Commission may best accommodate their needs.

WARREN D. EVANS,  
*Executive Director*

[Pa.B. Doc. No. 96-682. Filed for public inspection April 26, 1996, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

#### APPLICATIONS

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

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

Persons wishing to comment on the proposed permit are invited to submit a statement to the 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 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 accommodation to participate in the proceeding should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

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

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

**PA 0104019.** Sewage, **BFI of PA, Inc.**, R. D. 2, P. O. Box Q, Brockway, PA 15824.

This application is for renewal of a Part I NPDES permit to discharge treated sewage to unnamed tributary to Wolf Run in Washington Township, **Jefferson 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, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Hawthorn Area Water Authority intake on Redbank Creek located at Hawthorn, approximately 45 miles downstream from point of discharge.

The proposed discharge limits for Outfall No. 001 based on a design flow of 0.0002 mgd are:

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



<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	21,000/100 ml as a geometric average	
Total Residual Chlorine	1.5	2.3
pH	6.0—9.0 at all times	

The EPA waiver is in effect.

**PA 0034924.** Sewage. **Paint-Elk Joint Sewer Authority**, R. D. 2, Box 508, Shippenville, PA 16254.

This application is a renewal of a Part I NPDES permit to discharge treated sewage to Piney Creek in Paint and Elk Townships, **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, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Allegheny River and is used by the Parker City Water which is 30.05 miles below point of discharge.

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

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
Fecal Coliforms (5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	5,900/100 ml as a geometric average		
Total Residual Chlorine	0.5		1.2
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

**PA 0005045.** Industrial waste, SIC: 4911. **Pennsylvania Electric Company**, Seneca Generating Station, Kinzua Reservoir, P. O. Box 126, Warren, PA 16365.

This application is for a renewal of an NPDES permit to discharge noncontact cooling water and stormwater to the Allegheny River in Mead Township, Warren County. This is an existing discharge.

The receiving water is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Emlenton Water Company and the Allegheny River located at Emlenton, approximately 104 miles below point of discharge.

The proposed discharge limits for Outfall No. 001 based on a design flow of 5.49 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)	monitor and report on monthly DMR		
Total Residual Chlorine (Interim)	monitor and report on monthly DMR		monitor and report on monthly DMR
(Final)	.26		.8
pH	6.0—9.0 at all times		

The proposed discharge limits for Outfall No. 002 based on a design flow of 5.5 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)	monitor and report on monthly DMR		
Total Residual Chlorine (Interim)	monitor and report on monthly DMR		monitor and report on monthly DMR
(Final)	.26		.8
pH	6.0—9.0 at all times		

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The proposed discharge limits for Outfall No. 003 based on a design flow of .033 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)	monitor and report on monthly DMR		
Oil and Grease	15		
pH	6.0—9.0 at all times		
			30

The proposed discharge limits for Outfall No. 004 based on a design flow of .77 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)	monitor and report on monthly DMR		
Total Residual Chlorine (Interim)	monitor and report on monthly DMR		
(Final)	.26		
pH	6.0—9.0 at all times		
			monitor and report on monthly DMR
			.8

Outfall Nos. 005, 007, 008

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
	Refer to Special Condition C		

The EPA waiver is in effect.

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

**PA 0096636.** Sewage, **Somerset Township Municipal Authority**, P. O. Box 247, Somerset, PA 15501.

This application is for renewal of an NPDES permit to discharge treated sewage from the Siemons Lakeview Manor Estate Nursing Home STP, in Somerset Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as East Branch Coxes Creek, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Ohiopyle Municipal Water Authority.

Outfall 001: existing discharge, design flow of .02 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 <sub>5</sub>	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen (5-1 to 10-31)	5.0	7.5		10.0
(11-1 to 4-30)	15.0	22.5		30.0
Fecal Coliforms (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			
Total Residual Chlorine	1.4			3.3
pH	6.0—9.0			

The EPA waiver is in effect.

**PA 0204706.** Sewage. **Forward Manor Mobile Home Park**, 22 Manor Drive, Elizabeth, PA 15037.

This application is for renewal of an NPDES permit to discharge treated sewage from the Forward Manor Mobile Home Park STP in Forward Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as a drainageway to Fallen Timber 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 Pennsylvania American Water Company.

Outfall 001: existing discharge, design flow of .01 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 <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	18			36
(11-1 to 4-30)	25			50
Fecal Coliforms				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 3.0 mg/l			
pH	6.0—9.0			

The EPA waiver is in effect.

*Northcentral Region: Environmental Program Manager; Water Management Program, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, telephone (717) 327-3666.*

**PA 0114936.** Sewerage, SIC: 4952, **B.C.I. Municipal Authority**, P. O. Box 398, Coalport, PA 16627-0398.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to Clearfield Creek in Irvona Borough, **Clearfield 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, NO<sub>2</sub>-NO<sub>3</sub>, 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 0.3 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
TSS	30	45	60
Total Residual Cl <sub>2</sub>	1		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 0010430.** Industrial waste, SIC: 2034 and 2096, **Hanover Foods Corporation**, P. O. Box 193, Centre Hall, PA 16828.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Sinking Creek in Potter Township, **Centre County**.

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

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Dauphin Consolidated Water Company located at Dauphin Borough on the Susquehanna River.

The proposed effluent limits for Outfall 001 based on a design flow of 0.225 mgd, effective immediately and lasting through the first 3 years of permit term are:

<i>Discharge Parameter</i>	<i>Minimum</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)				
CBOD <sub>5</sub>				
(5-1 to 10-31)		55.0	110.0	135.0
(11-1 to 4-30)		100.0	150.0	200.0
NH <sub>3</sub> -N				
(5-1 to 10-31)		15.0	30.0	37.0
TSS		100.0	150.0	200.0
Oil and Grease		15.0	30.0	30.0
Fecal Coliforms	200 lb./100 as a geometric mean			

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<i>Discharge Parameter</i>	<i>Minimum</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH	6.0	XXX	XXX	9.0
Total Residual Chlorine		monitor and report		monitor and report

The proposed effluent limits based on a design flow of 0.225 mgd, effective 3 years after permit effective date through expiration are:

<i>Discharge Parameter</i>	<i>Minimum</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)				
CBOD <sub>5</sub>				
(5-1 to 10-31)		45.0	67.5	90.0
(11-1 to 4-30)		90.0	135.0	180.0
NH <sub>3</sub> -N				
(5-1 to 10-31)		11.0	16.5	22.0
TSS		100.0	150.0	200.0
Oil and Grease		15.0	30.0	30.0
Fecal Coliforms	200 lb./100 as a geometric mean			
pH	6.0	XXX	XXX	9.0
Total Residual Chlorine		0.5		1.2

*Other Conditions:* None

The EPA waiver is in effect.

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

**PA 0056782.** Industrial waste, **Jewish Community Centers of Greater Philadelphia, Inc.**, 45 Haverford Road, Wynnewood, PA 19096.

This application is for issuance of an NPDES permit to discharge treated groundwater from a groundwater remediation system serving the Jewish Community Center of Greater Philadelphia in Lower Merion Township, **Montgomery County**. This is a new discharge to West Branch Indian Creek.

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

The proposed effluent limits for Outfall 001 based on an average flow of 3,800 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Benzene	0.001	0.002	0.0025
Total BETX	0.1	0.2	0.25
Ethylbenzene	monitor/report	monitor/report	
Toluene	monitor/report	monitor/report	
Total Xylenes	monitor/report	monitor/report	
pH	within limits of 6.0—9.0 standard units at all times		
Oil and Grease	15		30

The EPA waiver is in effect.

*Northeast Region: Environmental Protection Manager, Water Management, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 826-2553.*

**PA 0012963.** Industrial waste, SIC: 2631, **Rock Tenn Company**, Paper Mill Road, Delaware Water Gap, PA 18327.

This proposed action is for renewal of an NPDES permit to discharge treated process wastewater, noncontact cooling water and stormwater into Brodhead Creek in Smithfield Township, **Monroe County**.

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

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is the Easton Water Authority located on the Delaware River.

The proposed effluent limits are as follows:

Outfall 001—Combined Discharge—.228 mgd

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

## Outfall 101—Process Wastewater Discharge—.022 mgd

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	1,693	3,386	4,232
Total Suspended Solids	1,199	2,398	
Total Dissolved Solids	5,000		10,000
pH	6.0—9.0 at all times		

Outfalls 002 to 009 are stormwater discharges. There are no specific effluent limitations for these discharges.

The EPA waiver is not in effect.

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

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

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

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

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

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

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

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

*Northcentral Regional Office: Regional Water Management Program Manager; 208 W. 3rd Street, Williamsport, PA 17701, telephone (717) 327-3669.*

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

*Adams County Conservation District, District Manager; 57 N. Fifth Street, Gettysburg, PA 17325, telephone (717) 334-0636.*

**NPDES Permit PAS100020.** Stormwater. **Herrs Ridge Development Corporation**, P. O. Box 3234, Gettysburg, PA 17325 has applied to discharge stormwater from a construction activity located in Cumberland Township, **Adams County**, to UNT to Marsh Creek and Willoughby Run.

**NPDES Permit PAS100021.** Stormwater. **R B L Development Corporation**, R. D. 1, Box 1721, Stewartstown, PA 17363 has applied to discharge stormwater from a construction activity located in Berwick Township, **Adams County**, to UNT to the south branch of Conewago Creek.

*Beaver County Conservation District, District Manager; 1000 3rd Street, Beaver, PA 15009, telephone (412) 774-7090.*

**NPDES Permit PAS100235.** Stormwater. **Robert Gearhart**, Connoquenessing Associates, 617 Portersville Road, Elwood City, PA 16117 has applied to discharge stormwater from a construction activity located in North Sewickley Township, **Beaver County**, to UNT to Connoquenessing Creek.

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

**NPDES Permit PAS10D080.** Stormwater. **Lockheed Martin Corporation**, 6801 Rockledge Avenue, Bethesda, MD 20817 has applied to discharge stormwater from a construction activity located in Newtown Township, **Bucks County**, to Core Creek.

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

**NPDES Permit PAS10G203.** Stormwater. **K Hovanian Company of Pa.**, 1210 Northbrook Drive, Trevoise, PA 19053 has applied to discharge stormwater from a construction activity located in Thornbury Township, **Chester County**, to Radley Run.

*Clinton County Conservation District, District Manager; 2 State Route 150, Mill Hall, PA 17751, telephone (717) 726-3798.*

**NPDES Permit PAS101908.** Stormwater. **Department of Transportation**, P. O. Box 342, Clearfield, PA 16820 has applied to discharge stormwater from a con-

struction activity located in Bald Eagle, Chapman and Grugan Townships, **Clinton County**, to the west branch of the Susquehanna River and UNT to Hyner Run.

*Fulton County Conservation District, District Manager, 216 N. 2nd Street, McConnellsburg, PA 17233, telephone (717) 485-3547.*

**NPDES Permit PAS102802.** Stormwater. **Texas Eastern Transmission Corporation**, 5444 Westheimer Street, Houston, TX 77056 has applied to discharge stormwater from a construction activity located in East Providence, Brush Creek and Belfast Townships, **Fulton County**, to UNT to Shaffer and Brush Creeks, and Orchard Hollow.

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

**NPDES Permit PAS10W051.** Stormwater. **Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106 has applied to discharge stormwater from a construction activity located in Carroll and Fallowfield Townships, **Washington County**, to UNT to Maple Creek and Taylor Run.

**NPDES Permit PAS10W052.** Stormwater. **Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106 has applied to discharge stormwater from a construction activity located in Carroll Township, **Washington County**, to Taylors Run.

*York County Conservation District, District Manager, 118 Pleasant Acres Road, York, PA 17402, telephone (717) 840-7430.*

**NPDES Permit PAS10Y048.** Stormwater. **Monarch Ridge Associates**, 213 Carlisle Street, Hanover, PA 17331 has applied to discharge stormwater from a construction activity located in Windsor Township, **York County**, to UNT to Kreutz Creek.

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

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

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

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

**WQM Permit No. 4296201.** Industrial waste, **McKean County Solid Waste Authority**, Kness Landfill, P. O. Box 448, Mt. Jewett, PA 16740 is for the installation of synthetic lining systems in two existing leachate treatment lagoons at Kness Landfill in Sergeant Township, **McKean County**.

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

**A. 0282442.** Amendment No. 3. Sewerage. **McCandless Township Sanitary Authority**, 9600 Perry Highway, Pittsburgh, PA 15237. Application for increasing the piping capacity from MH11 to North Fork Pine Creek Truck Sewer by replacing the existing 8" diameter acp sewer with a 15" diameter PVC line to serve the McKnight Road Sewer Line Enhancement Project located in the Township of McCandless, **Allegheny County**.

**A. 6596403.** Sewerage. **North Huntingdon Township Municipal Authority**, 11265 Center Highway, North Huntingdon, PA 15642. Application for construction and operation of sewage pumping stations to serve the Falcon Ridge Plan of Lots located in the Township of North Huntingdon, **Westmoreland County**.

**A. 6596404.** Sewerage. **Robert Merz**, R. D. 1, Box 56A, Acme, PA 15610. Application for construction and operation of single residence sewage treatment plant to serve the Merz residence located in the Township of Mt. Pleasant, **Westmoreland County**.

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

**0996405.** Sewerage. **Buckingham Township** (P. O. Box 413, Buckingham, PA 18912). Proposed expansion of existing spray field to include four additional spray zones using fixed sprinkler heads to serve the Lojeski Track-Cold Spring wastewater system located in Buckingham Township, **Bucks County**.

**0996407.** Sewerage. **The Cutler Group, Inc.** (5 Sentry Parkway, Suite 100, 325 Walton Road, Blue Bell, PA 19422). Construction of a sewage pump station to serve the Abom Tract subdivision located in Warrington Township, **Bucks County**.

**1596202.** Industrial waste. **Wm. P. McGovern, Inc.** (848 West Baltimore Pike, Kennett Square, PA 19348). A proposed construction of septage processing facility. The septage will be treated with lime and dewatered for land utilization of farmland to serve the McGovern Septage Processing Facility located in East Nottingham Township, **Chester County**.

**1596403.** Sewerage. **Thornbury Township** (P. O. Box 30, Westtown, PA 19395). Construction of a sewage treatment plant to serve the multiresidential project known as the Greens at Penn Oaks located in Thornbury Township, **Chester County**.

**1596404.** Sewerage. **East Bradford Township** (666 Copeland School Road, West Chester, PA 19380). Construction of a sewage treatment plant to serve Brandywine River Estates located in East Bradford Township, **Chester County**.

**2396201.** Industrial waste. **Degussa Corporation** (1200 West Front Street, Chester, PA 19013). Construction of a wastewater treatment plant to serve Degussa Corp. located in the City of Chester, **Chester County**.

**2396402.** Sewerage. **The Goddard School** (20 Creek Road, Glen Mills, PA 19342). Construction of a sewage treatment plant to serve the Goddard School located in Thornbury Township, **Delaware County**.

**4696404.** Sewerage. **Limerick Township Municipal Authority** (P. O. Box 29, Royersford, PA 19408). Construction of a residential and associated sanitary sewers to serve Waterford Greene a/k/a The Hamlet Section 1 and 2 located in Limerick Township, **Montgomery County**.

**4696405.** Sewerage. **Robert and Cristine Clark** (23 Brenda Lane, Audubon, PA 19403). Construction of a sewage treatment plant to serve the Clark residence located in Limerick Township, **Montgomery County**.

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

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

**A. 0996505.** Public water supply. **Riverwoods Water Company, Inc.**, Richard R. Carroll, Jr., 3326 Old York Road, Suite B, Furlong, PA 18925. This proposal involves the construction of a water supply system to provide potable water and pipe protection capacity for a proposed 279 residential units. Also, fire protection capacity for the existing 338 units. The project includes a well, pumping station, treatment, storage and distribution system in New Hope Borough, **Bucks County**.

**A. 4696504.** Public water supply. **Merck and Company, Inc.** Richard T. Clark, P. O. Box 4, West Point, PA 19486. This proposal involves the construction of a corrosion control treatment system for the Merck and Company, at its West Point site in Upper Gwynedd Township, **Montgomery County**.

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

**A. 2196502.** Public water supply. **Middlesex Township Municipal Authority**, Middlesex Township, **Cumberland County**, (Rory L. Morrison, 250 North Middlesex Road, Carlisle, PA 17013), 1.5 million gallon storage tank, booster pump, chlorination, and distribution line extension, (Harry E. Bingaman, P. E., Glace Associates, 3705 Trindle Road, Camp Hill, PA 17011).

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

**5296502.** Public water supply. **Wheatfield Village, Northern Equity Investors, Group, Inc.**, c/o Walter Shannon, Secretary, Northern Equity Investors Group, Inc., P. O. Box 820, Milford, PA 18337. This proposal involves permitting of an existing system which includes a supply well, a 2,000 gallon hydropneumatic tank and a PVC distribution system with proposed facilities for raw water disinfection. It is located in Milford Township, **Pike County**.

**6496502.** Public water supply. **Wallenpaupack Lake Estates**, c/o Wes W. Valkenburg, Director of Sewer & Water Operations, R. R. 1, Box 100, Lake Ariel, PA 18436-9801. This proposal involves the construction of a

well (Ski Bluff Well), disinfection facilities, booster pump and transmission mains to serve the Wallenpaupack Lake Estates located in Paupack Township, **Wayne County**.

**6696501.** Public water supply. **National Utilities, Inc.**, (Rivercrest Subdivision) c/o Joseph Bontrager, 1120 South Washington Avenue, Scranton, PA 18505. This proposal involves the construction of a booster pump station and distribution system to serve 23 homes in a new subdivision (Highfields Section 2). It is located in Tunkhannock Township, **Wyoming County**.

**Acknowledgment of Notices of Intent to Remediate**

Acknowledgment of Notices of Intent to Remediate submitted to the Department of Environmental Protection under the Land Recycling and Environmental Remediation Standards Act, act of May 19, 1995 (P. L. 4, No. 2).

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

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

The Department of Environmental Protection has received the following Notice of Intent to Remediate.

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

**Aqua-Chem, Inc.** Cleaver Brooks Division, West Lebanon Township, **Lebanon County**. Aqua-Chem, Inc., P. O. Box 421, Milwaukee, WI has submitted a Notice of Intent to Remediate site soils, and groundwater contaminated with lead. The applicant proposes to remediate the site to meet the site-specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Lebanon Daily News* on April 11, 1996.

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

**Pleasant Valley Business Center**, Conshohocken Borough, **Montgomery County**. Michael Sencindiver, Vice President, Keating Development Co., One Bala Ave., Suite 400, Bala Cynwyd, PA 19004, has submitted a Notice of Intent to Remediate site soils contaminated with lead, heavy metals and petroleum hydrocarbons. 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 Times Herald* on April 5, 1996.

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#### Consent Order and Agreement

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Avtex Fibers, Inc. Site  
Vernon Township, Crawford County

Under section 1113 of the Hazardous Sites Cleanup Act (35 P. S. § 6020.1113), notice is hereby given that the Department of Environmental Protection (Department) has entered into a Consent Order and Agreement dated April 2, 1996, with the Meadville Redevelopment Authority (MRA) concerning the Avtex Fibers, Inc. Site (site). The site encompasses approximately 170 acres in Vernon Township. At various times from the 1920s through the mid-1980s, wastes containing hazardous substances were disposed throughout the site. Site response actions have been conducted, either by the Department or with the Department's approval, to protect the public health, public welfare and the environment.

The MRA operated a portion of the site when there was a release of hazardous substances into the environment. Based on information available to the Department, the Department has determined that MRA's contribution of hazardous substances to the site were minimal compared to the nature, volume and extent of hazardous substances attributable to other known responsible persons. Accordingly, the Department has agreed to settle any claims it may have against MRA in consideration of MRA's performance of future Operation and Maintenance (O&M) activities to be implemented at the site. The O&M activities which the MRA will perform include maintenance of the substation encapsulation area, flyash landfill, waste disposal cell, soil cover areas, asphalt cover areas, riprap area and regraded area along French Creek, riprap areas at the north and south outfall, perimeter fence and site monitoring wells.

The specifics of the Department's settlement with MRA are set forth in the Consent Order and Agreement. The Department will receive and consider comments relating to the Consent Order and Agreement for 60 days from the date of this public notice. The Department may withdraw its consent to the settlement with MRA if the comments concerning the Consent Order and Agreement disclose facts or considerations which indicate that the settlement is inappropriate, inadequate or not in the public interest.

The Department's settlement with MRA shall become final upon the filing of the Department's response to significant comments that it receives during the 60-day public comment period.

Copies of the Consent Order and Agreement are available for review at the Department's Northwest Regional Office, located at 230 Chestnut Street, Meadville, PA 16335-3481. Comments may be submitted in writing, to Anita Stainbrook, Project Manager, at the above address. Further information may be obtained by contacting Anita Stainbrook at (814) 332-6648. TDD users may contact the Department through the Pennsylvania Relay Service at 1 (800) 645-5984.

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#### 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.

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

**Waste Management of Pittsburgh**, A Division of Waste Management of Pennsylvania Inc., 2097 Duss Avenue, Ambridge, PA 15003; License No. **PA-HC 0106**; application received March 27, 1996.

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#### Applications submitted under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and regulations to operate solid waste processing or disposal area or site.

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*Northwest Regional Office: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481, telephone (814) 332-6848.*

**A. 101650. Browning Ferris Industries**, 1863 West 12th Street, Erie, PA 16511, located in the City of Erie, **Erie County**.

An application to construct and operate as a municipal waste transfer station in the City of Erie was found administratively complete in the Regional Office on April 4, 1996.

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

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

**21-307-005B**. Modification of the existing V1 and V2 process molding system by **The Frog, Switch & Manufacturing Company** (P. O. Box 70, Carlisle, PA 17013) in Carlisle Borough, **Cumberland County**.

**22-307-034**. Installation of a scrubber by **Bethlehem Steel Corporation, Pennsylvania Steel Technologies, Inc.** (215 South Front Street, Steelton, PA 17113) in Steelton Borough, **Dauphin County**. The source is subject to 40 CFR 60, Subpart AAa, Standards of Performance for New Stationary Sources, 40 CFR 52.21, Prevention of Significant Deterioration of Air Quality and 40 CFR 52.24, Statutory Restrictions on New Sources.



**31-310-016C.** Modification of the existing control device for the unground sand bulk loading facility by **U. S. Silica Company** (Route 1, Box 1885, Mapleton Depot, PA 17052) in Brady Township, **Huntingdon County**.

**36-313-074.** Construction of a new influenza vaccine line to be controlled by a scrubber by **Wyeth Laboratories, Inc.** (P. O. Box 304, Marietta, PA 17547) in East Donegal Township, **Lancaster County**.

**67-318-117.** Installation of a replacement toner spray booth by **Mastercraft Specialties, Inc.** (800 Maple Street, Red Lion, PA 17356) in Red Lion Borough, **York County**.

**28-318-031.** Installation of a surface coating operation by **Champion Road Machinery, Inc.** (1445 Sheffler Drive, Chambersburg, PA 17201) in Chambersburg, **Franklin County**.

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

**17-302-020A.** Construction of a bituminous coal/#2 oil-fired boiler and associated air cleaning device (a centrifugal collector) by the **Philipsburg-Osceola Area School District** (200 Short Street, Philipsburg, PA 16866) in Osceola Borough, **Clearfield County**.

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

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

**19-302-011C.** The Department intends to issue an operating permit to **Bloomsburg University** (400 East Second Street, Bloomsburg, PA 17815) for the operation of two anthracite coal-fired boilers (No. 2 and 3) and associated air cleaning devices (multiclone collectors) in the Town of Bloomsburg, **Columbia County**.

**49-302-036A.** The Department intends to issue an operating permit to the **Warrior Run School District** (R. R. 2, Box 151A, Turbotville, PA 17772) for the operation of an anthracite coal-fired boiler at the Turbotville Elementary School in Turbotville Borough, **Northumberland County**.

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

**06-1014.** The Department intends to issue an air quality operating permit (VOC RACT) to **Garden State Tanning, Inc.** (16 South Franklin Street, Fleetwood, PA 19522) for a leather coating operation controlled by dry filters and water washes in Fleetwood, **Berks County**.

**06-1019.** The Department intends to issue an air quality operating permit (VOC RACT) to **Hofmann Industries, Inc.** (P. O. Box 2147, Sinking Spring, PA 19608-0147) for a steel tubing manufacturing facility in Sinking Spring, **Berks County**.

**22-301-054.** The Department intends to issue an air quality operating permit to **The Milton S. Hershey Medical Center, Pennsylvania State University** (P. O. Box 850, Hershey, PA 17033) for a pathological waste incinerator with heat recovery system controlled by a scrubber in Derry Township, **Dauphin County**.

**67-2005.** The Department intends to issue a RACT (Reasonably Available Control Technology) air quality

operating permit to **Pennsylvania Power & Light Company** (Two North Ninth Street, Allentown, PA 18101) for the Brunner Island Steam Electric Station in East Manchester Township, **York County**.

**67-309-105.** The Department intends to issue an air quality operating permit to **The Pfaltzgraff Company** (P. O. Box 244, Bowman Road, Thomasville, PA 17364) for the installation of a fabric filter to control their railcar unloading operation in Jackson Township, **York County**.

**67-323-049.** The Department intends to issue an air quality operating permit to **Harley-Davidson Motor Company** (1425 Eden Road, York, PA 17402) for a zinc and nickel/chromium electroplating system in Springettsbury Township. The chromium electroplating tank is subject to 40 CFR 63, Subpart N, National Emission Standards for Hazardous Air Pollutants.

**06-1016.** The Department intends to issue a VOC RACT Operating Permit to **Grafika Commercial Printing, Inc.** (P. O. Box 1714, Reading, PA 19603) for a commercial printing facility in Sinking Spring, **Berks County**.

**06-319-103C.** The Department intends to issue an air quality operating permit to **East Penn Manufacturing Company, Inc.** (Deka Road, Lyon Station, PA 19536) for the Plant S-1 battery formation operations controlled by seven scrubbers and/or mist eliminators in Richmond Township, **Berks County**.

**28-2007.** The Department intends to issue an air quality RACT synthetic minor operating permit to **Hess Manufacturing Company** (Box 127, Route 997, Quincy, PA 17247) for a surface coating operation in Quincy Township, **Franklin County**.

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

**40-309-034.** The Department intends to issue an air quality plantwide Applicability Limit (PAL) operating permit to **Techneglas, Inc.** for their NO<sub>x</sub> emissions at the facility located in Jenkins Township, **Luzerne County**. The source is located on Old Boston Road, (the mailing address is R. D. 4, Box 60) Pittston, PA 18641.

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

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*Regional Office: Northwest Regional Office, Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.*

**37-303-015.** The Department intends to issue an air quality operating permit to **Warren Asphalt and Construction Company** (776 Niles Road SE, Warren, OH 44483) for the operation of a hot mix asphalt facility (110 tons/hr.) in North Beaver Township, **Lawrence County**. This asphalt plant is subject to New Source Performance Standards 40 CFR Part 60, Subpart I.

**25-304-035.** The Department intends to issue an air quality operating permit to **Urick Foundry Company, Inc.** (P. O. Box 6027, Erie, PA 16512) for the operation of a new cartridge type collector in Erie, **Erie County**.

**24-305-006.** The Department intends to issue an air quality operating permit to **Energy Resources, Inc.** (P. O. Box 259, Brockway, PA 15824) for the operation of a coal crushing and screening operation in Horton and Fox Townships, **Elk County**. This coal processing facility is subject to the New Source Performance Standard 40 CFR Part 60, Subpart Y.

**24-307-025.** The Department intends to issue an air quality operating permit to **PA Industrial Heat Treaters** (P. O. Box 348, St. Marys, PA 15857) for the operation of the continuous draw heat treating furnaces in St. Marys, **Elk County**.

**24-307-026.** The Department intends to issue an air quality operating permit to **Keystone Carbon Company** (1935 State Street, St. Marys, PA 15857) for the operation of an induction heat treater in St. Marys, **Elk County**.

The Department intends to issue air quality operating permits to **Carbone of America Ind. Corp.** (215 Stackpole Street, St. Marys, PA 15857) for the operation of the following sources in St. Marys, **Elk County**.

**24-301-013.** Stationary intermittent carbon baking furnaces

**24-313-136.** Stationary intermittent carbon baking furnace

The Department intends to issue air quality operating permits to **Saratan Corporation** (R. D. 1, P. O. Box 266, Kane, PA 16735) for the operation of the following sources in Sergeant Township, **McKean County**.

**42-302-025.** Thermal Fluid Heat Plant—This source is subject to New Source Performance Standard 40 CFR Part 60, Subpart Dc

**42-399-025.** Press Line System for medium density fiberboard

**25-318-121.** The Department intends to issue an air quality operating permit to **Ridg-U-Rak, Inc.** (P. O. Box 150, North East, PA 16428) for the operation of a bake oven (1.6 MMBTU/hr.) for an existing paint line in North East, **Erie County**.

**42-318-013.** The Department intends to issue an air quality operating permit to **Pittsburgh Corning Corporation** (P. O. Box 39, Port Allegany, PA 16743) for the operation of a glass block surface coating operation in Port Allegany, **McKean County**.

**20-319-001.** The Department intends to issue an air quality operating permit to **Electro-Tech, Inc.** (P. O. Box 1442, Meadville, PA 16335) for the operation of hard chrome electroplating tanks in Meadville, **Crawford County**.

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**Applications under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify or reactivate air contaminant sources or to install air cleaning devices.**

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

**46-301-227A.** On January 17, 1996, an application was received to amend previous application for **New Hanover Incineration, Inc.** (3645 Church Road, Perkiomenville, PA 19428) for the additional incinerator system to be located in New Hanover Township, **Montgomery County**.

**15-323-009.** On July 18, 1994, an application was received from **Johnson Matthey, Inc.** (456 Devon Park Drive, Wayne, PA 19525) for the construction of a chip remover machine to be located in Tredyffrin Township, **Chester County**.

**46-399-106.** On February 1, 1996, an application was received from **NAS JRB Willow Grove** (Building 78, Code 20, Willow Grove, PA 19312) for the construction of

a plastic media blast booth to be located in Horsham Township, **Montgomery County**.

**46-313-145.** On January 31, 1996, an application was received from **Allegro Microsystems W. G., Inc.** (3900 Welsh Road, Willow Grove, PA 19044) for the construction of a semiconductor manufacturing to be located in Upper Moreland Township, **Montgomery County**.

**46-302-207.** On March 11, 1996, an application was received from **Occidental Chemical Corporation** (Armand Hammer Boulevard, Pottstown, PA 19090) for the construction of a three—98 MMBtu/hr. Boiler to be located in Lower Pottsgrove Township, **Montgomery County**.

**09-312-023.** On March 13, 1996, an application was received from **Rohm & Haas Company** (Routes 13 and 413, P. O. Box 219, Bristol, PA 19464) for the construction of a methyl ethyl ketone storage tank to be located in Bristol Township, **Bucks County**.

**46-313-117B.** On March 13, 1996, an application was received to amend to previous application for **Merck & Co., Inc.** (P. O. Box 4, WP20-208 Summeytown Pike, West Point, PA 19057) for the methanol storage tank to be located in Upper Gwynedd Township, **Montgomery County**.

**23-301-117.** On March 15, 1996, an application was received from **Haven Memorial Park** (278 Thornton Road, Thornton, PA 19486) for the construction of a human crematory incinerator to be located in Chester Township, **Delaware County**.

**23-312-207.** On March 15, 1996, an application was received from **Sun Company, Inc.** (R&M), (P. O. Box 426, Marcus Hook, PA 19013) for the modification of a storage tank to be located in Marcus Hook Borough, **Delaware County**.

**46-307-008A.** On March 28, 1996, an application was received to amend previous application for **Freedom Alloys, Inc.**, (155 Railroad Plaza, Royersford, PA 19061) for the electric inductotherm furnace to be located in Royersford Borough, **Montgomery County**.

**09-313-093.** On March 25, 1996, an application was received from **Cleveland Steel Container Corporation** (350 Mill Street, Quakertown, PA 19468) for the construction of a decorating presses lithography to be located in Quakertown Borough, **Bucks County**.

**15-312-028.** On March 22, 1996, an application was received from **Sun Pipe Line Company** (1801 Market Street, Philadelphia, PA 18951) for the installation of an aboveground storage tank to be located in Honeybrook Township, **Chester County**.

**46-399-109.** On March 29, 1996, an application was received from **Lonza, Inc.** (900 River Road, Conshohocken, PA 19344) for the construction of an industrial wastewater plant to be located in Upper Merion Township, **Montgomery County**.

**46-313-143A.** On March 29, 1996, an application was received from **Hammond Lead Products** (10 S. Grosstown Road, Pottstown, PA 19406) for the construction of a granular litharge system to be located in West Pottsgrove Township, **Montgomery County**.

**23-399-025A.** On April 4, 1996, an application was received to amend previous application for **PPG Industries, Inc.** (1830 Columbia Avenue, Folcroft, PA 19464) for the filter press and rotary cooler to be located in Folcroft Borough, **Delaware County**.

**15-309-013A.** On April 1, 1996, an application was received from **RMCI, Refractory Minerals Co., Inc.** (R. R. 2, Box 437A, Avondale, PA 19032) for the modification of a gas fired dryer to be located in Avondale Borough, **Chester County**.

**46-399-111.** On April 5, 1996, an application was received from **McNeil Consumer Products Company** (7050 Camp Hill Road, Fort Washington, PA 19311) for the construction of a fluid bed processor to be located in Whitmarsh Township, **Montgomery County**.

**46-308-018.** On April 5, 1996, an application was received from **Hale Products, Inc.** (700 Spring Mill Avenue, Conshohocken, PA 19444) for the installation of a non-ferrous induction furnace to be located in Conshohocken Borough, **Montgomery County**.

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#### Notice of Plan Approval Application Minor Source

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The following stationary sources have filed a request for a plan approval with the Department of Environmental Protection (DEP), Bureau of Air Quality. Persons wishing to file protests or comments on the proposed plan approval have 30 days to submit the protests or comments to the Regional Office at the address listed below. Interested persons may also request that a hearing be held concerning the plan approval application by filing a request with the Regional Office stating the reason for the request.

The Department will evaluate and consider all protests and comments received. The Department will, where appropriate, modify the proposed plan approval based on the protests and comments received.

The final plan approval will contain terms and conditions to ensure that the source is constructed and operated in compliance with the Department's regulations contained in 25 Pa. Code Chapters 121 through 143 and the requirements of the Federal Clean Air Act. A notice of the Department's final decision on the proposed plan approval will be published in the *Pennsylvania Bulletin*. Air contaminants emitted from these sources are less than the amounts that would trigger major new source review requirements. For additional information on the following applications, contact Devendra Verma, Engineering Services Chief, (814) 332-6940.

*Regional Office: Northwest Regional Office, Bureau of Air Quality Control, 230 Chestnut Street, Meadville, PA 16335.*

**10-307-051.** The Department received a plan approval application for installation of a urea storage tank and distribution system for pickle lines no. 2 and no. 12 by **Armco, Inc., Butler Operations** (P. O. Box 832, Butler, PA 16003) in Butler, **Butler County**.

**25-307-034.** The Department received a plan approval application for construction of hooding/ductwork on the

In-Liner molding line and installation of a fabric collector by **EMI Company** (603 W. 12th St., Erie, PA 16501) in **Erie County**.

**61-399-007A.** The Department received a plan approval application for the addition of eight plating tanks for dipping copper and nickel to the existing scrubber (modification of Plan Approval 61-399-007) by **Acutus Mold, Inc.** (P. O. Box 1107, Oil City, PA 16301) in **Venango County**.

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#### Reasonably Available Control Technology; Public Hearings

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Approval of Reasonably Available Control Technology (RACT) plans for:

- The Hon Company, Division of Hon Industries, Inc., City of Williamsport, Lycoming County.
- National Fuel Gas Supply Corporation, Ellisburg Compressor Station, Allegany Township, Potter County.

The Department of Environmental Protection has made a preliminary determination to approve Reasonably Available Control Technology (RACT) plans and amendments to the State Implementation Plan (SIP) for the above listed facilities.

The proposed SIP revisions do not adopt any new regulations. They incorporate the provisions and requirements contained in the RACT approvals for the facilities to comply with current regulations.

The preliminary RACT determinations, if finally approved, will be incorporated into plan approvals and/or operating permits for the facilities and will be submitted to the U. S. Environmental Protection Agency (EPA) as revisions to Pennsylvania's State Implementation Plan.

#### *The Hon Company*

The Hon Company operates a wood furniture manufacturing facility. The following is a summary of the preliminary volatile organic compound (VOC) RACT determination for this facility:

- Use of sealers having a volatile organic compound content no greater than 2.3 pounds per pound of coating solids.
- Use of topcoats having a volatile organic compound content no greater than 2.0 pounds per pound of coating solids.
- Use of stains having a volatile organic compound content no greater than 6.8 pounds per gallon of stain (minus water).
- Use of UV cure roll coater for finishing drawer components.

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#### *National Fuel Gas Supply Corporation*

The National Fuel Gas Supply Corporation operates a natural gas compressor station identified as the Ellisburg Station. The main sources for which a RACT determination is being made are eight natural gas-fired reciprocating internal combustion engines. The following is a summary of the preliminary nitrogen oxides (NO<sub>x</sub>) RACT determination for these sources:

<i>Source</i>	<i>Control technology</i>	<i>NO<sub>x</sub> emission limit</i>
• one 1,000 horsepower Ingersoll Rand 36KVS engine (#5)	low emission combustion retrofit kit	8.8 pounds per hour

<i>Source</i>	<i>Control technology</i>	<i>NOx emission limit</i>
• two 2,000 horsepower Ingersoll Rand 512KVS engines (#6 and 7)	low emission combustion retrofit kit	17.6 pounds per hour (each)
• one 2,850 horsepower Dresser Rand 412KVSE engine (#8)	low emission combustion technology	18.83 pounds per hour
• two 3,000 horsepower Cooper 8Q15JHC2 engines (#9 and 10)	low emission combustion technology	13.2 pounds per hour (each)
• two 1,300 horsepower Cooper GMVH6C2 engines (#11 and 12)	low emission combustion technology	5.73 pounds per hour (each)

The following is a summary of the preliminary volatile organic compounds (VOC) RACT determination for these sources:

<i>Source</i>	<i>Control technology</i>	<i>VOC emission limit</i>
• one 1,000 horsepower Ingersoll Rand 36 KVS engine (#5)	None	3.5 pounds per hour
• two 2,000 horsepower Ingersoll Rand 512KVS engines (#6 and 7)	None	7.0 pounds per hour (each)
• one 2,850 horsepower Dresser Rand 412KVSE engine (#8)	None	6.28 pounds of nonmethane hydrocarbons per hour
• two 3,000 horsepower Cooper 8Q15JHC2 engines (#9 and 10)	None	4.95 pounds of nonmethane hydrocarbons per hour (each)
• two 1,300 horsepower Cooper GMVH6C2 engines (#11 and 12)	None	2.15 pounds of nonmethane hydrocarbons per hour (each)

One public hearing will be held for the purpose of receiving comments on the proposed plan approval, operating permits and SIP revisions. The hearing will be held on May 20, 1996, at 1 p.m. at the DEP Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA. The public is invited to comment on the proposal. Persons interested in commenting are invited to appear at the public hearing.

Persons wishing to present testimony at the hearing should contact Daniel Spadoni at (717) 327-3659 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Daniel Spadoni at (717) 327-3659 or the Pennsylvania AT&T relay service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those unable to attend the hearing, but wishing to comment, should provide written comments to Joseph Cooper, Air Quality Environmental Program Manager, DEP, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448. Comments should be submitted by June 4, 1996.

All pertinent documents are available for review from 8 a.m. to 4 p.m. in the DEP Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling (717) 327-3693.

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 1 (800) 654-5984.

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

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

**E39-311. Encroachment. Borough of Catasauqua,** 118 Bridge Street, Catasauqua, PA 18032-2598. To remove the existing structure and to construct and maintain approximately 563 linear feet of concrete retaining wall along the left bank of Catasauqua Creek (CWF); to maintain two pedestrian bridges: the northern pedestrian bridge having a span of 37 feet with an underclearance of approximately 4.5 feet and the southern pedestrian bridge having a span of 31 feet with an underclearance of approximately 5.0 feet across Catasauqua Creek; to remove four gravel bars as follows: a 30 foot long × 10 foot wide and a 20 foot long × 13 foot wide gravel bar located downstream of the northern pedestrian bridge and an 80

foot long × 10 foot wide and a 16 foot long × 4 foot wide gravel bar located upstream of the southern pedestrian bridge; to repair and maintain portions of the existing 620 foot long stone masonry retaining wall located along the right bank of Catasauqua Creek; to construct and maintain 12 R-7 rock riprap channel deflectors in Catasauqua Creek. The project, known as the Catasauqua Creek Wall Rehabilitation and Replacement Project is located approximately 0.28 mile south of the intersection of Catasauqua Creek and the Northampton/Lehigh County Boundary Line (Catasauqua, PA Quadrangle N: 5.8 inches; W: 12.8 inches) in Catasauqua Borough, **Lehigh County** (Philadelphia District, Army Corps of Engineers).

**E39-312.** Encroachment. **Lehigh County**, P. O. Box 1548, Allentown, PA 18105. To construct and maintain a pedestrian bridge having a span of 40 feet with an underclearance of approximately 63 feet; to restore approximately 345 linear feet of an auxiliary channel to Monocacy Creek (HQ-CWF) with work consisting of the excavation of accumulated silt and sediments for the construction of a trapezoidal channel with associated bank stabilization measures authorized under BDWW General Permit 3; to place fill in 0.055 of PEM wetlands and to provide 0.09 acre of wetland enhancement. The project is associated with the Burnside Plantation Stream Restoration Project and is located approximately 0.2 mile downstream of the intersection of Eaton Avenue and Monocacy Creek (Catasauqua, PA Quadrangle N: 1.0 inch; W: 1.9 inches) in the City of Bethlehem, **Lehigh County** (Philadelphia District, Army Corps of Engineers).

**E52-138.** Encroachment. **Gibson E. McKean**, P. O. Box 61, Barryville, NY 12719. To place fill in approximately 0.68 acre of PSS/PEM wetlands for the purpose of constructing and maintaining a road crossing of a tributary to Rattlesnake Creek and adjacent wetlands, to access upland area of a 182-acre property. The road crossing will extend an existing roadway which originates from the north side of T-424 (Spring Brook Road), approximately 0.7 mile southwest of the intersection of S. R. 0006 and T-424, continuing the roadway northwesterly for a distance of approximately 1,350 feet across wetlands (Shohola, PA Quadrangle N: 0.0 inches; W: 11.1 inches) in Dingman Township, **Pike County** (Philadelphia District, Army Corps of Engineers).

**E52-139.** Encroachment. **John K. Erler**, 388 Langley Avenue, West Hempstead, NY 11552-2317. To place rock fill in approximately 0.35 acre of PSS wetlands for the purpose of constructing and maintaining a roadway crossing of wetlands to provide access to a home. The proposed roadway will extend approximately 610 feet from an existing power transmission line access roadway, which originates on the south side of S. R. 0006, approximately 2,000 feet northwest of the intersection of S. R. 0006 and S. R. 1009 (Edgemere, PA Quadrangle N: 21.9 inches; W: 7.8 inches) in Dingman Township, **Pike County** (Philadelphia District, Army Corps of Engineers).

**E52-140.** Encroachment. **Delaware Township**, R. R. 2, Box 362, Dingmans Ferry, PA 18328. To remove the existing structure and to construct and maintain a road crossing consisting of a 15.5-foot × 7.25-foot box culvert in Hornbecks Creek (HQ-CWF). The project is located on T-318, approximately 0.5 mile south of the intersection of T-318 and T-323 (Lake Maskenozha, PA-NJ Quadrangle N: 12.8 inches; W: 4.8 inches) in Delaware Township, **Pike County** (Philadelphia District, Army Corps of Engineers).

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

**E03-330-A1.** Encroachment. **Schenley Yacht Club**, P. O. Box 62, Schenley, PA 15682. To amend Permit No. E03-330 to construct and maintain a 100-foot extension to existing dock on the left bank of the Allegheny River, at Mile Marker 31.09 (Freeport, PA Quadrangle N: 12.15 inches; W: 4.85 inches) in Gilpin Township, **Armstrong County**.

**E04-235.** Encroachment. **Dorothy Weaver**, 725 Crows Run Road, Freedom, PA 15042. To remove existing structure and to construct and maintain a 40-foot single span pedestrian bridge over Crows Run to access an existing residential dwelling. The site is located on Crows Run Road, approximately 1 mile from Route 65 (Baden, PA Quadrangle N: 10.4 inches; W: 14.6) in New Sewickley Township, **Beaver County**.

**E26-198-R.** Encroachment. **Brownsville Group, Ltd.**, P. O. Box 1, Brownsville, PA 15417. To re-open file no. E26-198 submitted to construct and maintain a boat dock facility for pleasure boats in the Monongahela River located at the mouth of Dunlap Creek, at Mile Marker 56, downstream of Bridge Street (California, PA Quadrangle N: 4.1 inches; W: 2.3 inches) in Brownsville Borough, **Fayette County**.

**E63-410.** Encroachment. **City of Washington**, 55 West Maiden Street, Washington, PA 15301. To remove existing structure known as the Hanna Street/Lower Prospect Street Bridge and to construct and maintain a 12-foot box culvert in Catfish Run (Washington East, PA Quadrangle N: 7.45 inches; W: 15.75 inches) in City of Washington, **Washington County**.

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

**E46-740.** **Whitpain Township**, 960 Wentz Road, Blue Bell, PA 19422. To modify and maintain the Mermaid Run Pumping Station within the 100-year floodplain of the east branch of Stoney Creek located approximately 1,000 feet southeast of the intersection of Township Line Road and Dekalb Pike (S. R. 0202) (Lansdale USGS Quadrangle N: 3.9 inches; W: 7.5 inches) in Whitpain Township, **Montgomery County**.

**E09-716.** Encroachment. **Walker's Acres, Inc.**, 301 N. Broad Street, Lansdale, PA 19446. To construct an outfall channel for a stormwater detention basin disturbing approximately 0.03 acre (1225 s. f.) of adjacent wetlands within the 100-year floodway of the east branch of the Perkiomen Creek (TSF) associated with the Walker's Acres Subdivision. The project is situated 1,180 feet west of the intersection of North Main Street and Callowhill Street (Telford, PA-NJ Quadrangle N: 22.10 inches; W: 4.65 inches) in Perkasio Borough, **Bucks County**.

**E51-147.** Encroachment. **Manayunk Development Company**, 4320 Main Street, Suite 2, Philadelphia, PA 19127. To maintain 420 linear feet of concrete safety barricade situated along the western bank of Schuylkill River. This structure consists of 8-foot long concrete segments which are 2-foot wide and 2-foot high and have been placed within the 100-year floodway of the river. The purpose of this project is to provide a safety traffic barrier between the parking lot and the steep embankment. This project also includes the construction and maintenance of two outfall structures associated with stormwater management of the parking lot. These structures consist of precast concrete inlet boxes, 30-foot and 46-foot long,

15-inch diameter C.M.P. stormwater piping with concrete endwalls and gabion outlet protections. This site is located approximately 1/2 mile south from the intersection of Green Lane and Main Street, and between Manayunk Canal and the Schuylkill River (Germantown, PA Quadrangle N: 5.5 inches; W: 14.0 inches) in the City of Philadelphia, **Philadelphia County**.

**E09-717.** Encroachment. **Hilltown Township**, 13 W. Creamery Road, P. O. Box 206, Hilltown, PA 18927. To remove a 22-foot single span bridge with an underclearance between 4 and 5 feet with a 32-foot single span prestressed concrete box beam bridge with an underclearance of 7 feet. This bridge is located on Telegraph Road spanning Lenape Creek (TSF) (a tributary to the east branch of Perkiomen Creek) approximately 200 feet from the intersection with Perkasio Road (Telford, PA Quadrangle N: 20.3 inches; W: 3.6 inches) in Hilltown Township, **Bucks County**.

**E23-340.** Encroachment. **Kathe Kisela**, 4 Ashebrooke Lane, Newtown Square, PA 19073. To complete activities associated with the enlargement of a pond basin and reconstruction of a non-jurisdictional dam across an unnamed tributary to Darby Creek (CWF-MF) impacting a de minimus amount of wetlands (POW) and (PF01A) located at 4 Ashbrooke Lane approximately 400 feet northwest of the intersection of Ashbrooke Lane and Glendale Road (Valley Forge, PA Quadrangle N: 2.96 inches; W: 5.60 inches) in Newtown Township, **Delaware County**.

*DEP Central Office: Bureau of Dams, Waterways and Wetlands, 400 Market Street, Floor 6, P. O. Box 8554, Harrisburg, PA 17105-8554, telephone (717) 783-1384.*

**D02-118.** Dam. **Town of McCandless**, 9955 Gubbs Road, Wexford, PA 15090. To construct and maintain a 34-foot high flood control dam across a tributary of (west) Little Pine Creek located at the new Duncan Avenue West road crossing in the Town of McCandless, **Allegheny County**.

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**Requests for Environmental Assessment approval under 25 Pa. Code § 105.15 and requests for certification under section 401 of the Federal Water Pollution Control Act.**

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*Northwest Regional Office: Soils and Waterways Section, 230 Chestnut Street, Meadville, PA 16335-3481, telephone (814) 332-6942.*

**EA20-001NW.** Environmental Assessment. **David L. Walton**, 4546 Center Road, Conneaut, OH 44030. To remove the deck and superstructure from the abandoned Gothic Street bridge across Foster Run approximately 250 feet upstream of Mulberry Street (Conneautville, PA Quadrangle N: 1.2 inches; W: 16.8 inches) located in Conneautville Borough, **Crawford County**.

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## ACTIONS

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The Department of Environmental Protection has taken the following actions on previously received permit applications and requests for plan approval and has issued the following significant orders.

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483.

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 1 (800) 654-5984.

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**Actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).**

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

*Permits Issued*

**NPDES Permit No. PA 0221988.** Sewage. **North Memorial Animal Hospital**, R. D. 2, Box 364, New Wilmington, PA 16142 is authorized to discharge from a facility located in Wilmington Township, **Lawrence County** to an unnamed tributary to the Shenango River.

**NPDES Permit No. PA 0103381.** Industrial waste. **Rhone-Poulenc, Inc.**, P. O. Box 98, Route 8 North, Oil City, PA 16301 is authorized to discharge from a facility located in Cornplanter Township, **Venango County** to Oil Creek.

**NPDES Permit No. PA 0104370.** Industrial waste. **Quality Components, Inc.**, R. D. 1, Rt. 120, Ridgway, PA 15853 is authorized to discharge from a facility located in Ridgway Township, **Elk County** to Elk Creek.

*Northcentral Regional Office: Regional Water Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701, telephone (717) 327-3664.*

**Permit No. NPDES PAG044849.** Sewerage. **D. Sue Baird**, R. R. 2, Box 31, Millmont, PA 17845. Has been approved to renew their existing NPDES permit. Discharge from facility located at Lewis Township, **Union County** to receiving waters named Penns Creek.

**Permit No. NPDES PAG044855.** Sewerage. **Laree and Darryl Croutharmel**, 53 Winchester Gardens, Carlisle, PA 17013. Has been approved to construct their small flow treatment facility located in Jordan Township, **Northumberland County**. This will discharge treated effluent to unnamed tributary to Mahantango Creek.

**Permit No. NPDES PAG044861.** Transfer, sewerage. **Fred K. Walker, III**, R. D. 2, Box 147A, Lock Haven, PA 17745. Has been approved to renew their NPDES permit. This facility is located in Woodward Township, **Clinton County** and is authorized to discharge treated effluent to unnamed tributary of Reeds Run.

**Permit No. NPDES PA0043893.** Amendment, sewerage. **Western Clinton County Municipal Authority**, P. O. Box 363, Renovo, PA 17764. Has been amended to specify requirements for controlling sanitary sewer bypass events and to require additional monitoring of these events. This facility is located in Renovo Borough, **Clinton County**.

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

**NPDES Permit No. PA0036374.** Sewerage. **Eaglepointe Development Associates**, Eaglepointe Industrial Center, 55 Pottstown Pike, Uwchlan, PA 19480 is authorized to discharge from a facility located in Upper Uwchlan Township, **Chester County** into an unnamed tributary to Marsh Creek.

**NPDES Permit No. PA0056626.** Industrial waste. **Wyeth-Ayerst Laboratories**, P. O. Box 861, Paoli, PA 19301 is authorized to discharge from a facility located in East Whiteland Township, **Chester County** into an unnamed tributary to Valley Creek.

**NPDES Permit No. PA0053058.** Amendment No. 1. Industrial waste. **Avery Fasson Roll Division**, 35 Penn Am Drive, Quakertown, PA 18951 is authorized to discharge from a facility located in Richland Township, **Bucks County** into an unnamed tributary to Tohickon Creek.

**NPDES Permit No. PA0053970.** Sewerage. **Dawn Holding Company**, 51 East Lafayette Street, P. O. Box 749, Norristown, PA 19401 is authorized to discharge from a facility located in West Nottingham Township, **Chester County** into an unnamed tributary to Northeast Creek.

**NPDES Permit No. PA0024473.** Sewerage. **Parkesburg Borough Authority**, 329 West First Avenue, Parkesburg, PA 19365 is authorized to discharge from a facility located in Parkesburg Borough, **Chester County** into Little Buck Run.

**NPDES Permit No. PA0031887.** Amendment No. 1. Sewerage. **Greenhill Mobile Home Park**, Route 29, R. D. 2, Green Lane, PA 18054 is authorized to discharge from a facility located in Marlborough Township, **Montgomery County** into Green Lane Reservoir.

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#### NOI Received and Final Actions Under NPDES General Permits

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

Coverage under the General Permits issued under the National Pollutant Discharge Elimination System (NPDES) Permit Program to discharge wastewaters to waters of the Commonwealth.

<i>NPDES No.</i>	<i>Applicable GP No.</i>	<i>Facility Name and Address</i>	<i>Facility Location</i>	<i>Stream Name</i>
PAG048370	PAG-4	William H. Thomas R. R. 2, Box 278 Holsopple, PA 15935	Crawford East Fallowfield Twp.	Adsit Run
PAG048308	PAG-4	Ken Richter 3911 Harboregreene Rd. Erie, PA 16510	Erie Greene Twp.	Unnamed tributary to Four Mile Creek

The following approvals for coverage under NPDES Individual Permit for Discharge of Stormwater from Construction Activities have been issued.

These actions of the Department of Environmental Protection (Department) may be appealed to the Environmental Hearing Board (Board), Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, telephone (717) 787-3483, by any aggrieved person under The Environmental Hearing Board Act (35 P. S. § 7514); 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Appeals must be filed with the Board within 30 days from the date of this issue of the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Department's regulations governing practice and procedure before the Board may be obtained from the Board.

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

**PAS-10-H051.** Individual NPDES. **Banzer Corp.**, 1517 Cedar Cliff Dr., Camp Hill, PA 17011. To implement an erosion and sedimentation control plan for a single family housing development called Allen Estates on 50.12

acres in Lower and Upper Allen Townships, **Cumberland County**. The project is located north of PA 114 (Lisburn Road) about 900 feet west of Lisburn Village (Lemoyne, PA Quadrangle N: 8.4 inches; W: 7.2 inches). Drainage will be to Yellow Breeches Creek.

**PAS-10-0026.** Individual NPDES. **M.B.S., Inc.**, 898 North State Street, Ephrata, PA 17522. To implement an erosion and sedimentation control plan for the Rosehill residential subdivision phase 1 on 136.54 acres in East Cocalico Township, **Lancaster County**. The project is located along the north side of S. R. 897, and 3,000 feet south of its intersection with S. R. 272 (Terre Hill, PA Quadrangle N: 19 inches; W: 9.5 inches). Drainage will be to Little Muddy Creek.

**PAS-10-0049.** Individual NPDES. **Zerbe Sisters Nursing Center, Inc.**, 2499 Zerbe Road, Narvon, PA 17555. To implement an erosion and sedimentation control plan for expansion of nursing home facility on 47.6 acres in Caernarvon Township, **Lancaster County**. The project is located along south side of Hammertown Road (T-823), adjacent to Zerbe Drive (Morgantown, PA Quadrangle N: 8 inches; W: 10 inches). Drainage will be to a tributary of the Conestoga River.

**PAS-10-0050.** Individual NPDES. **Sterling Place Development Corporation and M. Myers Development, Inc.**, 3100 McKinnon Street, Suite 1060, Dallas, Texas

75201. To implement an erosion and sedimentation control plan for the construction of an apartment and duplex housing development on 77.8 acres in Lancaster Township, **Lancaster County**. The project is located along the north side of Bean Hill Road, approximately 2,500 feet south of its intersection with Wabank Road (Lancaster, PA Quadrangle N: 2.5 inches; W: 9 inches). Drainage will be to the Conestoga River.

**PAS-10-P019.** Individual NPDES. **Ken Haller and Richard Haller**, R. R. 1, Box 444, Newmanstown, PA 17073. To implement an erosion and sedimentation control plan for the construction of five chicken barns and a stormwater basin on 9 acres in Heidelberg Township, **Lebanon County**. The project is located on the east side of Sinclair Road at an intersection with Michter's Road (Richland, PA Quadrangle N: 6.7 inches; W: 6.8

inches). Drainage will be to a tributary of the Hammer Creek.

**PAS-10-Y040.** Individual NPDES. **Barrington Development Corporation**, 3361 West Canal Road, Dover, PA 17315. To implement an erosion and sedimentation control plan for phases 3 and 4 of a residential development known as Barrington Place on 35.2 acres in West Manchester Township, **York County**. The project is located south of the intersection of Kenneth Avenue and Thames Avenue (West York, PA Quadrangle N: 19.8 inches; W: 5 inches). Drainage will be to an unnamed tributary to Little Conewago Creek.

**The following NPDES Individual Permits for Discharges of Stormwater from Construction Activities have been issued.**

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10E047	R. Gordon Matthews & Assoc. 650 Washington Road Pittsburgh, PA 15228-2790	Butler County Cranberry Township	Wolfe Run

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS10R016	Earth Conservancy 101 South Main Street Ashley, PA 18706	Luzerne County City of Nanticoke	Espy Run
PAS10U046	Ashley Development Corp. 961 Marcon Boulevard Suite 300 Allentown, PA 18103	Northampton County Williams Township	Frya Run
PAS10U048	M. A. HannaColor 800 Satellite Blvd. Suwanee, PA 30174	Northampton County Bethlehem Township	Monocacy Creek
PAS10U049	Transilwrap Company, Inc. 2828 N. Paulina Street Suite 100 Chicago, IL 60657-4012	Northampton County Hanover Township	Monocacy Creek

**The following approvals from coverage under NPDES Individual Permit for Discharge of Stormwater from Construction Activities have been issued.**

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

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
	Tusseyville Associates P. O. Box 4000 State College, PA 16801	Centre County Potter Township	UNT to Cedar Run
	Department of Environmental Protection 93 North State St. Wilkes-Barre, PA 18701-3195	Colley Township Sullivan County	Birch and Pigeon Creek



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

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

**WQM Permit No. 1096402.** Sewage, **Lake Arthur Estates**, 2925 New Castle Road, Portersville, PA 16051. This project is for the construction of a .425 mgd sequencing batch reactor wastewater treatment plant in Muddy Creek Township, **Butler County**.

**WQM Permit No. 2096403.** Sewerage, **William H. Thomas**, SRSTP, R. R. 2, Box 278, Holsopple, PA 15935. Construction of William H. Thomas SRSTP located in East Fallowfield Township, **Crawford County**.

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

**Permit No. 0996402.** Sewerage. **Upper Makefield Township**, 1076 Eagle Road, Newtown, PA 18940. Construction and operation of a gravity sewer collection system, pump station and forcemain located in Upper Makefield Township, **Bucks County** to serve Lakeside Subdivision.

**Permit No. 1596401.** Sewerage. **Utility Group Services Corporation**, 1732 Horseshoe Pike, Glenmore, PA 19343. Expansion and upgrade of existing Little Washington Drainage Company located in East Brandywine Township, **Chester County** to serve Little Washington Drainage Company Sewage Treatment Plant.

**Permit No. 4695427.** Sewerage. **Westrum Development Company**, 794 Pennlyn Pike, Suite 101, Blue Bell, PA 19422. Construction and operation of a sewage collection system, pumping station and forcemain located in Perkiomen Township, **Montgomery County** to serve Greenshire Estates Subdivision.

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**Plan approval granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20).**

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*Northeast Regional Office: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 826-2553.*

*Location:* Heritage Village located on both side of Route 946 at the intersection of Butternut Road, Municipal Drive and Route 946, 1.7 miles east of Berlinsville, Lehigh Township, **Northampton County**.

*Project Description:* This project proposes a planned residential development consisting of 155 manufactured homes on a 62.28 acre tract. The proposed 38,750 gpd of sewage flows will be collected and treated by Lehigh Township Municipal Facilities when completed. The township has recently received Pennvest funding for the construction of their facilities. Two central holding tanks (9,000 gallons each) will be used as a temporary disposal method for the first 30 units of the project until the township municipal facilities are operating. A proposed public water system will be utilized to serve water to the project.

*Location:* Park Ridge Residential Subdivision, Route 240 West of Christman Avenue, Borough of Bath, **Northampton County**.

*Project Description:* This project proposes a 94 lot single family residential subdivision of a 71.1 acre tract. Two of the lots will be used by the Borough for recreation and stormwater management. The proposed 27,600 gpd of

sewage flows will be collected, conveyed and treated by Bath Borough Authority. Bath Borough Authority will provide public water to the project.

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**Actions taken under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).**

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

**Permit No. 0996503.** Public water supply. **Warminster Township Municipal Authority**, Joseph Butch, 415 Gibson Avenue, Warminster, PA 18974. To construct an interconnection with the Warminster Heights Water System and to modify existing facilities to the Warminster Heights Water System in Warminster Township, **Bucks County**.

*Type of Facility:* Water supply.

*Consulting Engineer:* CKS Engineers, Inc., 88 South Main Street, Doylestown, PA 18901.

*Permit to Construct Issued:* April 9, 1996.

**Permit No. 0994510.** Public water supply. **Granor Price Homes**, Bernard Granor, 633 North Easton Road, Glenside, PA 19038. This permit is for the construction of a public water supply for the proposed Richland Court subdivision. The system will consist of one well, disinfection, storage and manganese treatment in Richland Township, **Bucks County**.

*Type of Facility:* Public water supply.

*Consulting Engineer:* R. E. Coleman Associates, Inc., 638 Lancaster Avenue, Frazer, PA 19355.

*Permit to Construct Issued:* April 5, 1996.

**Permit No. 1595501.** Public water supply. **Honey Brook Borough Authority**, Jonathan S. Swope, P. O. Box 669, Honey Brook, PA 19344. To construct a new well (no. 8) with iron and manganese treatment, a booster pump station, stand pipe and associated main in Honey Brook Borough, **Chester County**.

*Type of Facility:* Iron and manganese treatment and disinfection.

*Consulting Engineer:* Harza Northeast, Russell Coleman, 181 Genesee Street, Utica, NY 13501.

*Permit to Construct Issued:* April 9, 1996.

*Northwest Regional Office: Sanitarian Regional Manager, 230 Chestnut Street, Meadville, PA 16335-3481, telephone (814) 332-6899.*

**Permit No. 3795501.** Public water supply. **Heritage Hills Mobile Home Park**, 100 Beachwood Boulevard, Pulaski, PA 16143. This permit is for the permitting of a second well (no. 2), a new 3,000 gallon above ground chlorine contact tank, distribution pumping equipment and four tower pressure sand filtration system.

*Type of Facility:* Community water supply.

*Consulting Engineer:* William P. Deemer and Associates, 205-B South Duffy Road, Butler, PA 16001.

*Permit to Construct Issued:* April 9, 1996.

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

**4095506.** Public water supply. A permit was issued on March 29, 1996, to **Pardeesville Water Association**, c/o Leroy Houser, President, R. D. 2, P4-4, Hazleton, PA 18201. This proposal involves modifications to the system

wells, piping, chemical treatment and storage facilities sufficient to allow for system permitting. This facility is located in Hazle Township, **Luzerne County**.

**1395501.** Public water supply. A permit was issued on April 1, 1996, to **Lansford-Coaldale Joint Water Authority**, c/o Thomas Richards, Vice Chair, One East Ridge Street, Lansford, PA 18232. This proposal involves the permitting of nine new wells that will allow the authority to eliminate the Bear Creek Reservoir as their source of supply. A 1.5 million gallon storage tank and booster pumping station is included. It is located in Lansford Borough, **Carbon County**.

**3546429.** Public water supply. A permit was issued on March 18, 1996 to **Richard's Self-Serve Spring Water**, 300 Centre Street, Ashland, PA 17921. This proposal involves the installation of a water vending machine with storage tank supplied by a permitted source and hauler. It is located in Ashland Borough, **Schuylkill County**.

**3990508.** Public water supply. A permit was issued on March 22, 1996, to **Suburban Mobile Court**, c/o Jason Danweber, 3650 Schoeneck Road, Macungie, PA 18062. This proposal involves the permitting of an existing community water supply serving the 24 units in Suburban Mobile Court located in Lower Macungie Township, **Lehigh County**. The system consists of one well, chlorination, detention storage and a 2-inch galvanized distribution system.

**4089527.** Public water supply. A permit was issued on March 29, 1996, to **Bonham Nursing Home**, c/o James K. Bonham, Owner, R. R. 1, Box 64, Stillwater, PA 17878. This proposal involves permitting of the system's supply well, water filters and softening unit, along with new facilities for raw water disinfection. This is located in Huntington Township, **Luzerne County**.

**4095510.** Public water supply. A permit was issued on April 1, 1996, to **Ecumenical Enterprises, Inc.**, c/o Ray Condo, Executive Director, 1075 Memorial Highway, Dallas, PA 18612. This proposal involves the addition of an orthophosphate compound for corrosion control. It is proposed to reduce lead concentrations to acceptable levels. It is located in the Dallas Borough, **Luzerne County**.

**5290512.** Public water supply. A permit was issued on March 25, 1996, to **Paupack Gardens**, c/o Barry Newcomer, President, Water Flow Pike, Inc., HCR Box 202, Paupack, PA 18451. This proposal involves the permitting of an existing community water supply serving the Paupack Gardens in Palmyra Township, **Pike County**. This system contains one well and storage tank which shall be upgraded with a new storage facility, chlorinator, meter and appropriate valving.

**5890512.** Public water supply. A permit was issued on March 18, 1996, to **Borough of Oakland**, 18 High Street, Susquehanna, PA 18847. This proposal involves the modification of an existing disinfection system serving the community. It is located in the Borough of Oakland, **Susquehanna County**.

**6595505.** Public water supply. A permit was issued April 4, 1996, to **Honesdale Consolidated Water Co.**, c/o Lynn Simons, Manager, Honesdale Consolidated Water Co., 175 N. Main Street, Honesdale, PA 18431. This proposal involves the permitting of the construction of six new wells and four new storage tanks along with the necessary disinfection facilities and transmission piping to interconnect all.

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**Renewal licenses issued 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) and regulations for license to transport infectious and chemotherapeutic waste.**

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

**Blood-Line, Inc.**, 24 Grove Street, South Hackensack, NJ 07606; License No. **PA-HC 0192**; license issued April 11, 1996.

**Bio-Oxidation, Inc.**, 120 East Grant Street, Greencastle, PA 17225; License No. **PA-HC 0185**; license issued April 8, 1996.

**Orchard Hill Memorial Park, Inc.**, 75 Stirling Road, Warren, NJ 07059; License No. **PA-AH 0163**; license issued April 8, 1996.

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**License issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.**

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

**BCTI Transportation Inc.**, P. O. Box 2078, Pecos, TX 79772; License No. **PA-AH 0520**; license issued April 10, 1996.

**Maxwell Transport, Inc.**, 570 Struble Road, State College, PA 16801; License No. **PA-AH 0521**; license issued April 10, 1996.

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**Renewal licenses issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.**

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

**AgHog, Inc.**, 773 Patterson Court, Inkster, MI 48141; License No. **PA-AH S224**; license issued April 11, 1996.

**American Waste Haulers, Inc.**, P. O. Box 306, Maywood, IL 60153; License No. **PA-AH 0461**; license issued April 15, 1996.

**Chemical Leaman Tank Lines, Inc.**, 102 Pickering Way, Exton, PA 19341-0200; license No. **PA-AH 0030**; license issued April 10, 1996.

**Edward Armstrong & Sons, Inc.**, 205 Greenfield Road, Lancaster, PA 17601; License No. **PA-AH 0027**; license issued April 10, 1996.

**E. I. DuPont de Nemours and Company**, Experimental Station, Route 141, Wilmington, DE 19880; License No. **PA-AH S227**; license issued April 10, 1996.

**Enviroserve**, J. V., 5502 Schaff Road, Cleveland, OH 44131; License No. **PA-AH 0456**; license issued April 10, 1996.

**Gensimore Trucking, Inc.**, P. O. Box 5210, Pleasant Gap, PA 16823; License No. **PA-AH 0048**; license issued April 11, 1996.

**Laidlaw Environmental Services (Quebec) Ltd.**, 7305 Marie-Victorin Boulevard, Suite 200, Brossard, PQ J4W 1A6; License No. **PA-AH 0403**; license issued April 12, 1996.

**Mei Kee Sales, Inc.**, Unit 7, 1044 Industrial Drive, Berlin, NJ 08009; License No. **PA-AH S225**; license issued April 10, 1996.

**Northeast Environmental Services, Inc.**, R. R. 6, 8-B, Marguerite Drive West, Canastota, NY 13032; License No. **PA-AH 0376**; license issued April 11, 1996.

**Suttles Truck Leasing, Inc.**, P. O. Box 129, Demopolis, AL 36723; License No. **PA-AH 0332**; license issued April 11, 1996.

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**Amended license issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.**

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

**American Waste Haulers, Inc.**, P. O. Box 306, Maywood, IL 60153; License No. **PA-AH 0461**; amended license issued April 11, 1996.

**Chemical Leaman Tank Lines, Inc.**, 102 Pickering Way, Exton, PA 19341-0200; License No. **PA-AH 0030**; amended license issued April 10, 1996.

**C. R. Warner, Inc.**, 61st and West Passyunk Avenue, Philadelphia, PA 19153; License No. **PA-AH 0460**; amended license issued April 8, 1996.

**Edward Armstrong & Sons, Inc.**, 205 Greenfield Road, Lancaster, PA 17601; License No. **PA-AH 0027**; amended license issued April 10, 1996.

**E. I. DuPont de Nemours and Company**, Experimental Station, Route 141, Wilmington, DE 19880; License No. **PA-AH S227**; amended license issued April 10, 1996.

**Enviroserve**, J. V. 5502 Schaff Road, Cleveland, OH 44131; License No. **PA-AH 0456**; amended license issued April 10, 1996.

**Gensimore Trucking, Inc.**, P. O. Box 5210, Pleasant Gap, PA 16823; License No. **PA-AH 0048**; amended license issued April 11, 1996.

**Kindrick Trucking Company, Inc.**, 2818 Roane State Highway, Harriman, TN 37748; License No. **PA-AH 0379**; amended license issued April 10, 1996.

**Laidlaw Environmental Services (Quebec) Ltd.**, 7305 Marie-Victorin Boulevard, Suite 200, Brossard, PQ J4W 1A6, Canada; License No. **PA-AH 0403**; amended license issued April 12, 1996.

**Mei Kee Sales, Inc.**, Unit 7, 1044 Industrial Drive, Berlin, NJ 08009; License No. **PA-AH S225**; amended license issued April 10, 1996.

**NHD, Inc.**, R. R. 4, Box 4452, Drums, PA 18222; License No. **PA-AH 0365**; amended license issued April 10, 1996.

**Northeast Environmental Services, Inc.**, R. R. 6, Box 8-B, Marguerite Drive West, Canastota, NY 13032; License No. **PA-AH 0376**; amended license issued April 11, 1996.

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**License expired under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.**

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

**Clean America, Inc.**, 3300 Childs Street, Baltimore, MD 21226; License No. **PA-AH 0375**; license expired March 31, 1996.

**Jules Savard Inc.**, 2390 Bauman Street, Jonquiere, PQ G7X 7W6, Canada; License No. **PA-AH 0409**; license expired March 31, 1996.

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**Hazardous Waste Transporter License voluntarily terminated 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) and regulations for license to transport hazardous waste.**

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

**New Dixie Transportation Corp.**, c/o Atlantic Bulk Carrier Corporation, P. O. Box 112, Providence Forge, VA 23140; License No. **PA-AH S233**; license terminated April 8, 1996.

**Sullivan's Trucking Co., Inc.**, P. O. Box 2164, Ponca City, OK 74602; License No. **PA-AH 0454**; license terminated March 27, 1996.

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**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).**

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*Central Office: Division of Municipal and Residual Waste, P. O. Box 8472, 14th Floor, Harrisburg, PA 17105-8472.*

**General Permit WMGR025:** Aerobic composting of agricultural waste, food processing waste, food processing sludge, raw vegetables and raw fruits, uncontaminated and untreated wood waste, source-separated newsprint, source-separated corrugated paper, yard waste and the beneficial use of the produced compost.

The Department of Environmental Protection, Bureau of Land Recycling and Waste Management, authorizes by General Permit WMGR025, aerobic composting of agricultural waste, manure, food processing waste, food processing sludge, raw vegetables and raw fruits from food markets, grocery stores, food banks, and food distribution centers, uncontaminated and untreated wood waste, source-separated newsprint, source-separated corrugated paper, yard waste, and the beneficial use of the produced compost through marketing and distribution as soil substitute, soil conditioner, soil amendment, fertilizer, or mulch. This is a Statewide general permit.

Under the terms and conditions of the general permit, persons who are approved to compost waste and market or distribute the compost for beneficial use will be required to meet, at a minimum, the following: compliance with The Clean Streams Law, compliance with the Solid Waste Management Act, conformance with compost quality standards, conformance with minimum isolation distances, maintenance of operating records, and submission of an annual summary report to the Department.

The Department is authorized under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), and section 287.611 of the residual waste management regulations to issue general permits for any category of beneficial use or processing that results in beneficial use of the residual waste on a regional or Statewide basis when the Department determines that such use does not harm or present a threat of harm to the health, safety or welfare

of the public or the environment and the activity can be adequately regulated using standard conditions. The Department has determined the following: compost from wastes processed under this general permit can be used as soil substitute, soil amendment, soil conditioner, fertilizer or mulch; organic waste processed under this general permit is a category of residual waste which is substantially similar in physical and chemical characteristics; the compost can be used for the same or similar beneficial uses, and the processing and beneficial use can be adequately regulated using standard conditions.

The Department's interpretation of the term "normal farming operation" allows farmers to compost agricultural waste and source-separated recyclables (e.g. newspaper) in normal farming operations without a permit, regardless of whether the compost is used on farms or marketed for off-site use. If the farmer who operates a normal farming operation proposes to take wastes other than agricultural waste for purposes of composting, he will need to apply for a Determination of Applicability under this general permit, as indicated below.

Persons requesting approval to operate under the terms and conditions of the general permit will be required to obtain a "Determination of Applicability" from the Regional Office of the Department which has jurisdiction for waste related activities in the county where the proposed composting facility will be located. The following minimum information will be required in order to obtain the Determination of Applicability:

- (a) Name and address of applicant
- (b) Name, location and type of waste received for composting from a waste generator
- (c) Number and title of general permit
- (d) Proof that proposed composting activities are consistent with the general permit
- (e) A signed statement accepting all conditions of the general permit
- (f) Proof of municipal notification
- (g) Proof of identification of interests
- (h) Compliance history information
- (i) An application fee in the amount of \$200
- (j) A financial bond guaranteeing operation of the entire facility if larger than 5 acres

Persons interested in obtaining further information or a copy of this general permit may contact Dawn Snyder in the Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472. Persons interested in obtaining a copy of the comment/response document prepared on comments received on the proposed general permit may contact the Division at (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

**Permit (Form R) granted to authorize the management of previously permitted and unpermitted classes of residual or special handling waste at municipal or residual waste management facilities.**

*Northwest Regional Office: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481, telephone (814) 332-6848.*

**A. 101397. Homestead Land Corporation.** Greentree Landfill, 635 Toby Road, Kersey, PA 15846, located in Fox Township, **Elk County**. A permit modification to accept nonhazardous liquid waste at the wastewater treatment plant and revise testing requirements for residual wastestreams and acceptance requirements for nonhazardous solid industrial waste was approved in the Regional Office on April 10, 1996.

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

*Southcentral Regional Office: Regional Solid Waste Program Manager, One Ararat Boulevard, Harrisburg, PA 17110, telephone (717) 657-4588.*

**Permit No. 603441. Route 81 Farm, Walnut Bottom Farm, Brownwell Farm, Borough of Carlisle.** (53 West Street, Carlisle, PA 17013). Application for operation of an agricultural utilization of sewage sludge sites in Dickinson, Penn, Upper Frankford Townships, **Cumberland County**. Permit issued in the Regional Office April 8, 1996.

**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.**

*Northwest Regional Office: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481, telephone (814) 332-6848.*

**A. 100329. Lake View Landfill.** 851 Robison Road East, Erie, PA 16509. Major permit modification for the construction and operation of a facility to convert landfill gas to electricity. The landfill is located in Summit Township, **Erie County**. Permit modification issued in the Regional Office on April 5, 1996.

**Operating permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contaminant sources and associated air cleaning devices.**

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

The Department has issued the following air quality operating permit for the operation of the air contamination sources and associated air cleaning devices described below for the specified company.

**13-301-012A.** The Department has issued an air quality operating permit to **Campton Funeral Home Inc.** for the operation of a crematory at the facility located in Palmerton Borough, **Carbon County**. The source is located at 517—519 (Rear) Delaware Avenue, (the mailing address is 525 Delaware Avenue) Palmerton, PA 18071.

**Operating permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to operate air contaminant sources during the months of January, February and March, 1996**

## NOTICES

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

<i>Permit No.</i>	<i>Facility Name</i>	<i>Source Name</i>	<i>Location</i>
09-313-048A	Castrol Industrial, Inc.	Chemical Process	Warminster Township, Bucks County
15-318-016	DuPont Co.	Spray Booth (R&D/Marketing)	Uwchlan Township, Chester County
46-309-032B	American Olean Tile Co.	4 Vertical Dryers	Hatfield Township, Montgomery County
46-309-046B	American Olean Tile Co.	Tile Press Operation	Hatfield Township, Montgomery County
46-318-039	Ryder Truck Rental, Inc.	Paint Spray Booth	Upper Hanover Township, Montgomery County
46-399-049B	Allegro Micro Systems, W. G., Inc.	Semiconductor Manufacturing Process	Upper Moreland Township, Montgomery County

*Regional Office: Northeast Regional Office, Regional Air Quality Manager, Two Public Square, Wilkes-Barre, PA 17811-0790.*

<i>Permit No.</i>	<i>Facility Name</i>	<i>Source Name</i>	<i>Location</i>
35-310-031	Scranton Materials, Inc.	Stone Crushing Plant	Newton Township, Lackawanna County
35-318-065A	General Dynamics Land Systems	Spray Booths	Archbald Borough, Lackawanna County
35-329-001	Keystone Recovery Inc.	Landfill Generation Facility	Dunmore Borough, Lackawanna County
35-399-031	Suckle Corp.	Paint Sanding at Downdraft Bencher	Scranton, Lackawanna County
39-302-150	LaFarge Corp.	Backup Generator	Whitehall Township, Lehigh County
39-304-007A	Ransom Industries, Inc.	Sand Handling System	Macungie Borough, Lehigh County
39-304-009A	Ransom Industries, Inc.	8 Grinding wheels and cutoff wheel	Macungie Borough, Lehigh County
39-304-013	Ransom Industries, Inc.	Hand grinding operation	Macungie Borough, Lehigh County
39-304-014A	Ransom Industries, Inc.	Pedestal Grinder, grinder bench/shot bla	Macungie Borough, Lehigh County
39-304-015	Ransom Industries, Inc.	Sand storage silo	Macungie Borough, Lehigh County
39-304-016	Ransom Industries, Inc.	Cylindrical iron mold grinding	Macungie Borough, Lehigh County
39-304-017A	Ransom Industries, Inc.	Foundry Iron Melting System	Macungie Borough, Lehigh County
39-307-004A	Ransom Industries, Inc.	2 Coreless Induction Furnaces	Macungie Borough, Lehigh County
39-318-046	Ransom Industries, Inc.	2 Pipe Dipping Operations	Macungie Borough, Lehigh County
39-399-031	Ransom Industries, Inc.	Mold blacking station	Macungie Borough, Lehigh County
45-302-057	Powerhouse Equipment & Engineering Co., Inc.	Packaged Watertube Boiler	Coolbaugh Township, Monroe County
48-307-013	Brandenburg Industrial Service	Scrap burning operation	Bethlehem, Northampton County
48-317-016	Ungerer and Co.	Spray Dryers	Hanover Township, Northampton County
54-313-009	Fiberite Corp	#9 Raw plastic compound blending line	Delano Township, Schuylkill County

## NOTICES

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<i>Permit No.</i>	<i>Facility Name</i>	<i>Source Name</i>	<i>Location</i>
54-399-022	United Metal Receptacle	Pyrolysis Furnace	Pottsville, Schuylkill County
58-301-007	A.L.S. Services, Inc.	Small Animal Crematory	Lenox Township, Susquehanna County

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

<i>Permit No.</i>	<i>Facility Name</i>	<i>Source Name</i>	<i>Location</i>
01-310-009F	ISP Minerals, Inc.	Inter. Crushing, Drying and Screening	Hamiltonban Township, Adams County
01-323-003	Amp, Inc.	Electroplating Line	East Berlin Borough, Adams County
05-312-005	Columbia Gas Transmission Corp.	2 Methanol Storage Tanks	Mann Township, Bedford County
06-302-141A	Sunsweet Growers, Inc.	2 Boiler (#5 Oil/NG)	Fleetwood Borough, Berks County
06-319-046A	Exide Corp.	Storage and Handling	Laureldale Borough, Berks County
06-319-104	East Penn Manufacturing Co., Inc.	Grid Casting Operations	Richmond Township, Berks County
06-319-105	East Penn Manufacturing Co., Inc.	Group Assembly	Richmond Township, Berks County
06-319-107	East Penn Manufacturing Co., Inc.	Plate Pasting Machines	Richmond Township, Berks County
07-312-004	Bayway Refining Co.	Gasoline loading operation	Duncansville Borough, Blair County
07-321-001	Bomont Mills, Inc.	Pre-drying Ovens	Altoona, Blair County
21-310-008	Pennsy Supply, Inc.	Crushing and Screening Operation	Silver Spring Township, Cumberland County
21-312-004	Bayway Refining Co.	Three Gasoline Loading Positions	Monroe Township, Cumberland County
21-312-008	Bayway Refining Co.	3 Gasoline Storage Tanks	Monroe Township, Cumberland County
21-399-015	Carlisle Syntec Systems	Rubber Roofing Manufacturing	Carlisle Borough, Cumberland County
22-302-104A	Hershey Chocolate, USA	3 Boilers	Derry Township, Dauphin County
22-317-033A	Hershey Chocolate, USA		Derry Township, Dauphin County
22-323-014	Librandi's Machine Shop, Inc.	Electroplating Operations	Middletown Borough, Dauphin County
28-302-054B	Army, Dept. of the	2 Boilers	Greene Township, Franklin County
31-310-014I	New Enterprise Stone & Lime Co., Inc.	Limestone Crushing Plant	Warriors Mark Township, Huntingdon County
31-310-029	U. S. Silica Co.	Primary Jaw Crusher	Brady Township, Huntingdon County
36-302-016B	Wyeth-Ayerst Laboratories, Inc.	2 Boilers	East Donegal Township, Lancaster County
36-302-181	Grinnel Corp.	Boiler	Columbia Borough, Lancaster County
36-308-078	Alumax Mill Products, Inc.	Annealing Furnace	Manheim Township, Lancaster County
36-310-056B	Martin Limestone, Inc.	Limestone Dryer	Salisbury Township, Lancaster County
36-317-206A	M & M / Mars, Inc.	Transition Dust Collector	Elizabethtown Borough, Lancaster County
36-318-088B	Alumax Aluminum Corp.	Coil Coating Line	East Hempfield Township, Lancaster County
36-319-038	Donnelley, R. R. & Sons Co.		Lancaster City, Lancaster County

<i>Permit No.</i>	<i>Facility Name</i>	<i>Source Name</i>	<i>Location</i>
36-320-023A	Donnelley, R. R. & Sons Co.	Offset Printing Dryer	Lancaster City, Lancaster County
38-302-056	PA Dept. of Military Affairs/Ft. Indiantown Gap	3 Boilers	Union Township, Lebanon County
38-307-012G	Quaker Alloy, Inc.	Steel Foundry Operations	Jackson Township, Lebanon County
38-307-015C	Quaker Alloy, Inc.	Steel Foundry Operation	Myerstown Borough, Lebanon County
38-307-020E	Quaker Alloy, Inc.	Miscellaneous Foundry Operations	Jackson Township, Lebanon County
44-323-002	Ford New Holland, Inc.		Union Township, Mifflin County
67-309-001D	J. E. Baker Co., The	Kiln Feed and Ag Lime System	West Manchester Township, York County
67-309-047C	Baker, J. E. Co., The	Well Block Production Oven	West Manchester Township, York County
67-309-070B	PenRoc, Inc.	Roller Mill	West Manchester Township, York County
67-310-018H	Delta Carbonate, Inc.	Whiting Plant	West Manchester Township, York County
67-318-113	New York Wire Division	Coating Line Curing Oven	Mount Wolf Borough, York County
67-323-040A	Motor Technology, Inc.	Heat Cleaning/Pyrolysis Cleaning Furnace	East Manchester Township, York County

*Regional Office: Northcentral Regional Office, Regional Air Quality Manager, 208 West 3rd Street, Williamsport, PA 17701.*

<i>Permit No.</i>	<i>Facility Name</i>	<i>Source Name</i>	<i>Location</i>
08-316-013	Masonite Corp.	Hardboard Press	Wysox Township, Bradford County
14-309-003C	Bellefonte Lime Co., Inc.		Spring Township, Centre County
14-313-033	Ruetgers-Nease Chemical Co., Inc.	Chemical Process Facility	College Township, Centre County
17-302-016A	Kitko Wood Products, Inc.	Wood Fired Boiler	Glen Hope Borough, Clearfield County
17-302-019A	Howe Leather Co., Inc.	Boiler	Curwensville Borough, Clearfield County
17-302-021	Moshannon Valley School District	2 CNB Tri-fuel Model Boilers	Bigler Township, Clearfield County
17-318-018A	Equimeter, Inc.		DuBois City, Clearfield County
17-399-018	Metaltech, Inc.	3 Sintering Furnaces	Sandy Township, Clearfield County
18-329-005	Eastern States Exploration Co.	Compressor	Noyes Township, Clinton County
19-317-022	Perdue Specialty Feeds	Fish Food Production Facility	Catawissa Township, Columbia County
19-317-023	Heintz Pet Products	Meat Scrap Dock Operations	South Centre Township, Columbia County
19-320-001C	Haddon Craftsmen, Inc.	Heatset Web Offset Printing Press	South Centre Township, Columbia County
19-399-011A	Raisio, Inc.		Berwick Borough, Columbia County
41-316-013A	Keystone Veneers, Inc.	Woodworking Equipment	Williamsport, Lycoming County
49-302-034	Mertz, Boyd A. Greenhouse	2 Anthracite-fired boilers w/grates	Point Township, Northumberland County
49-302-059	Cerven Dye & Finish Co.	Boiler	Sunbury, Northumberland County
49-312-004C	Eldorado Properties Corp.	Gasoline Storage Tank	Point Township, Northumberland County
53-328-001	Tennessee Gas Pipeline	Portable Turbine	Hebron Township, Potter County

## NOTICES

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<i>Permit No.</i>	<i>Facility Name</i>	<i>Source Name</i>	<i>Location</i>
59-304-007	Ward Foundries, Inc.	Galvanizing Line	Blossburg Borough, Tioga County
60-318-001B	Pennsylvania House, Inc.	Spray Booth	East Buffalo Township, Union County
60-323-002	Federal Prison Industries	Paint Burn-off Oven	Kelly Township, Union County

*Regional Office: Southwest Regional Office, Regional Air Quality Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

<i>Permit No.</i>	<i>Facility Name</i>	<i>Source Name</i>	<i>Location</i>
04-305-002	North Star Transfer Co.	Coal loading dock	South Heights Borough, Beaver County
04-307-102	Damascus Steel Casting Co.	Shot Blast and Grinder	New Brighton Borough, Beaver County
11-308-012C	SCM Metal Products, Inc.	Electric Indusion Furnace	Johnstown, Cambria County
11-310-004	Waylite Corp., The	Slag Processing Plant	East Taylor Township, Cambria County
26-308-012	Assad Iron & Metal, Inc.	Aluminum Sweat Furnace	Jefferson Township, Fayette County
26-318-015A	Anchor Glass Container Corp.	Bowman Bottle Decorating	South Connellsville Borough, Fayette County
30-306-002	West Penn Power Co.	Pulverized Coal Fired Boiler	Monongahela Twp, Hatfield Power Station Unit No. 2
30-306-003	West Penn Power Co.	Pulverized Coal Fired Boiler	Monongahela Township, Greene County
32-303-004	IA Construction Corp.	Bituminous Concrete Plant	Homer City Borough, Indiana County
63-305-013	Maple Creek Mining, Inc.	Coal Reclaimer Stacker	New Eagle Borough, Washington County
63-313-027	Ametek, Inc.	Gas Atomization Batch Process	North Strabane Township, Washington County
65-302-068	Menasha Corp.	Boiler	Sewickley Township, Westmoreland County
65-302-070	Menasha Corp.	Burner	Salem Township, Westmoreland County
65-303-018	Cycleclean, Inc.	Asphalt Plant Afterburner (Oxidizer)	Mount Pleasant Township, Westmoreland County
65-305-045	Matt Canestrone Contracting, Inc.	Coal Loading Facility	Rostraver Township, Westmoreland County
65-307-073	Allegheny Ludlum Steel Corp.	Wet Grinding Lines (No. 18 and 19)	Leechburg Borough, Armstrong County
65-308-016C	Advanced Metallurgy, Inc.	5 Electric Belt Furnaces	Franklin Township, Westmoreland County

*Regional Office: Northwest Regional Office, Regional Air Quality Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

<i>Permit No.</i>	<i>Facility Name</i>	<i>Source Name</i>	<i>Location</i>
10-302-037	JSP International	3 Boilers	Summit Township, Butler County
10-307-045	Armco, Inc.	Electric Arc Furnaces (3)	Butler City, Butler County
10-307-050	Armco, Inc.	#22 AO Continuous Anneal and Pickle Line	Butler Township, Butler County
10-309-061	United Dominion Co.		Jackson Township, Butler County
16-322-002	County Landfill, Inc.	Landfill Flare	Farmington Township, Clarion County
24-327-002	Powder Metal Products, Inc.	Vapor Degreaser	Saint Marys Borough, Elk County
24-328-002	CNG Transmission Corp.	Boiler	Benezette Township, Elk County
61-318-006B	Franklin Industries Co.	Dip Paint Line	Franklin, Venango County



<i>Permit No.</i>	<i>Facility Name</i>	<i>Source Name</i>	<i>Location</i>
61-399-009	Seneca Printing & Label, Inc.	5 Evaporators	Sandycreek Township, Venango County
62-399-012	Torpedo Wire & Strip, Inc.	Exhaust Hoods	Pittsfield Township, Warren County

**Plan approvals issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify or reactivate air contamination sources or air cleaning devices.**

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

**01-329-001A.** On April 3, 1996, the Department issued a plan approval to the **Department of the Army, Commander, USAG Fort Ritchie (ANRT-ENE, 603 Lakeside Drive, Fort Ritchie, MD 21719-5010)** for the operation of six no. 2 oil-fired diesel engine-generator sets at their Site R located in Liberty Township, **Adams County**.

**36-315-017A.** On April 3, 1996, the Department issued a plan approval to **R. R. Donnelley & Sons Company** (216 Greenfield Road, Lancaster, PA 17601-5885) for the construction of a bindery roughing system controlled by fabric collectors at their Lancaster Manufacturing Division located in the City of Lancaster, **Lancaster County**.

**31-309-012G.** On April 11, 1996, the Department issued a plan approval to **Fluid Containment, Inc.** (U. S. Route 522 South, Mount Union, PA 17066) for the construction of a fiberglass reinforced plastic tank manufacturing mandrel No. 6 in Shirley Township, **Huntingdon County**.

**31-323-003.** On April 11, 1996, the Department issued a plan approval to **Berg Electronics Group, Inc.** (Emig and Busser Roads, Emigsville, PA 17318) for the construction of one electroplating line controlled by a MAPCO fume scrubber at the Riverview Business Center, Shirley Township, **Huntingdon County**.

*Northwest Regional Office: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, telephone (814) 332-6940.*

**43-303-005A.** On April 10, 1996, a plan approval was issued to **Dunbar Asphalt Products, Inc.** (P. O. Box 477, Wheatland, PA 16161) for the installation of a baghouse on an existing bituminous asphalt concrete plant at Wheatland, **Mercer County**.

**37-309-048.** On April 8, 1996, a plan approval was issued to **ESSROC Materials, Inc.** (P. O. Box 5250, Poland, Ohio 44514) for the installation of a cartridge type dust collector to the clinker conveying system at Bessemer Boro, **Lawrence County**.

**25-322-003.** On April 5, 1996, a plan approval was issued to **Waste Management, Lakeview Landfill** (P. O. Box 10904, Erie, PA 16514) for construction of a landfill gas-to electrical generation facility in Summit Township, **Erie County**.

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

A plan approval has been issued by this office for the construction, modification, reactivation or operation of the air contamination sources and associated air cleaning devices described below for the specified company.

**13-301-012A.** The Department has issued an air quality plan approval to **Campton Funeral Home Inc.** for the operation of a crematory at the facility located in Palmerton Borough, **Carbon County**. The source is located at 517—519 (Rear) Delaware Avenue, (the mailing address is 525 Delaware Avenue) Palmerton, PA 18071.

**MINING ACTIVITY ACTIONS**

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 water quality certification. Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

*District Mining Operations, P. O. Box 669, Knox, PA 16232.*

*Coal Permits Issued*

**16850116. Terry Coal Sales, Inc.** (Box 58, Distant, PA 16223). Renewal of an existing bituminous strip, auger and fly ash/bottom ash disposal operation in Porter Township, **Clarion County** affecting 648.5 acres. Unnamed tributary to Leisure Run and Leisure Run. Application received October 11, 1995. Permit issued March 28, 1996.

**33820142. M. B. Energy, Inc.** (250 Airport Rd., P. O. Box 1319, Indiana, PA 15701). Revision of an existing bituminous strip operation to change the post-mining land use from forestland to pastureland/land occasionally cut for hay on the Byron A. Kelsey property in Porter Township, **Jefferson County**. Receiving streams unnamed tributary to Hamilton Run. Application received December 21, 1995. Permit issued March 25, 1996.

**10840116. State Industries, Inc.** (P. O. Box 1022, Kittanning, PA 16201). Renewal of an existing bituminous strip operation in Concord and Oakland Townships, **Butler County** affecting 224.8 acres. Receiving streams two unnamed tributaries to Connoquenessing Creek. Application received December 5, 1995. Permit issued March 25, 1996.

**16950109. Rosebud Mining Company** (R. D. 2, Box 324B, Parker, PA 16049). Commencement, operation and restoration of a bituminous strip operation in Toby Township, **Clarion County** affecting 311.0 acres. Receiving streams unnamed tributary to Black Fox Run. Application received November 22, 1995. Permit issued April 1, 1996.

**102719-16950109-E-1. Rosebud Mining Company** (R. D. 2, Box 324B, Parker, PA 16049). Application for a stream encroachment to conduct mining activities no closer than 50 feet to unnamed tributary C to Black Fox

Run for the purposes of support facility construction and maintenance in Toby Township, **Clarion County**. No mineral extraction may be conducted closer than 100 feet to the unnamed tributary. Receiving streams unnamed tributary to Black Fox Run. Application received November 22, 1995. Permit issued April 1, 1996.

**16753156. C & K Coal Company** (P. O. Box 69, Clarion, PA 16214). Renewal of an existing bituminous strip and tippel refuse disposal operation in Toby Township, **Clarion County** affecting 164.0 acres. Receiving streams unnamed tributary to Licking Creek and Cherry Run. This renewal is issued for reclamation only. Application received February 1, 1996. Permit issued April 3, 1996.

**P & N Coal Co., Inc.** (P. O. Box 332, Punxsutawney, PA 15767). Renewal of an existing bituminous strip and auger operation in Gaskill Township, **Jefferson County** affecting 369.0 acres. Receiving streams unnamed tributaries to Clover Run, Stoney Run. Application received January 19, 1996. Permit issued April 9, 1996.

**33910102. Maud Mining Company** (P. O. Box 729, Indiana, PA 15701). Renewal of an existing bituminous strip and auger operation in McCalmont Township, **Jefferson County** affecting 135.0 acres. Receiving streams two unnamed tributaries to Laurel Run and Laurel Run. Application received February 14, 1996. Permit issued April 10, 1996.

*Mining and Reclamation, 3913 Washington Road, McMurray, PA 15317.*

**32931301. Keystone Coal Mining Corporation**, (P. O. Box 729, Indiana, PA 15701), to operate the Dutch Run bituminous deep mine in Washington and Armstrong Townships, **Indiana County** and Plumcreek Township, Armstrong County, new mine, receiving streams unnamed tributaries of Dutch Run. Permit issued April 9, 1996.

**32921301. Keystone Coal Mining Corporation**, (P. O. Box 729, Indiana, PA 15701), to revise the permit for the Plumcreek No. 1 bituminous deep mine in Washington Township, **Indiana County** to comply with Act 54, no additional discharge. Permit issued April 9, 1996.

**32921302. Helvetia Coal Company**, (P. O. Box 729, Indiana, PA 15701), to revise the permit for the Marshal Run bituminous deep mine in Young Township, **Indiana County** for Act 54 and subsidence control plan revision, no additional discharge. Permit issued April 9, 1996.

**30733707. Consolidation Coal Company**, (P. O. Box 1314, Morgantown, WV 26507-1314), to revise the permit for the Robena Coal Refuse Disposal area in Green and Monongahela Townships, **Greene County** to install 14 sludge disposal boreholes, no additional discharge. Permit issued April 9, 1996.

*District Mining Operations, P. O. Box 669, Knox, PA 16232.*

#### *Noncoal Permits Issued*

**43950302. Atlantic States Materials of PA, Inc.** (P. O. Box 348, Sewickley, PA 15143). Commencement, operation and restoration of a sand and gravel operation in East Lackawannock Township, **Mercer County** affecting 107.0 acres. Receiving streams unnamed tributary to Beaver Run and Beaver Run. Application received July 12, 1995. Permit issued March 25, 1996.

**302853-43950302-E-1. Atlantic States Materials of PA, Inc.** (P. O. Box 348, Sewickley, PA 15143). Application for a stream encroachment to construct and maintain a

haul road crossing over the unnamed tributary to Beaver Run in East Lackawannock Township, **Mercer County**. Receiving streams unnamed tributary to Beaver Run and Beaver Run. Application received July 12, 1995. Permit issued March 25, 1996.

*District Mining Operations, 437 South Center Street, P. O. Box 625, Ebensburg, PA 15931-0625.*

#### *Noncoal NPDES Permit Renewals*

**05910301. New Enterprise Stone & Lime Co., Inc.**, (P. O. Box 77, New Enterprise, PA 16664), renewal of NPDES Permit #PA0599085, Napier and West St. Clair Townships, **Bedford County**, receiving streams—two unnamed tributaries to Dunning Creek, Dunning Creek, NPDES Renewal Application received March 11, 1996 issued April 8, 1996.

*District Mining Operations, P. O. Box 669, Knox, PA 16232.*

#### *General Small Noncoal Authorizations Granted*

**16960802. Miles Developing & Contracting, Inc.** (521 South Street, Clarion, PA 16214). Commencement, operation and restoration of a sand and gravel operation affecting 4.8 acres. Receiving streams none. Application received January 31, 1996. Authorization granted April 3, 1996.

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### **Request for Variance**

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The Bureau of Deep Mine Safety has received a request for variance from the Mon-View Mining Company. The following notification contains a summary of this request. Complete copies of the variance request may be obtained from Glen Ziegler by calling (717) 787-1376.

The Department is publishing a summary of the request in order to solicit comments from affected parties on the proposed variance request. Comments may be used by the Bureau to assist in its investigation of the variance request. Comments will be accepted for 30 days following the publication of this notice. Comments should be addressed to Thomas J. Ward, Jr., Director, Bureau of Deep Mine Safety, P. O. Box 8463, Harrisburg, PA 17105-8463.

Section 702 of the Bituminous Coal Mine Act, 52 P. S. §§ 701—702, provides a mechanism for operators to obtain variances from specific requirements of the act to accommodate the adoption of new machinery, equipment, tools, supplies, methods or processes.

Section 268(b) of the Bituminous Coal Mine Act, entitled Clearances and Shelter Holes, requires that shelter holes be provided on the clearance side along designated travelingways that are also used as haulage entries, other than belt conveyor haulage entries. Such shelter holes shall be spaced not more than 80 feet apart.

Summary of the request: Mon-View Mining Company's plan calls for a 165 foot maximum distance between shelter holes along track haulage roads in panel development sections of the Mathies Mine. The variance would apply only to panels developed for retreat mining utilizing Mobile Roof Support (MRS) methods. The cross-cuts, which are proposed to be used as shelter holes, are projected on 150 foot centers in these sections to maximize the safety and efficiency features of the MRS. All coal haulage from these sections will be done by conveyor belt. All track haulage covered by the variance will be battery powered. Track haulage will provide for the transportation of personnel, supplies and equipment.

Under Act 181 of 1984, the Department of Environmental Protection solicits letters of interest from the landowners and/or licensed mine operators for the reclamation of the following abandoned strip mine projects:

Project	Municipality	County	Acre
BF 378-101.1	Lawrence Twp.	Clearfield	22.0
BF 400-101.1	Porter Twp.	Clarion	75.0
BF 402-101.1	Nicholson Twp.	Fayette	97.0

Letters of interest must be received by Ernest F. Giovannitti, Director, Bureau of Abandoned Mine Reclamation, Department of Environmental Protection, P. O. Box 8476, Harrisburg, PA 17105-8476, no later than 4 p.m., May 30, 1996, to be considered.

Telephone inquiries shall be directed to B. P. Rao, Chief, Division of Acid Mine Drainage Abatement, at (717) 783-1311.

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment Approval, and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, telephone (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, telephone (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board telephone (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

**Actions on applications filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and sections 5 and 402 of the act of June 22, 1937 (P.L. 1987, No. 394) (35 P.S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a))** (Note: Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description).

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

**E06-476.** Encroachment. **Amy S. and Jonathan G. Leinbach**, 108 Arrowhead Dr., Douglassville, PA 19518. To construct and maintain a low flow culvert crossing consisting of three 4-foot concrete culverts in the channel of Beaver Run at a point approximately 2,300 feet upstream of Route 82 (Elverson, PA Quadrangle N: 17.6 inches; W: 15.3 inches) in Robeson Township, **Berks**

**County**. This permit was issued under section 105.13(e) "Small Projects". This permit also includes 401 Water Quality Certification.

**E06-479.** Encroachment. **Reading School District**, 800 Washington St., Reading, PA 19601. To regrade an existing pond in the floodway of the Wyomissing Creek to create a wetland at the Reading Museum (Reading, PA Quadrangle N: 14 inches; W: 11.2 inches) in the City of Reading and Wyomissing Borough, **Berks County**.

**E22-347.** Encroachment. **Dauphin County Commissioners**, P. O. Box 1295, Harrisburg, PA 17108-1295. To remove an existing structure and to construct and maintain a bridge having a clear span of 31.5 feet and an underclearance of 7.7 feet across the channel of Little Wiconisco Creek at a point at Kessler Road (T-556) (Elizabethville, PA Quadrangle N: 17.6 inches; W: 14.1 inches) in Mifflin Township, **Dauphin County**.

**E22-348.** Encroachment. **Dauphin County Commissioners**, P. O. Box 1295, Harrisburg, PA 17108-1295. To remove an existing structure and to construct and maintain a bridge having a clear span of 21.9 feet and an underclearance of 4.5 feet across the channel of Little Wiconisco Creek at a point at Reitz Road (T-631) (Elizabethville, PA Quadrangle N: 16.75 inches; W: 15.63 inches) in Mifflin Township, **Dauphin County**.

**E28-220.** Encroachment. **Jacob Z. and Fannie H. Heisey**, 10128 Blue Jay Circle, Orrstown, PA 17244. To install and maintain an 8-inch diameter sanitary sewer line across 600 feet of wetland to serve Hill View Estates development located east of Holiness Camp in Roxbury Village (Roxbury, PA Quadrangle N: 18.98 inches; W: 4.38 inches) in Letterkenny Township, **Franklin County**.

**E31-124.** Encroachment. **Game Commission**, P. O. Box 537, Huntingdon, PA 16652-0537. To remove an existing bridge and to construct and maintain a new timber bridge with gabion stone basket abutments having a span of 23 feet and an underclearance of about 4.5 feet across Mill Creek located about 700 feet east of S.R. 1005, about 200 feet north of its intersection with T-473 (Donation, PA Quadrangle N: 3.31 inches; W: 1.1 inches) in Henderson Township, **Huntingdon County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E31-125.** Encroachment. **DCNR**, P. O. Box 8451, Harrisburg, PA 17105-8451. To remove an existing bridge and to construct and maintain a glulam timber arch bridge having a clear span of 72.5 feet and an underclearance of about 11.2 feet across Great Trough Creek for maintenance purposes located on Trough Creek Drive about 400 feet south of its intersection with Newburg Road (Enriken, PA Quadrangle N: 11 inches; W: 0.5 inch) in Todd Township, **Huntingdon County**. This permit was issued under section 105.13(e) "Small Projects". This permit also includes 401 Water Quality Certification.

**E36-596.** Encroachment. **H. L. Wike & Sons, Inc.**, P. O. Box 245, Strasburg, PA 17579. To excavate a de minimus area of wetlands less than or equal to 0.05 acre

for construction of a stormwater detention pond for a garage/dispatch facility to be located along the east side of Hartman Station Road (Leola, PA Quadrangle N: 11.8 inches; W: 13 inches) in East Lampeter and Upper Leacock Townships, **Lancaster County**.

**E36-603.** Encroachment. **M.B.S., Inc.**, 898 North State Street, Ephrata, PA 17522. To construct and maintain an 8-inch P.V.C. sanitary sewer line across approximately 60-feet of wetlands between M.H. 2 and M.H. 3, and across 50 feet of wetlands between M.H. 10 to M.H. 11. Also to construct and maintain an 8-inch water line across wetlands located on the west side of Little Muddy Creek for utility services to the Rose Hill Farm development along the north side of S. R. 897 approximately 0.5 mile southeast of Swartzville (Terre Hill, PA Quadrangle N: 19.5 inches; W: 9.5 inches) in East Cocalico Township, **Lancaster County**.

**E67-550.** Encroachment. **Paul Horvath Estate**, 315 Roxberry Road, York Haven, PA 17370. To place fill in a de minimus area of wetlands less than or equal to 0.05 acre for the purpose of creating a stormwater detention basin located on the northern side of Walnut Lane between Heck Hill Road and Nebinger Street (Steelton, PA Quadrangle N: 2.1 inches; W: 15.7 inches) in Lewisberry Borough, **York County**.

**E67-557.** Encroachment. **Robert Hildebrandt**, 395 Indian Rock Dam Rd., York, PA 17403. To place and maintain earthen fill 40 feet wide × 400 feet long × 2 feet deep in the floodway of a tributary to the south branch of Codorus Creek located northeast of the intersection of Indian Rock Dam Road and Imperial Drive (York, PA Quadrangle N: 7 inches; W: 15 inches) in York Township, **York County**.

**E67-558.** Encroachment. **Root Corp.**, P. O. Box 866, Mt. Wolf, PA 17347-0866. To maintain 37 linear feet of a 12-foot high gabion wall along the southern bank of Hartman Run located behind the New York Wire Company building southwest of the intersection of Chestnut Street and Main Street (York Haven, PA Quadrangle N: 12.1 inches; W: 11.5 inches) in Mount Wolf Borough, **York County**.

*Permits Issued and Actions on 401 Certifications*

*Northcentral Region: Water Management—Soils and Waterways, F. Alan Sever, Chief, 208 West Third St., Williamsport, PA 17701.*

**E18-208.** Water obstruction and encroachment. **Department of Transportation**, 1924-30 Daisy St., Clearfield, PA 16830. Remove the existing structure and to construct and maintain a prestressed precast concrete box culvert with parallel wing walls having a span of 14 feet, a rise of 4 feet and an 82 foot length in Cleveland Hollow located approximately 2.82 miles northeast of the Village of Hyner on S. R. 1014 (Glenn Union, PA Quadrangle N: 19.5 inches; W: 15.6 inches) in Chapman Township, **Clinton County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

**E40-435.** Encroachment. **Clarence R. Yeagley**, 447 South Mountain Boulevard, Mountaintop, PA 18707-2210. To place fill in wetlands for the purpose of constructing a home on Lot No. 15 on Spring Mill Road, and to construct and maintain a perforated drain system and regrade within wetlands on Lot No. 41 on Brookfield Way, with a

total wetland impact of 0.08 acre, in the Maplewood Development. The project is located approximately 0.3 mile southwest of the intersection of S. R. 0309 and Church Road (Freeland, PA Quadrangle N: 21.3 inches; W: 5.4 inches) in Wright Township, **Luzerne County**. The permittee is required to provide 0.18 acre of replacement wetlands.

*Northwest Regional Office: Soils and Waterways Section, 230 Chestnut Street, Meadville, PA 16335-3481, telephone (814) 332-6942.*

**E10-231.** Encroachment. **R. Gordon Matthews & Associates**, 650 Washington Road, Pittsburgh, PA 15228. To construct and maintain a 175-foot long, 72-inch diameter RCC pipe stream enclosure in Wolfe Run and to fill a de minimus area of associated wetlands for the construction of Gate Dancer Drive in Ehrman Farms Residential Development located approximately 200 feet north of Ehrman Road (S. R. 3026) (Mars, PA Quadrangle N: 21.0 inches; W: 12.5 inches) located in Cranberry Township, **Butler County**.

**Actions taken on applications filed under the act of June 24, 1939 (P. L. 842, No. 365) (32 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of this Commonwealth.**

*Northwest Regional Office: Regional Water Management Program Manager, Water Supply and Community Health, 230 Chestnut Street, Meadville, PA 16335-3481, telephone (814) 332-6899.*

*Permits Issued*

**Permit No. WA 33-768A.** Water allocation. **Rose Township Municipal Authority**, R. D. 3, Box 321, Brookville, PA 15825. Permit issued granting the right to purchase an average of 40,000 gpd, based on a 30-day average, from the Brookville Municipal Authority for the Alaska Area and Belgiumtown Area Systems located in Rose Township, **Jefferson County**.

*Type of Facility:* Municipal Authority—Subsidiary Water Allocation.

*Consulting Engineer:* David R. Stiffler, P. E., Stiffler McGraw & Associates, Inc., 310 Penn Street, Holidaysburg, PA 16648.

*Permit Issued:* April 10, 1996.

[Pa.B. Doc. No. 96-683. Filed for public inspection April 26, 1996, 9:00 a.m.]

**Available Draft Technical Guidance**

DEP ID: 012-0700-001 TITLE: Implementation of the History Code: Policy and Procedures for Applicants for DEP Permits and Plan Approvals.

During the last session of the General Assembly, Pennsylvania legislators amended the History Code (37 Pa.C.S. § 101 *et seq.*). As a result, the Department of Environmental Protection (DEP) has drafted a revised technical guidance document, which includes (as appendices) a revised Cultural Resources Notice form, a revised List of Exemptions and a new work flow chart explaining what the Historical and Museum Commission's time frames now are under the law.

Any proposed activity which involves a lot of earth disturbance has the potential for damaging archaeological resources that may be buried there. A large number of the

activities which involve such earth disturbance also require DEP plan approvals and permits. Therefore, these changes represent a major change in the way DEP handles a large number of its permit and plan approval reviews. For most project applicants, this also represents a simplification of the process.

This draft document has been placed on DEP's World Wide Web site. To request a paper copy of the draft document (including the appendices), please contact Nina Huizinga at (717) 783-8727 or via e-mail at huizinga.nina@A1.dep.state.pa.us.

The deadline for comments on the draft is 30 days after the publication of this notice (that is, May 27, 1996). The anticipated effective date is June 1, 1996.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 96-684. Filed for public inspection April 26, 1996, 9:00 a.m.]

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## DEPARTMENT OF HEALTH

### Availability of Guidelines to Assist Hospital in the Selection and Designation of Tissue Procurement Providers

Under section 8 of Act 102 of 1994 (Anatomical Gifts Act), the Department of Health (Department) is to establish guidelines to assist hospitals in the selection and designation of tissue procurement providers. See 20 Pa.C.S. § 8617(f)(1)(ii) (relating to requests for anatomical gifts). On September 2, 1995, the Department published a notice that the guidelines were available in draft form for review and comment.

The guidelines are now available in final form. Copies can be obtained by contacting William White, Director, Division of Acute and Ambulatory Care Facilities, Department of Health, P. O. Box 90, Harrisburg, PA 17108, (717) 783-8980 [TDD: (717) 783-6514]. Persons with disabilities who require a copy of the guidelines in an alternative format (for example, large print, audio tape, braille) should contact William White so that he may make the necessary arrangements.

DANIEL F. HOFFMANN, FACHE,  
*Acting Secretary*

[Pa.B. Doc. No. 96-685. Filed for public inspection April 26, 1996, 9:00 a.m.]

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### State Health Services Plan Process

The Department of Health is releasing an additional proposed amendment to the State Health Services Plan to be published in accordance with the Health Care Facilities Act (35 P. S. §§ 448.101—448.904b) for a 30 day public comment period commencing with the publication of this notice in the *Pennsylvania Bulletin*.

Copies of the proposed amendment to the State Health Services Plan may be obtained by writing to "Proposed Plan Amendment," Department of Health, Division of Planning and Technical Assistance, P. O. Box 90 (Room 1027), Harrisburg, PA 17108.

Written comments on the Proposed Amendment may be submitted to the same address.

A public hearing will be held in Harrisburg in Room 327, Health and Welfare Building on Monday, May 13, 1996, at 10:30 a.m.

Persons who wish to present testimony at this public hearing must notify the Department of Health on or before the close of business on Wednesday, May 8, 1996, of their intent to testify. Contact Donna Culbertson at (717) 783-1410. Persons who fail to contact the Department prior to the public hearing may be denied the right to testify.

Persons who require reasonable accommodations or have special needs in accordance with the Americans with Disabilities Act of 1990 (ADA) should contact Donna Culbertson at (717) 783-1410 at least 10 days prior to the hearing.

This hearing is subject to cancellation without prior notice.

DANIEL F. HOFFMANN, FACHE,  
*Acting Secretary*

[Pa.B. Doc. No. 96-686. Filed for public inspection April 26, 1996, 9:00 a.m.]

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## DEPARTMENT OF PUBLIC WELFARE

### Availability of Social Services Block Grant Document

The Department of Public Welfare, in accordance with the requirements of Title XX Block Grants to States for Social Services (42 U.S.C.A. 1397), announces the availability of the Annual Report of Services Funded by the Social Services Block Grant (SSBG) for Fiscal Year 1995.

This document is available by *written* request to Department of Public Welfare, Office of Program Development and Support, 312 Health and Welfare Building, Harrisburg, PA 17120.

FEATHER O. HOUSTOUN,  
*Secretary*

[Pa.B. Doc. No. 96-687. Filed for public inspection April 26, 1996, 9:00 a.m.]

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## DEPARTMENT OF REVENUE

### Pennsylvania Blackjack '96 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 Blackjack '96.
2. *Price:* The price of a Pennsylvania Blackjack '96 instant lottery game ticket is \$1.00.
3. *Play Symbols:* Each Pennsylvania Blackjack '96 instant lottery game ticket will contain three play areas

designated as Game 1, Game 2, and Game 3. The play symbols and their captions located in Game 1—"Your 1st Hand" and "Dealer's 1st;" Game 2—"Your 2nd Hand" and "Dealer's 2nd;" and Game 3—"Your 3rd Hand" and "Dealer's 3rd" are: 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), J (JACK), Q (QUEEN), K (KING) and A (ACE). A=11; K=10; Q=10; J=10; all others are face value.

4. *Prize Play Symbols:* The prize play symbols and their captions located in the three play areas are: FREE (TICKET), \$2<sup>00</sup> (TWO), \$7<sup>00</sup> (SEVEN), \$100 (ONE HUN) and \$2500 (TWIN FIV HUN).

5. *Prizes:* The prizes that can be won in each game are one free ticket, \$2, \$7, \$100 and \$2,500. The player can win up to three times on each ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 12,394,800 tickets will be printed for the Pennsylvania Blackjack '96 instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets where "Your 1st Hand" beats the "Dealer's 1st" or "Your 2nd Hand" beats the "Dealer's 2nd" or "Your 3rd Hand" beats the "Dealer's 3rd" in the same game, and a prize play symbol of \$2500 (TWIN FIV HUN) in the prize area for that game, on a single ticket, shall be entitled to a prize of \$2,500.

(b) Holders of tickets where "Your 1st Hand" beats the "Dealer's 1st" or "Your 2nd Hand" beats the "Dealer's 2nd" or "Your 3rd Hand" beats the "Dealer's 3rd" in the same game, and a prize play symbol of \$100 (ONE HUN) in the prize area for that game, on a single ticket, shall be entitled to a prize of \$100.

(c) Holders of tickets where "Your 1st Hand" beats the "Dealer's 1st" or "Your 2nd Hand" beats the "Dealer's 2nd" or "Your 3rd Hand" beats the "Dealer's 3rd" in the same game, and a prize play symbol of \$7<sup>00</sup> (SEVEN) in the prize area for that game, on a single ticket, shall be entitled to a prize of \$7.

(d) Holders of tickets where "Your 1st Hand" beats the "Dealer's 1st" or "Your 2nd Hand" beats the "Dealer's 2nd" or "Your 3rd Hand" beats the "Dealer's 3rd" in the same game, and a prize play symbol of \$2<sup>00</sup> (TWO) in the prize area for that game, on a single ticket, shall be entitled to a prize of \$2.

(e) Holders of tickets where "Your 1st Hand" beats the "Dealer's 1st" or "Your 2nd Hand" beats the "Dealer's 2nd" or "Your 3rd Hand" beats the "Dealer's 3rd" in the same game, and a prize play symbol of FREE (TICKET) in the prize area for that game, on a single ticket, shall be entitled to a prize of one Pennsylvania instant lottery game ticket of equivalent sale price which is currently on sale, plus an entry into a Semifinal Grand Prize Drawing to qualify for a Grand Prize Drawing with prizes of \$5,000, \$50,000, \$75,000, \$100,000, or an annuity worth \$1 million (\$50,000 a year for 20 years).

8. *Grand Prize Drawing Procedure:*

(a) *Frequency.*

(1) Grand Prize Drawings will be held on dates to be determined by the Secretary. The dates and locations will be announced by the Director.

(2) From the commencement of Pennsylvania Blackjack '96 until the deadline announced by the Director, there will be ten Grand Prize finalists selected for each Grand Prize Drawing. Grand Prize finalists will be selected in Semifinal Grand Prize Drawings on dates to be determined by the Secretary and announced by the Director.

(b) *Eligibility for Semifinal Grand Prize Drawings.* To be eligible for a Semifinal Grand Prize Drawing, a winner having a free winning ticket shall timely claim it at a participating Lottery sales retailer and properly complete the back of the ticket. The ticket claimed shall meet the ticket criteria under 61 Pa. Code § 819.213 (relating to ticket validation and requirements) to be eligible for a Semifinal Grand Prize Drawing.

(1) The Lottery will make a reasonable effort to ensure that a redeemed free winning ticket is entered into one of the Semifinal Grand Prize Drawings. The Lottery assumes no responsibility for a lost or misplaced redeemed ticket not entered into a Semifinal Grand Prize Drawing.

(2) A redeemed free winning ticket is eligible for only one Semifinal Grand Prize Drawing. A ticket that is not in one eligible group of redeemed free winning tickets may, at the discretion of the Director, remain eligible for a subsequent Semifinal Grand Prize Drawing.

(3) If a ticket is rejected during or following a Semifinal Grand Prize Drawing, the sole remedy is to select another ticket to replace the rejected ticket in accordance with Lottery procedure.

(4) Determination of winners will be made by the Secretary, whose judgment will be final and binding.

(c) *Manner of conducting Semifinal Grand Prize Drawings.*

(1) Periodically, as determined by the Secretary and announced by the Director, a Semifinal Grand Prize Drawing will be held using eligible redeemed free winning tickets. Ten finalists will be selected from an eligible group of tickets entered in the drawing. For the purpose of the drawing, each of the eligible groups of redeemed free winning tickets will be further divided into subgroups and placed in containers, with each container assigned a code depending on the number of containers used.

(2) With the aid of mechanical or automatic drawing equipment, ten container codes will be selected. The codes will determine the containers from which the ten finalists' tickets will be ultimately selected. One winning finalist ticket will be drawn from the first container selected. One winning ticket will then be selected from the second selected container and this procedure will be repeated until ten finalists have been selected for each Grand Prize Drawing.

(d) *Manner of conducting Grand Prize Drawings.*

(1) Following the selection of the ten finalists as described in subsection (c), there will be Grand Prize Drawings held at the discretion of the Director.

(2) The Lottery will award the following prizes to the eligible finalists in each of the Grand Prize Drawings:

<i>Grand Drawing Prizes</i>	<i>No. of Winners</i>	<i>Amount</i>
Grand Prize	1	\$1 million—annuity, or \$100,000, or \$75,000, or \$50,000
Consolation Prize	9	\$5,000

(e) *Procedure for conducting Grand Prize Drawings.*

(1) At a Grand Prize Drawing, a mechanical device in the shape of two concentric wheels will be used, a smaller wheel directly in front of a larger wheel. The larger wheel will have ten spaces each marked with a letter, "a" through "j", inclusive, inscribed clockwise in alphabetical order. The names of the selected ten finalists will be

placed on the larger wheel in the order that they were selected beginning with the space marked letter "a" and continuing alphabetically through the letter "j", inclusive.

(2) The smaller wheel will contain designated amounts of \$1 million—annuity, \$100,000, \$75,000 and \$50,000.

(3) The wheels will be spun and when the wheels stop, the name of the finalist on the larger wheel will be identified as the Grand Prize Drawing winner and will be entitled to the prize indicated on the smaller wheel.

(4) The nine finalists whose names remain will receive a consolation prize of \$5,000 each.

(5) The Grand Prize Drawing winner shall receive the amount indicated, and if that amount is the top grand prize of an annuity worth \$1 million, that prize will be payable in 20 equal annual installments of \$50,000. The payment of a top grand prize to a person who dies before receiving a prize or to a person 17 years of age or younger shall be paid according to 61 Pa. Code §§ 811.16 and 811.27 (relating to prizes payable after death of a prize winner; and payment of prizes to persons under 18 years of age).

(6) Prizes chosen in the Grand Prize Drawing shall be claimed within 1 year of the date of the Grand Prize Drawing.

(7) The determination of a winner will be made by the Secretary, whose judgment will be final, conclusive and binding on the finalists.

(8) Prizes are subject to Federal withholding tax provisions.

(9) Number and Description of Prizes and Approximate Odds: The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>Get</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 12,394,800 Tickets</i>
FREE	One Free Ticket Plus Entry	1:6	2,065,800
\$2	\$2	1:10	1,239,480
\$2 + \$2	\$4	1:100	123,948
\$2 + \$2 + \$2	\$6	1:200	61,974
\$7	\$7	1:200	61,974
\$7 + 7	\$14	1:600	20,658
\$7 + \$7 + \$7	\$21	1:600	20,658
\$100	\$100	1:10,329	1,200
\$2,500	\$2,500	1:1,032,900	12
\$2,500 + \$2,500 + \$2,500	\$7,500	1:2,065,800	6

9. *Retailer Incentive Awards:*

(a) *Grand Prize Bonus.* The Lottery will pay a bonus to a retailer selling a redeemed and validated winning Pennsylvania Blackjack '96 instant lottery game ticket selected for a Grand Prize Drawing as follows:

(1) A winner of an annuity worth \$1 million (\$50,000 a year for 20 years) top grand prize entitles the selling retailer to a bonus of \$10,000.

(2) A winner of a \$100,000 grand prize entitles the selling retailer to a bonus of \$1,000.

(3) A winner of a \$75,000 grand prize entitles the selling retailer to a bonus of \$750.

(4) A winner of a \$50,000 grand prize entitles the selling retailer to a bonus of \$500.

(5) A winner of a \$5,000 consolation prize entitles the selling retailer to a bonus of \$50.

(b) *Retailer incentive.* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Blackjack '96 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Blackjack '96, prize money on winning Pennsylvania Blackjack '96 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 Pennsylvania Blackjack '96, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law.* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-1—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.

12. *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 Blackjack '96 or through normal communications methods.

ROBERT A. JUDGE, Sr.,  
*Secretary*

[Pa.B. Doc. No. 96-688. Filed for public inspection April 26, 1996, 9:00 a.m.]

**Pennsylvania Fat Cat '96 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 Fat Cat '96.

2. *Price:* The price of a Pennsylvania Fat Cat '96 instant lottery game ticket is \$1.00.

3. *Play Symbols:* Each Pennsylvania Fat Cat '96 instant lottery game ticket will contain one play area. The play symbols and their captions located in the play area are: FREE (TICKET), \$1<sup>00</sup> (ONE), \$3<sup>00</sup> (THREE), \$9<sup>00</sup> (NINE), \$18\$ (EIGHTEEN), \$99\$ (NINTNIN), \$2500 (TWNFIVHUN) and a Mouse Symbol (MOUSE).

4. *Prizes:* The prizes that can be won in this game are one free ticket, \$1, \$2, \$3, \$6, \$9, \$18, \$36, \$99, \$2,500 and \$5,000.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 10,224,000 tickets will be printed for the Pennsylvania Fat Cat '96 instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets with two matching play symbols of \$2500 (TWNFIVHUN), and a Mouse play symbol (MOUSE) in the "Play Area" on a single ticket, shall be entitled to a prize of \$5,000.

(b) Holders of tickets with three matching play symbols of \$2500 (TWNFIVHUN) in the "Play Area" on a single ticket, shall be entitled to a prize of \$2,500.

(c) Holders of tickets with three matching play symbols of \$99\$ (NINTNIN) in the "Play Area" on a single ticket, shall be entitled to a prize of \$99.

(d) Holders of tickets with two matching play symbols of \$18\$ (EIGHTEEN), and a Mouse play symbol (MOUSE) in the "Play Area" on a single ticket, shall be entitled to a prize of \$36.

(e) Holders of tickets with three matching play symbols of \$18\$ (EIGHTEEN) in the "Play Area" on a single ticket, shall be entitled to a prize of \$18.

(f) Holders of tickets with two matching play symbols of \$9<sup>00</sup> (NINE), and a Mouse play symbol (MOUSE) in the "Play Area" on a single ticket, shall be entitled to a prize of \$18.

(g) Holders of tickets with three matching play symbols of \$9<sup>00</sup> (NINE) in the "Play Area" on a single ticket, shall be entitled to a prize of \$9.

(h) Holders of tickets with two matching play symbols of \$3<sup>00</sup> (THREE), and a Mouse play symbol (MOUSE) in the "Play Area" on a single ticket, shall be entitled to a prize of \$6.

(i) Holders of tickets with three matching play symbols of \$3<sup>00</sup> (THREE) in the "Play Area" on a single ticket, shall be entitled to a prize of \$3.

(j) Holders of tickets with two matching play symbols of \$1<sup>00</sup> (ONE) and a Mouse play symbol (MOUSE) 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 \$1<sup>00</sup> (ONE) in the "Play Area" on a single ticket, shall be entitled to a prize of \$1.

(l) Holders of tickets with three matching play symbols of FREE (TICKET) in the "Play Area" on a single ticket, shall be entitled to a prize of one Pennsylvania instant lottery game ticket of equivalent sale price which is currently on sale, plus an entry into a Semifinal Grand Prize Drawing to qualify for a Grand Prize Drawing with prizes of \$5,000, \$50,000, \$75,000, \$100,000, or an annuity worth \$1 million (\$50,000 a year for 20 years).

(m) A prize will be paid only for the highest Pennsylvania Fat Cat '96 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. Grand Prize Drawing Procedure:

(a) Frequency.

(1) Grand Prize Drawings will be held on dates to be determined by the Secretary. The dates and locations will be announced by the Director.

(2) From the commencement of Pennsylvania Fat Cat '96 until the deadline announced by the Director, there will be ten Grand Prize finalists selected for each Grand Prize Drawing. Grand Prize finalists will be selected in Semifinal Grand Prize Drawings on dates to be determined by the Secretary and announced by the Director.

(b) *Eligibility for Semifinal Grand Prize Drawings.* To be eligible for a Semifinal Grand Prize Drawing, a winner having a free winning ticket shall timely claim it at a participating Lottery sales retailer and properly complete the back of the ticket. The ticket claimed shall meet the ticket criteria under 61 Pa. Code § 819.213 (relating to ticket validation and requirements) to be eligible for a Semifinal Grand Prize Drawing.

(1) The Lottery will make a reasonable effort to ensure that a redeemed free winning ticket is entered into one of the Semifinal Grand Prize Drawings. The Lottery assumes no responsibility for a lost or misplaced redeemed ticket not entered into a Semifinal Grand Prize Drawing.

(2) A redeemed free winning ticket is eligible for only one Semifinal Grand Prize Drawing. A ticket that is not in one eligible group of redeemed free winning tickets may, at the discretion of the Director, remain eligible for a subsequent Semifinal Grand Prize Drawing.

(3) If a ticket is rejected during or following a Semifinal Grand Prize Drawing, the sole remedy is to select another ticket to replace the rejected ticket in accordance with Lottery procedure.

(4) Determination of winners will be made by the Secretary, whose judgment will be final and binding.

(c) *Manner of conducting Semifinal Grand Prize Drawings.*

(1) Periodically, as determined by the Secretary and announced by the Director, a Semifinal Grand Prize Drawing will be held using eligible redeemed free winning tickets. Ten finalists will be selected from an eligible group of tickets entered in the drawing. For the purpose of the drawing, each of the eligible groups of redeemed free winning tickets will be further divided into subgroups and placed in containers, with each container assigned a code depending on the number of containers used.

(2) With the aid of mechanical or automatic drawing equipment, ten container codes will be selected. The codes will determine the containers from which the ten finalists' tickets will be ultimately selected. One winning finalist ticket will be drawn from the first container selected. One winning ticket will then be selected from the second selected container and this procedure will be repeated until ten finalists have been selected for each Grand Prize Drawing.

(d) *Manner of conducting Grand Prize Drawings.*

(1) Following the selection of the ten finalists as described in subsection (c), there will be Grand Prize Drawings held at the discretion of the Director.

(2) The Lottery will award the following prizes to the eligible finalists in each of the Grand Prize Drawings:

Grand Drawing Prizes	No. of Winners	Amount
Grand Prize	1	\$1 million—annuity, or \$100,000, or \$75,000, or \$50,000
Consolation Prize	9	\$5,000

(e) *Procedure for conducting Grand Prize Drawings.*

(1) At a Grand Prize Drawing, a mechanical device in the shape of two concentric wheels will be used, a smaller wheel directly in front of a larger wheel. The larger wheel will have ten spaces each marked with a letter, "a" through "j", inclusive, inscribed clockwise in alphabetical order. The names of the selected ten finalists will be



placed on the larger wheel in the order that they were selected beginning with the space marked letter "a" and continuing alphabetically through the letter "j", inclusive.

(2) The smaller wheel will contain designated amounts of \$1 million—annuity, \$100,000, \$75,000 and \$50,000.

(3) The wheels will be spun and when the wheels stop, the name of the finalist on the larger wheel will be identified as the Grand Prize Drawing winner and will be entitled to the prize indicated on the smaller wheel.

(4) The nine finalists whose names remain will receive a consolation prize of \$5,000 each.

(5) The Grand Prize Drawing winner shall receive the amount indicated, and if that amount is the top grand prize of an annuity worth \$1 million, that prize will be payable in 20 equal annual installments of \$50,000. The payment of a top grand prize to a person who dies before receiving a prize or to a person 17 years of age or younger shall be paid according to 61 Pa. Code §§ 811.16 and 811.27 (relating to prizes payable after death of a prize winner; and payment of prizes to persons under 18 years of age).

(6) Prizes chosen in the Grand Prize Drawing shall be claimed within 1 year of the date of the Grand Prize Drawing.

(7) The determination of a winner will be made by the Secretary, whose judgment will be final, conclusive and binding on the finalists.

(8) Prizes are subject to Federal withholding tax provisions.

(9) 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:

Get	Win	Approximate Odds	Approximate No. of Winners Per 10,224,000 Tickets
3-Free	One Free Ticket Plus Entry	1:10	1,022,400
3-\$1	\$1	1:10	1,022,400
2-\$1 + Mouse	\$2	1:24	426,000
3-\$3	\$3	1:80	127,800
2-\$3 + Mouse	\$6	1:80	127,800
3-\$9	\$9	1:200	51,120
2-\$9 + Mouse	\$18	1:300	34,080
3-\$18	\$18	1:1,000	10,224
2-\$18 + Mouse	\$36	1:3,200	3,195
3-\$99	\$99	1:16,177	632
3-\$2,500	\$2,500	1:1,022,400	10
2-\$2,500 + Mouse	\$5,000	1:1,022,400	10

8. *Retailer Incentive Awards:*

(a) *Grand Prize Bonus.* The Lottery will pay a bonus to a retailer selling a redeemed and validated winning Pennsylvania Fat Cat '96 instant lottery game ticket selected for a Grand Prize Drawing as follows:

(1) A winner of an annuity worth \$1 million (\$50,000 a year for 20 years) top grand prize entitles the selling retailer to a bonus of \$10,000.

(2) A winner of a \$100,000 grand prize entitles the selling retailer to a bonus of \$1,000.

(3) A winner of a \$75,000 grand prize entitles the selling retailer to a bonus of \$750.

(4) A winner of a \$50,000 grand prize entitles the selling retailer to a bonus of \$500.

(5) A winner of \$5,000 consolation prize entitles the selling retailer to a bonus of \$50.

(b) *Retailer incentive.* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Fat Cat '96 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 Fat Cat '96, prize money on winning Pennsylvania Fat Cat '96 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 Pennsylvania Fat Cat '96, 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 Fat Cat '96 or through normal communications methods.

ROBERT A. JUDGE, Sr.,  
Secretary

[Pa.B. Doc. No. 96-689. Filed for public inspection April 26, 1996, 9:00 a.m.]

**Pennsylvania Father's Day 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 Father's Day.

2. *Price:* The price of a Pennsylvania Father's Day instant lottery game ticket is \$1.00.

3. *Play Symbols:* Each Pennsylvania Father's Day instant lottery game ticket will contain one play area. The play symbols and their captions located in the play area are: \$1<sup>00</sup> (ONE), \$2<sup>00</sup> (TWO), \$4<sup>00</sup> (FOUR), \$6<sup>00</sup> (SIX), \$16\$ (SIXTEEN), \$61\$ (SIXTY-ONE), \$500 (FIVE HUN) and a Dad Symbol (DAD).

4. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$4, \$6, \$12, \$16, \$32, \$61, \$122 and \$500.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 6,475,200 tickets will be printed for the Pennsylvania Father's Day instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets with three matching play symbols of \$500 (FIVE HUN) in the "Play Area" on a single ticket, shall be entitled to a prize of \$500.

(b) Holders of tickets with two matching play symbols of \$61\$ (SIXTY-ONE), and a Dad play symbol (DAD) in the "Play Area" on a single ticket, shall be entitled to a prize of \$122.

(c) Holders of tickets with three matching play symbols of \$61\$ (SIXTY-ONE) in the "Play Area" on a single ticket, shall be entitled to a prize of \$61.

(d) Holders of tickets with two matching play symbols of \$16\$ (SIXTEEN), and a Dad play symbol (DAD) in the "Play Area" on a single ticket, shall be entitled to a prize of \$32.

(e) Holders of tickets with three matching play symbols of \$16\$ (SIXTEEN) in the "Play Area" on a single ticket, shall be entitled to a prize of \$16.

(f) Holders of tickets with two matching play symbols of \$6<sup>00</sup> (SIX), and a Dad play symbol (DAD) in the "Play Area" on a single ticket, shall be entitled to a prize of \$12.

(g) Holders of tickets with three matching play symbols of \$6<sup>00</sup> (SIX) in the "Play Area" on a single ticket, shall be entitled to a prize of \$6.

(h) Holders of tickets with two matching play symbols of \$2<sup>00</sup> (TWO), and a Dad play symbol (DAD) in the "Play Area" on a single ticket, shall be entitled to a prize of \$4.

(i) Holders of tickets with three matching play symbols of \$2<sup>00</sup> (TWO) in the "Play Area" on a single ticket, shall be entitled to a prize of \$2.

(j) Holders of tickets with two matching play symbols of \$1<sup>00</sup> (ONE), and a Dad play symbol (DAD) 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 \$1<sup>00</sup> (ONE) 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 Father's Day 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:

Get	Win	Approximate Odds	Approximate No. of Winners Per 6,475,200 Tickets
3-\$1	\$1	1:8	809,400
2-\$1 + Dad	\$2	1:12	539,600
3-\$2	\$2	1:32	202,350
2-\$2 + Dad	\$4	1:80	80,940
3-\$6	\$6	1:400	16,188
2-\$6 + Dad	\$12	1:320	20,235
3-\$16	\$16	1:600	10,792
2-\$16 + Dad	\$32	1:600	10,792
3-\$61	\$61	1:16,188	400
2-\$61 + Dad	\$122	1:10,792	600
3-\$500	\$500	1:107,920	60

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Father's Day 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 Father's Day, prize money on winning Pennsylvania Father's Day 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 Pennsylvania Father's Day, 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 Father's Day or through normal communications methods.

ROBERT A. JUDGE, Sr.,  
Secretary

[Pa.B. Doc. No. 96-690. Filed for public inspection April 26, 1996, 9:00 a.m.]

**Pennsylvania Instant Monopoly '96 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 Instant Monopoly '96.

2. *Price:* The price of a Pennsylvania Instant Monopoly '96 instant lottery game ticket is \$1.00.

3. *Play Symbols:* Each Pennsylvania Instant Monopoly '96 instant lottery game ticket will contain one play area. The play symbols and their captions located in the play area are: Car Symbol (CAR), Go Symbol (GO), Chest Symbol (CHEST), Hotel Symbol (HOTEL), Train Symbol (TRAIN) and Question Mark Symbol (CHANCE).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Prize Hotel" area are: FREE (TICKET), \$2<sup>00</sup> (TWO), \$4<sup>00</sup> (FOUR), \$6<sup>00</sup> (SIX), \$8<sup>00</sup> (EIGHT), \$10\$ (TEN), \$12\$ (TWELVE), \$14\$ (FORTEEN), \$16\$ (SIXTEEN), \$18\$ (EIGHTEEN), \$20\$ (TWENTY), \$22\$ (TWEN-TWO), \$24\$ (TWEN-FOR), \$26\$ (TWEN-SIX), \$28\$ (TWEN-EIG), \$35\$ (THIR-FIV), \$50\$ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN) and \$10000 (TEN THO).

5. The prizes that can be won in this game are one free ticket, \$2, \$4, \$6, \$8, \$10, \$12, \$14, \$16, \$18, \$20, \$22, \$24, \$26, \$28, \$35, \$50, \$100, \$200 and \$10,000.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 20,092,800 tickets will be printed for the Pennsylvania Instant Monopoly '96 instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets with three matching Hotel Symbol (HOTEL) play symbols in the "Play Area" and a prize play symbol of \$10000 (TEN THO) in the "Prize Hotel" area, on a single ticket, shall be entitled to a prize of \$10,000.

(b) Holders of tickets with three matching Go Symbol (GO) play symbols in the "Play Area" and a prize play symbol of \$200 (TWO HUN) in the "Prize Hotel" area, on a single ticket, shall be entitled to a prize of \$200.

(c) Holders of tickets with three matching Train Symbol (TRAIN) play symbols in the "Play Area" and a prize play symbol of \$100 (ONE HUN) in the "Prize Hotel" area, on a single ticket, shall be entitled to a prize of \$100.

(d) Holders of tickets with three matching Question Mark Symbol (CHANCE) play symbols in the "Play Area" and a prize play symbol of \$50\$ (FIFTY) in the "Prize Hotel" area, on a single ticket, shall be entitled to a prize of \$50.

(e) Holders of tickets with three matching Question Mark Symbol (CHANCE) play symbols in the "Play Area" and a prize play symbol of \$35\$ (THIR-FIV) in the "Prize Hotel" area, on a single ticket, shall be entitled to a prize of \$35.

(f) Holders of tickets with three matching Question Mark Symbol (CHANCE) play symbols in the "Play Area" and a prize play symbol of \$28\$ (TWEN-EIG) in the "Prize Hotel" area, on a single ticket, shall be entitled to a prize of \$28.

(g) Holders of tickets with three matching Question Mark Symbol (CHANCE) play symbols in the "Play Area" and a prize play symbol of \$26\$ (TWEN-SIX) in the "Prize Hotel" area, on a single ticket, shall be entitled to a prize of \$26.

(h) Holders of tickets with three matching Question Mark Symbol (CHANCE) play symbols in the "Play Area" and a prize play symbol of \$24\$ (TWEN-FOR) in the "Prize Hotel" area, on a single ticket, shall be entitled to a prize of \$24.

(i) Holders of tickets with three matching Question Mark Symbol (CHANCE) play symbols in the "Play Area" and a prize play symbol of \$22\$ (TWEN-TWO) in the "Prize Hotel" area, on a single ticket, shall be entitled to a prize of \$22.

(j) Holders of tickets with three matching Question Mark Symbol (CHANCE) play symbols in the "Play Area" and a prize play symbol of \$20\$ (TWENTY) in the "Prize Hotel" area, on a single ticket, shall be entitled to a prize of \$20.

(k) Holders of tickets with three matching Chest Symbol (CHEST) play symbols in the "Play Area" and a prize play symbol of \$18\$ (EIGTEEN) in the "Prize Hotel" area, on a single ticket, shall be entitled to a prize of \$18.

(l) Holders of tickets with three matching Chest Symbol (CHEST) play symbols in the "Play Area" and a prize play symbol of \$16\$ (SIXTEEN) in the "Prize Hotel" area, on a single ticket, shall be entitled to a prize of \$16.

(m) Holders of tickets with three matching Chest Symbol (CHEST) play symbols in the "Play Area" and a prize play symbol of \$14\$ (FORTEEN) in the "Prize Hotel" area, on a single ticket, shall be entitled to a prize of \$14.

(n) Holders of tickets with three matching Chest Symbol (CHEST) play symbols in the "Play Area" and a prize

play symbol of \$12\$ (TWELVE) in the "Prize Hotel" area, on a single ticket, shall be entitled to a prize of \$12.

(o) Holders of tickets with three matching Chest Symbol (CHEST) play symbols in the "Play Area" and a prize play symbol of \$10\$ (TEN) in the "Prize Hotel" area, on a single ticket, shall be entitled to a prize of \$10.

(p) Holders of tickets with three matching Chest Symbol (CHEST) play symbols in the "Play Area" and a prize play symbol of \$8<sup>00</sup> (EIGHT) in the "Prize Hotel" area, on a single ticket, shall be entitled to a prize of \$8.

(q) Holders of tickets with three matching Chest Symbol (CHEST) play symbols in the "Play Area" and a prize play symbol of \$6<sup>00</sup> (SIX) in the "Prize Hotel" area, on a single ticket, shall be entitled to a prize of \$6.

(r) Holders of tickets with three matching Chest Symbol (CHEST) play symbols in the "Play Area" and a prize play symbol of \$4<sup>00</sup> (FOUR) in the "Prize Hotel" area, on a single ticket, shall be entitled to a prize of \$4.

(s) Holders of tickets with three matching Chest Symbol (CHEST) play symbols in the "Play Area" and a prize play symbol of \$2<sup>00</sup> (TWO) in the "Prize Hotel" area, on a single ticket, shall be entitled to a prize of \$2.

(t) Holders of tickets with three matching Car Symbol (CAR) play symbols in the "Play Area" and a prize play symbol of FREE (TICKET) in the "Prize Hotel" area, on a single ticket, shall be entitled to a prize of one Pennsylvania instant lottery game ticket of equivalent sale price which is currently on sale, plus an entry into a Semifinal Grand Prize Drawing to qualify for a Grand Prize Drawing with prizes of \$5,000, \$50,000, \$75,000, \$100,000, or an annuity worth \$1 million (\$50,000 a year for 20 years).

(u) A prize will be paid only for the highest Pennsylvania Instant Monopoly '96 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).

8. *Grand Prize Drawing Procedure:*

(a) *Frequency.*

(1) Grand Prize Drawings will be held on dates to be determined by the Secretary. The dates and locations will be announced by the Director.

(2) From the commencement of the Pennsylvania Instant Monopoly '96 until the deadline announced by the Director, there will be ten Grand Prize finalists selected for each Grand Prize Drawing. Grand Prize finalists will be selected in Semifinal Grand Prize Drawings on dates to be determined by the Secretary and announced by the Director.

(b) *Eligibility for Semifinal Grand Prize Drawings.* To be eligible for a Semifinal Grand Prize Drawing, a winner having a free winning ticket shall timely claim it at a participating Lottery sales retailer and properly complete the back of the ticket. The ticket claimed shall meet the ticket criteria under 61 Pa. Code § 819.213 (relating to ticket validation and requirements) to be eligible for a Semifinal Grand Prize Drawing.

(1) The Lottery will make a reasonable effort to ensure that a redeemed free winning ticket is entered into one of the Semifinal Grand Prize Drawings. The Lottery assumes no responsibility for a lost or misplaced redeemed ticket not entered into a Semifinal Grand Prize Drawing.

(2) A redeemed free winning ticket is eligible for only one Semifinal Grand Prize Drawing. A ticket that is not

in one eligible group of redeemed free winning tickets may, at the discretion of the Director, remain eligible for a subsequent Semifinal Grand Prize Drawing.

(3) If a ticket is rejected during or following a Semifinal Grand Prize Drawing, the sole remedy is to select another ticket to replace the rejected ticket in accordance with Lottery procedure.

(4) Determination of winners will be made by the Secretary, whose judgment will be final and binding.

(c) *Manner of conducting Semifinal Grand Prize Drawings.*

(1) Periodically, as determined by the Secretary and announced by the Director, a Semifinal Grand Prize Drawing will be held using eligible redeemed free winning tickets. Ten finalists will be selected from an eligible group of tickets entered in the drawing. For the purpose of the drawing, each of the eligible groups of redeemed free winning tickets will be further divided into subgroups and placed in containers, with each container assigned a code depending on the number of containers used.

(2) With the aid of mechanical or automatic drawing equipment, ten container codes will be selected. The codes will determine the containers from which the ten finalists' tickets will be ultimately selected. One winning finalist ticket will be drawn from the first container selected. One winning ticket will then be selected from the second selected container and this procedure will be repeated until ten finalists have been selected for each Grand Prize Drawing.

(d) *Manner of conducting Grand Prize Drawings.*

(1) Following the selection of the ten finalists as described in subsection (c), there will be Grand Prize Drawings held at the discretion of the Director.

(2) The Lottery will award the following prizes to the eligible finalists in each of the Grand Prize Drawings:

<i>Grand Drawing Prizes</i>	<i>No. of Winners</i>	<i>Amount</i>
Grand Prize	1	\$1 million—annuity, or \$100,000, or \$75,000, or \$50,000
Consolation Prize	9	\$5,000

(e) *Procedure for conducting Grand Prize Drawings.*

(1) At a Grand Prize Drawing, a mechanical device in the shape of two concentric wheels will be used, a smaller wheel directly in front of a larger wheel. The larger wheel will have ten spaces each marked with a letter, "a" through "j", inclusive, inscribed clockwise in alphabetical order. The names of the selected ten finalists will be placed on the larger wheel in the order that they were selected beginning with the space marked letter "a" and continuing alphabetically through the letter "j", inclusive.

(2) The smaller wheel will contain designated amounts of \$1 million—annuity, \$100,000, \$75,000 and \$50,000.

(3) The wheels will be spun and when the wheels stop, the name of the finalist on the larger wheel will be identified as the Grand Prize Drawing winner and will be entitled to the prize indicated on the smaller wheel.

(4) The nine finalists whose names remain will receive a consolation prize of \$5,000 each.

(5) The Grand Prize Drawing winner shall receive the amount indicated, and if that amount is the top grand prize of an annuity worth \$1 million, that prize will be

payable in 20 equal annual installments of \$50,000. The payment of a top grand prize to a person who dies before receiving a prize or to a person 17 years of age or younger shall be paid according to 61 Pa. Code § 811.16 and 811.27 (relating to prizes payable after death of a prize winner; and payment of prizes to persons under 18 years of age).

(6) Prizes chosen in the Grand Prize Drawing shall be claimed within 1 year of the date of the Grand Prize Drawing.

(7) The determination of a winner will be made by the Secretary, whose judgment will be final, conclusive and binding on the finalists.

(8) Prizes are subject to Federal withholding tax provisions.

(9) 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 20,092,800 Tickets</i>
3-CARs	One Free Ticket Plus Entry	1:6	3,348,800
3-CHESTs	\$2	1:10	2,009,280
3-CHESTs	\$4	1:50	401,856
3-CHESTs	\$6	1:960	20,930
3-CHESTs	\$8	1:1,600	12,558
3-CHESTs	\$10	1:1,600	12,558
3-CHESTs	\$12	1:1,200	16,744
3-CHESTs	\$14	1:1,600	12,558
3-CHESTs	\$16	1:1,600	12,558
3-CHESTs	\$18	1:2,400	8,372
3-?s	\$20	1:2,400	8,372
3-?s	\$22	1:2,400	8,372
3-?s	\$24	1:2,400	8,372
3-?s	\$26	1:4,800	4,186
3-?s	\$28	1:4,800	4,186
3-?s	\$35	1:4,800	4,186
3-?s	\$50	1:9,600	2,093
3-TRAINS	\$100	1:47,954	419
3-GOs	\$200	1:1,004,640	20
3-HOTELS	\$10,000	1:1,255,800	16

9. *Retailer Incentive Awards:*

(a) *Grand Prize Bonus.* The Lottery will pay a bonus to a retailer selling a redeemed and validated winning Pennsylvania Instant Monopoly '96 instant lottery game ticket selected for a Grand Prize Drawing as follows:

(1) A winner of an annuity worth \$1 million (\$50,000 a year for 20 years) top grand prize entitles the selling retailer to a bonus of \$10,000.

(2) A winner of a \$100,000 grand prize entitles the selling retailer to a bonus of \$1,000.

(3) A winner of a \$75,000 grand prize entitles the selling retailer to a bonus of \$750.

(4) A winner of a \$50,000 grand prize entitles the selling retailer to a bonus of \$500.

(5) A winner of a \$5,000 consolation prize entitles the selling retailer to a bonus of \$50.

(b) *Retailer incentive.* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Penn-

sylvania Instant Monopoly '96 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money.* For a period of 1 year from the announced close of Pennsylvania Instant Monopoly '96, prize money on winning Pennsylvania Instant Monopoly '96 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 Instant Monopoly '96, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law.* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-1—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.

12. *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 Instant Monopoly '96 or through normal communications methods.

ROBERT A. JUDGE, Sr.,  
Secretary

[Pa.B. Doc. No. 96-691. Filed for public inspection April 26, 1996, 9:00 a.m.]

### Pennsylvania Instant Slots '96 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 Instant Slots '96.

2. *Price:* The price of a Pennsylvania Instant Slots '96 instant lottery game ticket is \$1.00.

3. *Play Symbols:* Each Pennsylvania Instant Slots '96 instant lottery game ticket will contain one play area. The play symbols and their captions located in the play area are: Seven Character (SEVEN), Cherries Character (CHERRIES), Bell Character (BELL), Bar Character (BAR), Lemon Character (LEMON), Plum Character (PLUM) and Orange Character (ORANGE).

4. *Prizes:* The prizes that can be won in this game are one free ticket, \$2, \$5, \$10, \$25, \$100 and \$20,000. The player can win up to three times on each ticket.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 12,394,800 tickets will be printed for the Pennsylvania Instant Slots '96 instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets with three matching Seven Character (SEVEN) play symbols in the same game, on a single ticket, shall be entitled to a prize of \$20,000.

(b) Holders of tickets with three matching Bar Character (BAR) play symbols in the same game, on a single ticket, shall be entitled to a prize of \$100.

(c) Holders of tickets with three matching Bell Character (BELL) play symbols in the same game, on a single ticket, shall be entitled to a prize of \$25.

(d) Holders of tickets with three matching Orange Character (ORANGE) play symbols in the same game, on a single ticket, shall be entitled to a prize of \$10.

(e) Holders of tickets with three matching Lemon Character (LEMON) play symbols in the same game, on a single ticket, shall be entitled to a prize of \$5.

(f) Holders of tickets with three matching Plum Character (PLUM) play symbols in the same game, on a single ticket, shall be entitled to a prize of \$2.

(g) Holders of tickets with three matching Cherries Character (CHERRIES) play symbols in the same game, on a single ticket, shall be entitled to a prize of one Pennsylvania instant lottery game ticket of equivalent sale price which is currently on sale, plus an entry into a Semifinal Grand Prize Drawing to qualify for a Grand Prize Drawing with prizes of \$5,000, \$50,000, \$75,000, \$100,000, or an annuity worth \$1 million (\$50,000 a year for 20 years).

#### 7. Grand Prize Drawing Procedure:

(a) *Frequency.*

(1) Grand Prize Drawings will be held on dates to be determined by the Secretary. The dates and locations will be announced by the Director.

(2) From the commencement of the Pennsylvania Instant Slots '96 until the deadline announced by the Director, there will be ten Grand Prize finalists selected for each Grand Prize Drawing. Grand Prize finalists will be selected in Semifinal Grand Prize Drawings on dates to be determined by the Secretary and announced by the Director.

(b) *Eligibility for Semifinal Grand Prize Drawings.* To be eligible for a Semifinal Grand Prize Drawing, a winner having a free winning ticket shall timely claim it at a participating Lottery sales retailer and properly complete the back of the ticket. The ticket claimed shall meet the ticket criteria under 61 Pa. Code § 819.213 (relating to ticket validation and requirements) to be eligible for a Semifinal Grand Prize Drawing.

(1) The Lottery will make a reasonable effort to ensure that a redeemed free winning ticket is entered into one of the Semifinal Grand Prize Drawings. The Lottery assumes no responsibility for a lost or misplaced redeemed ticket not entered into a Semifinal Grand Prize Drawing.

(2) A redeemed free winning ticket is eligible for only one Semifinal Grand Prize Drawing. A ticket that is not in one eligible group of redeemed free winning tickets may, at the discretion of the Director, remain eligible for a subsequent Semifinal Grand Prize Drawing.

(3) If a ticket is rejected during or following a Semifinal Grand Prize Drawing, the sole remedy is to select another ticket to replace the rejected ticket in accordance with Lottery procedure.

(4) Determination of winners will be made by the Secretary, whose judgment will be final and binding.

(c) *Manner of conducting Semifinal Grand Prize Drawings.*

(1) Periodically, as determined by the Secretary and announced by the Director, a Semifinal Grand Prize Drawing will be held using eligible redeemed free winning tickets. Ten finalists will be selected from an eligible group of tickets entered in the drawing. For the purpose of the drawing, each of the eligible groups of redeemed free winning tickets will be further divided into subgroups and placed in containers, with each container assigned a code depending on the number of containers used.

(2) With the aid of mechanical or automatic drawing equipment, ten container codes will be selected. The codes will determine the containers from which the ten finalists' tickets will be ultimately selected. One winning finalist ticket will be drawn from the first container selected. One winning ticket will then be selected from the second selected container and this procedure will be repeated until ten finalists have been selected for each Grand Prize Drawing.

(d) *Manner of conducting Grand Prize Drawings.*

(1) Following the selection of the ten finalists as described in subsection (c), there will be Grand Prize Drawings held at the discretion of the Director.

(2) The Lottery will award the following prizes to the eligible finalists in each of the Grand Prize Drawings:

<i>Grand Drawing Prizes</i>	<i>No. of Winners</i>	<i>Amount</i>
Grand Prize	1	\$1 million—annuity, or \$100,000, or \$75,000, or \$50,000
Consolation Prize	9	\$5,000

(e) *Procedure for conducting Grand Prize Drawings.*

(1) At a Grand Prize Drawing, a mechanical device in the shape of two concentric wheels will be used, a smaller wheel directly in front of a larger wheel. The larger wheel will have ten spaces each marked with a letter, "a" through "j", inclusive, inscribed clockwise in alphabetical order. The names of the selected ten finalists will be placed on the larger wheel in the order that they were selected beginning with the space marked letter "a" and continuing alphabetically through the letter "j", inclusive.

(2) The smaller wheel will contain designated amounts of \$1 million—annuity, \$100,000, \$75,000 and \$50,000.

(3) The wheels will be spun and when the wheels stop, the name of the finalist on the larger wheel will be identified as the Grand Prize Drawing winner and will be entitled to the prize indicated on the smaller wheel.

(4) The nine finalists whose names remain will receive a consolation prize of \$5,000 each.

(5) The Grand Prize Drawing winner shall receive the amount indicated, and if that amount is the top grand prize of an annuity worth \$1 million, that prize will be payable in 20 equal annual installments of \$50,000. The payment of a top grand prize to a person who dies before receiving a prize or to a person 17 years of age or younger shall be paid according to 61 Pa. Code §§ 811.16 and 811.27 (relating to prizes payable after death of a prize winner; and payment of prizes to persons under 18 years of age).

(6) Prizes chosen in the Grand Prize Drawing shall be claimed within 1 year of the date of the Grand Prize Drawing.

(7) The determination of a winner will be made by the Secretary, whose judgment will be final, conclusive and binding on the finalists.

(8) Prizes are subject to Federal withholding tax provisions.

(9) Number and Description of Prizes and Approximate Odds: The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>Get</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 12,394,800 Tickets</i>
3-CHERRIES	One Free Ticket Plus Entry	1:5.50	2,253,600
3- PLUMs	\$2	1:10	1,239,480
3-LEMONs	\$5	1:100	123,948
3-ORANGEs	\$10	1:400	30,987
3-LEMONs + 3-LEMONs	\$10	1:400	30,987
3-BELLs	\$25	1:900	13,772
3-ORANGEs	\$25	1:1,200	10,329
X 2 + 3-LEMONs			
3-BARs	\$100	1:10,329	1,200
3-SEVENs	\$20,000	1:1,032,900	12

8. *Retailer Incentive Awards:*

(a) *Grand Prize Bonus.* The Lottery will pay a bonus to a retailer selling a redeemed and validated winning Pennsylvania Instant Slots '96 instant lottery game ticket selected for a Grand Prize Drawing as follows:

(1) A winner of an annuity worth \$1 million (\$50,000 a year for 20 years) top grand prize entitles the selling retailer to a bonus of \$10,000.

(2) A winner of a \$100,000 grand prize entitles the selling retailer to a bonus of \$1,000.

(3) A winner of a \$75,000 grand prize entitles the selling retailer to a bonus of \$750.

(4) A winner of a \$50,000 grand prize entitles the selling retailer to a bonus of \$500.

(5) A winner of a \$5,000 consolation prize entitles the selling retailer to a bonus of \$50.

(b) *Retailer incentive.* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Instant Slots '96 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 Instant Slots '96, prize money on winning Pennsylvania Instant Slots '96 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 Instant Slots '96, 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 regula-

tions 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 Instant Slots '96 or through normal communications methods.

ROBERT A. JUDGE, Sr.,  
Secretary

[Pa.B. Doc. No. 96-692. Filed for public inspection April 26, 1996, 9:00 a.m.]

### Pennsylvania Lucky 7's '96 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 Lucky 7's '96.

2. *Price:* The price of a Pennsylvania Lucky 7's '96 instant lottery game ticket is \$1.00.

3. *Play Symbols:* Each Pennsylvania Lucky 7's '96 instant lottery game will contain one play area. The play symbols and their captions located in the play area are: 0 (ZERO), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN) and 8 (EIGHT).

4. *Prizes:* The prizes that can be won in this game are one free ticket, \$2, \$7, \$17, \$77, \$777, \$7,777.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 12,394,800 tickets will be printed for the Pennsylvania Lucky 7's '96 instant lottery game.

#### 6. *Determination of Prize Winners:*

(a) Holders of tickets with three matching play symbols of 7 (SEVEN) in the same row in the "Play Area," and a prize amount of \$7,777 in the corresponding prize arrow, shall be entitled to a prize of \$7,777.

(b) Holders of tickets with three matching play symbols of 7 (SEVEN) in the same row in the "Play Area," and a prize amount of \$777 in the corresponding prize arrow, shall be entitled to a prize of \$777.

(c) Holders of tickets with three matching play symbols of 7 (SEVEN) in the same row in the "Play Area," and a prize amount of \$77 in the corresponding prize arrow, shall be entitled to a prize of \$77.

(d) Holders of tickets with three matching play symbols of 7 (SEVEN) in the same diagonal in the "Play Area," and a prize amount of \$17 in the corresponding prize arrow, shall be entitled to a prize of \$17.

(e) Holders of tickets with three matching play symbols of 7 (SEVEN) in the same column in the "Play Area," and a prize amount of \$7 in the corresponding prize arrow, shall be entitled to a prize of \$7.

(f) Holders of tickets with three matching play symbols of 7 (SEVEN) in the same column in the "Play Area," and

a prize amount of \$2 in the corresponding prize arrow, shall be entitled to a prize of \$2.

(g) Holders of tickets with three matching play symbols of 7 (SEVEN) in the same column in the "Play Area," and a prize amount of FREE in the corresponding prize arrow, shall be entitled to a prize of one Pennsylvania instant lottery game ticket of equivalent sale price which is currently on sale, plus an entry into a Semifinal Grand Prize Drawing to qualify for a Grand Prize Drawing with prizes of \$5,000, \$50,000, \$75,000, \$100,000, or an annuity worth \$1 million (\$50,000 a year for 20 years).

(h) A prize will be paid only for the highest Pennsylvania Lucky 7's '96 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. *Grand Prize Drawing Procedure:*

##### (a) *Frequency.*

(1) Grand Prize Drawings will be held on dates to be determined by the Secretary. The dates and locations will be announced by the Director.

(2) From the commencement of the Pennsylvania Lucky 7's '96 until the deadline announced by the Director, there will be ten Grand Prize finalists selected for each Grand Prize Drawing. Grand Prize finalists will be selected in Semifinal Grand Prize Drawings on dates to be determined by the Secretary and announced by the Director.

(b) *Eligibility for Semifinal Grand Prize Drawings.* To be eligible for a Semifinal Grand Prize Drawing, a winner having a free winning ticket shall timely claim it at a participating Lottery sales retailer and properly complete the back of the ticket. The ticket claimed shall meet the ticket criteria under 61 Pa. Code § 819.213 (relating to ticket validation and requirements) to be eligible for a Semifinal Grand Prize Drawing.

(1) The Lottery will make a reasonable effort to ensure that a redeemed free winning ticket is entered into one of the Semifinal Grand Prize Drawings. The Lottery assumes no responsibility for a lost or misplaced ticket not entered into a Semifinal Grand Prize Drawing.

(2) A redeemed free winning ticket is eligible for only one Semifinal Grand Prize Drawing. A ticket that is not in one eligible group of redeemed free winning tickets may, at the discretion of the Director, remain eligible for a subsequent Semifinal Grand Prize Drawing.

(3) If a ticket is rejected during or following a Semifinal Grand Prize Drawing, the sole remedy is to select another ticket to replace the rejected ticket in accordance with Lottery procedure.

(4) Determination of winners will be made by the Secretary, whose judgment will be final and binding.

##### (c) *Manner of conducting Semifinal Grand Prize Drawings.*

(1) Periodically, as determined by the Secretary and announced by the Director, a Semifinal Grand Prize Drawing will be held using eligible redeemed free winning tickets. Ten finalists will be selected from an eligible group of tickets entered in the drawing. For the purpose of the drawing, each of the eligible groups of redeemed free winning tickets will be further divided into subgroups and placed in containers, with each container assigned a code depending on the number of containers used.

(2) With the aid of mechanical or automatic drawing equipment, ten container codes will be selected. The codes will determine the containers from which the ten finalists' tickets will be ultimately selected. One winning finalist ticket will be drawn from the first container selected. One winning ticket will then be selected from the second selected container and this procedure will be repeated until ten finalists have been selected for each Grand Prize Drawing.

(d) *Manner of conducting Grand Prize Drawings.*

(1) Following the selection of the ten finalists as described in subsection (c), there will be Grand Prize Drawings held at the discretion of the Director.

(2) The Lottery will award the following prizes to the eligible finalists in each of the Grand Prize Drawings:

<i>Grand Drawing Prizes</i>	<i>No. of Winners</i>	<i>Amount</i>
Grand Prize	1	\$1 million—annuity, or \$100,000, or \$75,000, or \$50,000
Consolation Prize	9	\$5,000

(e) *Procedure for conducting Grand Prize Drawings.*

(1) At a Grand Prize Drawing, a mechanical device in the shape of two concentric wheels will be used, a smaller wheel directly in front of a larger wheel. The larger wheel will have ten spaces each marked with a letter, "a" through "j", inclusive, inscribed clockwise in alphabetical order. The names of the selected ten finalists will be placed on the larger wheel in the order that they were selected beginning with the space marked letter "a" and continuing alphabetically through the letter "j", inclusive.

(2) The smaller wheel will contain designated amounts of \$1 million—annuity, \$100,000, \$75,000 and \$50,000.

(3) The wheels will be spun and when the wheels stop, the name of the finalist on the larger wheel will be identified as the Grand Prize Drawing winner and will be entitled to the prize indicated on the smaller wheel.

(4) The nine finalists whose names remain will receive a consolation prize of \$5,000 each.

(5) The Grand Prize Drawing winner shall receive the amount indicated, and if that amount is the top grand prize of an annuity worth \$1 million, that prize will be payable in 20 equal annual installments of \$50,000. The payment of a top grand prize to a person who dies before receiving a prize or to a person 17 years of age or younger shall be paid according to 61 Pa. Code §§ 811.16 and 811.27 (relating to prizes payable after death of a prize winner; and payment of prizes to persons under 18 years of age).

(6) Prizes chosen in the Grand Prize Drawing shall be claimed within 1 year of the date of the Grand Prize Drawing.

(7) The determination of a winner will be made by the Secretary, whose judgment will be final, conclusive and binding on the finalists.

(8) Prizes are subject to Federal withholding tax provisions.

(9) 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>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 12,394,800 Tickets</i>
One Free Ticket Plus Entry	1:7.20	1,721,500
\$2	1:10	1,239,480
\$7	1:72	172,150
\$17	1:200	61,974
\$77	1:13,772	900
\$777	1:103,290	120
\$7,777	1:516,450	24

8. *Retailer Incentive Awards:*

(a) *Grand Prize Bonus.* The Lottery will pay a bonus to a retailer selling a redeemed and validated winning Pennsylvania Lucky 7's '96 instant lottery game ticket selected for a Grand Prize Drawing as follows:

(1) A winner of an annuity worth \$1 million (\$50,000 a year for 20 years) top grand prize entitles the selling retailer to a bonus of \$10,000.

(2) A winner of a \$100,000 grand prize entitles the selling retailer to a bonus of \$1,000.

(3) A winner of a \$75,000 grand prize entitles the selling retailer to a bonus of \$750.

(4) A winner of a \$50,000 grand prize entitles the selling retailer to a bonus of \$500.

(5) A winner of a \$5,000 consolation prize entitles the selling retailer to a bonus of \$50.

(b) *Retailer incentive.* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Lucky 7's '96 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 Lucky 7's '96, prize money on winning Pennsylvania Lucky 7's '96 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 Pennsylvania Lucky 7's '96, 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 Lucky 7's '96 or through normal communications methods.

ROBERT A. JUDGE, Sr.,  
*Secretary*

[Pa.B. Doc. No. 96-693. Filed for public inspection April 26, 1996, 9:00 a.m.]



# DEPARTMENT OF TRANSPORTATION

## Finding

### Chester and Montgomery Counties

Under the provisions of section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Secretary of Transportation makes the following written finding:

The Department of Transportation plans to improve S. R. 0202, Section 400, in Chester and Montgomery Counties. The proposed improvements consist of a combination of widening of S. R. 0202 and other additions and alterations to S. R. 0202 covering 5.4 miles from the King of Prussia Interchange (U. S. 202/I-76) in Montgomery County to the Swedesford Road Interchange with S. R. 0202 in Chester County. Other modifications and alterations are also proposed for the local roadway network. The purpose of the project is to improve traffic flow, operations and safety by reducing congestion and improving levels of service of the highway facilities involved.

Besides the acquisition of 28.72 acres of private land for the project right-of-way, the project involves the King of Prussia Inn which is listed on the National Register of Historic Places. A Memorandum of Agreement (MOA) has been executed among the Department of Transportation, the Federal Highway Administration, the Historical and Museum Commission, and the Advisory Council on Historic Preservation to mitigate the project impacts on the King of Prussia Inn. Relocation of the King of Prussia Inn to a new site or stabilizing the Inn's condition on site are the proposed measures to mitigate the adverse effect, as well as supplemental recordation of existing historical documentation.

On April 2, 1996, the following written findings were made:

1. There is no feasible and prudent alternative that could avoid the adverse project impact on the King of Prussia Inn and
2. The project is planned so as to minimize harm to the historic resource by implementing the mitigation measures contained in the executed MOA.

No adverse environmental effect is likely to result from the reconstruction of this section of highway.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 96-694. Filed for public inspection April 26, 1996, 9:00 a.m.]

### Retention of Engineering Firms

#### Armstrong County Reference No. 08430AG1990

The Department of Transportation will retain an engineering firm for the preliminary engineering and environmental studies for two major bridge replacement projects, both located in Armstrong County.

S. R. 0028, Section 153, locally known as Pine Creek Bridge, carries PA Route 28/66 over the B & P Railroad and Pine Creek, located in Rayburn Valley and Boggs

Townships, north of Kittanning Borough. This project is approximately 0.3 mile in length. The required design services will provide for the replacement and relocation of the existing eight span concrete girder structure, total length of 362 feet. This structure must be designed in order to maintain traffic during construction because no detour is feasible. The estimated total cost for this project is \$4.5 million.

S. R. 1038, Section 150, locally known as West Kittanning Bridge, carries existing S. R. 1038 over the P & S Railroad, located on the municipal line between East Franklin Township and Applewold Borough, west of Kittanning Borough. This project is approximately 0.3 mile in length. The required design services will provide for the replacement of the existing eight span, steel and concrete girder structure, total length 398 feet, on existing alignment along with the replacement of a 23 foot long structure on S. R. 4025 that is physically attached to the S. R. 1038 structure (each structure shares common abutments). A detour of traffic during construction will be considered for this project. The estimated cost for this project is \$2.0 million.

Required tasks will include, but not be limited to, field surveys; plot and check survey data; utilities; cross-sections, alternate studies/analysis; design field view submissions; preliminary type, size and location plan; Step 9 approval; reconnaissance soils and geologic engineering reports; hydrologic and hydraulic studies; geotechnical exploration; preliminary erosion and sediment pollution control plan; PUC involvement; and public meetings.

The selected firm will be required to provide the necessary work and services to obtain all environmental clearances for the projects in the form of a Categorical Exclusion addressing impacts to but not limited to these structures; cultural resources, wetlands, farmlands, air quality, noise investigations, socio-economic impacts, flood plains, aquatic and terrestrial habitats, threatened or endangered species, erosion and sedimentation control, groundwater resources, hazardous waste, aesthetic, scenic river involvement, DEP Chapter 105 permit/USACOE section 404 permit.

The goal for Disadvantaged Business Enterprise (DBE) participation in this agreement shall be 15% of the total contract price. Additional information concerning DBE participation in this agreement is contained in the General Requirements and Information section after the advertised project.

Technical questions concerning the requirements for this project should be directed to Craig Chelednik, District 10-0, at (412) 357-2842.

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 performing any of the above services are invited to submit letters of interest to: Director, Consultant Selection Committee, Room 1118, Transportation and Safety Building, Harrisburg, PA 17120.

A separate letter of interest and required forms must be submitted for each project for which the applicant wishes to be considered. The letter of interest and required forms must be received within 13 calendar days of this notice. The deadline for receipt of a letter of interest at the above address is 4:30 p.m. of the thirteenth day.

If the project advertisement indicates that the Department will retain an engineering firm, letters of interest will only be accepted from individuals, firms or corporations duly authorized to engage in the practice of engineering. 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 State law to engage in the practice of engineering.

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. Proposed DBE firms must be certified at the time of submission of the letter of interest. If the selected firm fails to meet the goal established, it shall be required to demonstrate its good faith efforts to attain the goal. Failure to meet the goal and to demonstrate good faith efforts may result in being barred from Department contracts in the future.

Responses are encouraged by small engineering firms, disadvantaged business enterprise engineering firms and other engineering firms who have not previously performed work for the Department of Transportation.

Each letter of interest must include in the heading, the firm's Federal Identification Number and the Project Reference Number indicated in the advertisement. The letter of interest must also include the following:

1. Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project."

2. Standard Form 254, "Architect-Engineer and Related Services Questionnaire" 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. Please disregard the statements on Standard Form 255 that indicate a Standard Form 254 is only required if not already on file with the contracting office. The Department does not maintain a file for Standard Form 254 for contracting purposes; therefore, this Form is required for the prime consultant and each subconsultant as stated above.

3. Two copies of the Department's Form D-427 (Rev. 6-89), "Current Workload" for the firm submitting the letter of interest. At least one copy of Form D-427 must remain free and not bound in any way to any other portion of the letter of interest or accompanying documentation. Copies of Form D-427 are available upon request from the above address or by contacting the Department's Consultant Agreement Division at (717) 783-9309.

4. Firms with out-of-State headquarters or corporations not incorporated in Pennsylvania must include with each letter of interest a copy of their registration to do business in the Commonwealth as provided by the Department of State. Firms who are not registered to do business in Pennsylvania at the time of this advertisement must document that they have applied for registration to the Department of State, Corporation Bureau. The telephone number for the Corporation Bureau is (717) 787-1057 or (717) 787-2004.

The Standard Form 255 must be 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. If a Disadvantaged Business Enterprise (DBE) goal is specified for the project, the DBE must be presently certified by the Department of Transportation, and the name of the firm and the work to be performed must be indicated in Item 6. If a Women 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.

The Standard Form 254 must be signed and dated and must be less than 1 year old as of the date of this advertisement. A Standard Form must accompany each letter of interest for the firm submitting the letter of interest, each party to a joint venture, and for each subconsultant shown under Item 6 of the Standard Form 255.

Unless other factors are identified under the individual project reference number, the following factors, listed in their order of importance, will be considered by the Committee during their evaluation of the firms submitting letters of interest:

a. Specialized experience and technical competence of firm.

b. Past record of performance with respect to cost control, work quality, and ability to meet schedules. The specific experience of individuals who constitute the firms shall be considered.

c. Current workload and capacity of firm to perform the work within the time limitations.

d. Location of consultant.

e. Special requirements of the project.

f. Other factors, if any, specific to the project.

The Department currently limits its participation in the remuneration of principals or consultant employees performing work on projects to \$72,800 per annum or \$35 per hour or their actual audited remuneration, whichever is less. The Department currently limits its participation in the consultant's indirect payroll costs (overhead) on design and miscellaneous projects to 130% of the direct payroll cost or the consultant's actual audited overhead rate, whichever is less. The Department currently limits its participation in the consultant's indirect payroll costs (overhead) on construction inspection projects to 85.2% of the direct payroll cost or the consultant's actual audited overhead rate, whichever is less. The Department's limitations will apply to the projects advertised above unless the Department policy is revised prior to the negotiation of an agreement or contract.

The assignment of the above services will be made to one of the firms responding to this notice, but the Committee reserves the right to reject all letters of

interest submitted, to cancel the solicitations requested under this notice, and/or to readvertise solicitation for these services.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 96-695. Filed for public inspection April 26, 1996, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

**Egan Oil and Supply Company v. DEP; EHB Doc.  
No. 87-511-MR**

The Department of Environmental Protection (Department) and Egan Oil and Supply Company (Egan) have agreed to a settlement of the above-captioned matter regarding a release from the Gulf gasoline station Egan owned at the intersection of Tunkhannock and Exeter Avenues in Exeter Borough, Luzerne County (Egan's Station).

The Department had issued an administrative order to Egan on November 25, 1987 directing Egan to investigate and remediate gasoline contamination in the vicinity of Egan's station and perform vapor recovery activities for the Bennett and Parsons residences on Exeter Avenue in Exeter Borough, Luzerne County. Egan filed a timely appeal challenging all findings of fact.

The parties have agreed to a settlement, the major provisions of which include the following: Egan will continue to perform the Department approved remediation activities to recover product resulting from the release at Egan's station; Egan will perform quarterly monitoring and report its findings quarterly to the Department. The monitoring and remediation activities may be amended over time, with Department approval.

Copies of the full agreement are in the hands of:

Barbara L. Smith, Assistant Counsel, Office of Chief Counsel, Department of Environmental Protection, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2519;

Henry D. Nelkin, Esquire, Bivona & Cohen, P.C., Wall Street Plaza, 88 Pine Street, New York, NY 10005-1886, (212) 363-3100;

and at the Offices of the Environmental Hearing Board and may be reviewed by any interested party on request during normal business hours.

Persons who are aggrieved by the above settlement have a right to appeal to the Environmental Hearing Board, Rachel Carson State Office Building, 400 Market Street, 2nd Floor, P. O. Box 8457, Harrisburg, PA 17105-8457.

If information concerning this notice is required in an alternative form, please contact the Secretary to the Board at (717) 783-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at 1 (800) 654-5984.

Appeals shall be filed within 20 days of this publication.

The Environmental Hearing Board is empowered to approve this settlement, if no objection is timely filed with the Board.

GEORGE J. MILLER,  
*Chairperson*

[Pa.B. Doc. No. 96-696. Filed for public inspection April 26, 1996, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

**Notice of Filing of Final-Form Rulemakings**

The Independent Regulatory Review Commission received, on the dates indicated, the following final-form regulations for review. The regulations will be considered within 30 days of their receipt at a public meeting of the Commission. To obtain the date and time of the meeting, interested parties may contact the office of the Commission at (717) 783-5417. To obtain a copy of the regulation, interested parties should contact the agency promulgating the regulation.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
4-58	Department of Commerce Private Activity Bonds: Allocation	4/15/96
2-96	Department of Agriculture Enforcement of Marketing Programs—Sheep and Lamb Marketing	4/16/96

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 96-697. Filed for public inspection April 26, 1996, 9:00 a.m.]

## INSURANCE DEPARTMENT

**Penn Paving Company; Hearing**

*Penn Paving Company; Underground Storage; USTIF  
Claim No. 94-168; Doc. No. UT95-08-035*

A formal administrative hearing will be held on May 29, 1996, at 9:30 a.m. at the offices of Cozen and O'Connor, 1900 Market Street, Philadelphia, PA.

The hearing will be held in accordance with the Administrative Agency Law, 2 Pa. Code §§ 35.225—35.251; the Special Rules of Administrative Practice and Procedure, 31 Pa. Code §§ 56.1—56.3; and any other relevant procedural provisions of law.

Full and complete copies of claimant's documents and/or records concerning compliance with local, State and/or Federal regulations which claimant intends to use as evidence at the hearing must be provided to counsel for USTIF by May 15, 1996.

The parties may file motions and/or briefs relevant to the hearing, including motions in limine and briefs addressing significant or unusual points of law in ad-

vance of the hearing. However, such motions and/or briefs must be filed in writing with the Docket Clerk, Insurance Department, 901 North Seventh Street, Harrisburg, PA 17102 with copies delivered to the Presiding Office on or before May 24, 1996.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-698. Filed for public inspection April 26, 1996, 9:00 a.m.]

### **Prudential Property and Casualty Insurance Company; Introductory Homeowners Filing**

Prudential Property and Casualty Insurance Company has requested approval for an introductory homeowners filing containing two pilot programs. The filing was received by the Insurance Department on April 4, 1996. The first program (named PruHome CHOICE) will be offered to members of specified community based organizations prequalified by PRUPAC and would be initially aimed at the metropolitan Philadelphia area. They will use current homeowners rates along with rate adjustments for endorsements as appropriate. The second program proposes the introduction of several new policy provisions on a Statewide basis.

Unless formal administrative action is taken prior to May 4, 1996, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection on Monday, Wednesday and Friday, by appointment, during normal work hours at the Insurance Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-699. Filed for public inspection April 26, 1996, 9:00 a.m.]

### **Review Procedure Hearings; Cancellation or Refusal of Insurance**

The following insureds have requested a hearing, as authorized by section 9(a) of the act of June 5, 1968 (P. L. 140, No. 78) (40 P. S. § 1008.9(a)) in connection with their company's termination of the insured's automobile policies.

The hearings will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Louis Marasco; file no. 96-304-70577; Nationwide Mutual Insurance Company; doc. no. P196-04-018; May 21, 1996, at 9 a.m.;

Appeal of Sandra Santana; file no. 96-280-31241; Nationwide General Insurance Company; doc. no. PH96-04-027; May 21, 1996, at 10 a.m.;

Appeal of Brian Nagel; file no. 96-267-30343; TICO Insurance Company; doc. no. PH96-04-019; May 21, 1996, at 11 a.m.;

Appeal of Lawrence Eburuch; file no. 96-267-31763; TICO Insurance Company; doc. no. PH96-04-034; May 21, 1996, at 1 p.m.;

Appeal of Larry Macintyre; file no. 96-280-30758; Prudential Property & Casualty Insurance Company; doc. no. PH96-04-044; May 21, 1996, at 3 p.m.;

Appeal of Eric Kiessling; file no. 96-267-31442; Insurance Company of the State of PA; doc. no. PH96-04-046; May 22, 1996, at 11 a.m.;

Appeal of Edward A. Harootunian; file no. 96-223-31473; General Accident Insurance Company; doc. no. PH96-04-029; May 22, 1996, at 1 p.m.;

Appeal of Joseph G. Kloss; file no. 96-121-01468; Royal Insurance Company; doc. no. P96-04-011; May 22, 1996, at 3 p.m.;

Appeal of Margaret Bradshaw; file no. 96-265-30900; Keystone Insurance Company; doc. no. PH96-04-028; May 23, 1996, at 9 a.m.;

Appeal of Kenneth D. McLean; file no. 96-265-30906; Keystone Insurance Company; doc. no. PH96-04-045; May 23, 1996, at 10 a.m.;

Appeal of Carol Robinson; file no. 96-280-31297; American Fire & Casualty Company; doc. no. PH96-04-030; May 23, 1996, at 11 a.m.;

Appeal of Ann A. Davis; file no. 96-121-01533; Liberty Mutual Insurance Company; doc. no. P96-04-023; May 23, 1996, at 1 p.m.;

Appeal of Mary O. Murphy; file no. 96-215-30519; American Motorists Insurance Company; doc. no. PH96-04-012; May 23, 1996, at 3 p.m.;

Appeal of Frank J. Puglisi; file no. 96-223-31716; Employers Fire Insurance Company; doc. no. PH96-04-005; May 28, 1996, at 10 a.m.

Appeal of Richard Yovichin; file no. 96-121-01528; Preferred Risk Group; doc. no. P96-04-035; May 28, 1996, at 11 a.m.;

Appeal of George Greene; file no. 96-223-31307; USAA; doc. no. PH96-04-057; May 28, 1996, at 3 p.m.;

Appeal of Estate of Anthony P. Richko; file no. 96-308-70841; Aetna Life & Casualty Company; doc. no. P196-04-056; May 29, 1996, at 1 p.m.;

Appeal of Xiao Yang Zheng; file no. 96-267-31675; Infinity Insurance Company; doc. no. PH96-04-043; May 29, 1996, at 2 p.m.;

Appeal of Gwendolyn and Michael Flythe; file no. 96-280-30349; Prudential Property & Casualty Insurance Company; doc. no. PH96-04-022; May 30, 1996, at 9 a.m.;

Appeal of Robert Stufflet; file no. 96-280-31404; Prudential Property & Casualty Insurance Company; doc. no. PH96-04-024; May 30, 1996, at 10 a.m.;

Appeal of Michael Courtney; file no. 96-280-31048; Liberty Mutual Insurance Company; doc. no. PH96-04-032; May 30, 1996, at 2 p.m.;

Appeal of Yolanda Brown; file no. 96-267-30426; Capital Insurance Company; doc. no. PH96-04-008; May 30, 1996, at 3 p.m.;

Appeal of Marcia Minnes; file no. 96-265-30604; Erie Insurance Exchange; doc. no. PH96-04-009; June 4, 1996, at 9 a.m.;

Appeal of William H. Whalen, Jr.; file no. 95-121-01752; Erie Insurance Company; doc. no. P96-04-036; June 4, 1996, at 1 p.m.;

Appeal of Galen and Lilli Kopp; file no. 96-121-01534; Erie Insurance Exchange; doc. no. P96-04-016; June 4, 1996, at 3 p.m.;

Appeal of Andrew and Sandra Sherman; file no. 96-264-30595; Allstate Insurance Company; doc. no. PH96-04-007; June 6, 1996, at 2 p.m.;

Appeal of Barbara Howard; file no. 96-267-31145; TICO Insurance Company; doc. no. PH96-04-015; June 12, 1996, at 9 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files, documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The insured must bring any evidence which the insured may want to offer at the hearing. The hearing will be held in accordance with the requirements of sections 9 and 10 of the act (40 P. S. §§ 1008.9 and 1008.10) and 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure).

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-700. Filed for public inspection April 26, 1996, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insurers have requested a hearing as authorized by section 9(a) of the act of June 5, 1968 (P. L. 140, No. 78) (40 P. S. § 1008.9(a)) in connection with the termination of the insured's automobile policies.

The hearings will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Erie Insurance Company; file no. 96-308-70602; Stacie L. Wilson; doc. no. PI96-04-017; June 4, 1996, at 2 p.m.;

Appeal of United States Fidelity & Guaranty; file no. 96-265-30899; Dennis Jones; doc. no. PH96-04-006; June 5, 1996, at 1 p.m.;

Appeal of Flagship City Insurance Company; file no. 96-308-70851; Maggie Fletcher; doc. no. PI96-04-055; June 11, 1996, at 9 a.m.;

Appeal of Erie Insurance Exchange; file no. 96-308-70864; Lisa M. King-Washington; doc. no. PI96-04-054; June 11, 1996, at 10 a.m.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files, documents, photographs,

drawings, witnesses and the like necessary to substantiate the case. The insured must bring any evidence which the insured may want to offer at the hearing. The hearing will be held in accordance with the requirements of sections 9 and 10 of the act (40 P. S. §§ 1008.9 and 1008.10) and 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-701. Filed for public inspection April 26, 1996, 9:00 a.m.]

### Review Procedure Hearings under The Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of The Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their company's termination of the insured's policies.

The hearings will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Rene Leonard; file no. 96-280-31095; Prudential Property & Casualty Insurance Company; doc. no. PH96-04-020; May 21, 1996, at 2 p.m.;

Appeal of Michael and Helen Longshore; file no. 96-264-31195; Allstate Insurance Company; doc. no. PH96-04-047; May 22, 1996, at 9 a.m.;

Appeal of Robert L. Pegues; file no. 96-407-90366; Allstate Insurance Company; doc. no. E96-04-004; May 22, 1996, at 10 a.m.;

Appeal of Norman and Scottie Hendricks; file no. 96-267-31214; White Hall Mutual Insurance Company; doc. no. PH96-04-033; May 22, 1996, at 2 p.m.;

Appeal of Patricia Grimes; file no. 96-280-30756; Hartford of the Midwest; doc. no. PH96-04-021; May 23, 1996, at 2 p.m.;

Appeal of James Russell; file no. 96-304-70667; Metropolitan Property & Casualty Insurance; doc. no. PI96-04-026; May 28, 1996, at 9 a.m.;

Appeal of Francine B. Quesada; file no. 96-121-01753; United Services Automobile Association; doc. no. P96-04-037; May 28, 1996, at 2 p.m.;

Appeal of Lyle Orner; file no. 96-280-31445; Donegal Mutual Insurance Company; doc. no. PH96-04-031; May 30, 1996, at 1 p.m.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their

respective positions. The representative of the company must bring relevant claims files and other necessary evidence. The insured must bring all documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); section 8 of The Unfair Insurance Practices Act (40 P.S. § 1171.8) and the regulations set forth at 31 Pa. Code § 59.7(e) (relating to appeal procedures). Under 31 Pa. Code § 59.7(e)(5), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is given.

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-702. Filed for public inspection April 26, 1996, 9:00 a.m.]

#### **Risk-Based Capital Reporting Requirements; Notice No. 1996-04**

On April 8, 1996, the Insurance Commissioner (Commissioner) issued an Order exempting the insurers described in this notice from reporting RBC results in annual financial statement blanks.

#### *Statutory Authority*

The Commissioner has the statutory authority under section 320(a)(2) of the Insurance Company Law, 40 P.S. § 443(a)(2), to provide by order that insurers may deviate from the annual and quarterly statement instructions and accounting practices and procedures manuals prescribed by the National Association of Insurance Commissioners (NAIC).

#### *Basis and Effect of the Order*

The NAIC annual statement blank and instructions require insurers to report RBC as calculated using a prescribed formula. Analysis performed by the Insurance Department shows that the results produced by the RBC formula for the insurers identified in the Order have limited value as a tool for monitoring the financial solvency of those insurers. Therefore, the Order provides that, effective April 8, 1996, domestic property and casualty insurers that are licensed to do business only in the Commonwealth, write only homeowners and farmowners multi-peril coverages (including property lines only), and write direct annual premium volume of \$2,000,000 or less are exempt from reporting RBC results in annual statement blanks. The Order remains in effect unless and until modified or revoked by the Commissioner.

#### *Contact Person*

Questions concerning this notice may be directed to Stephen Johnson, Director of the Bureau of Examinations, Insurance Department, at (717) 783-2142.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 96-703. Filed for public inspection April 26, 1996, 9:00 a.m.]

## **LAWYER TRUST ACCOUNT BOARD**

### **Meeting Notice**

A meeting of the Lawyer Trust Account Board will be held on Thursday, May 2, 1996, at 10 a.m.

The meeting will be held in Room South 6 of the Double Tree Convention Center, Pittsburgh, PA.

GERALD A. MCHUGH, JR.,  
*Chairperson*

[Pa.B. Doc. No. 96-704. Filed for public inspection April 26, 1996, 9:00 a.m.]

## **PENNSYLVANIA PUBLIC UTILITY COMMISSION**

### **Final Regulations—Line Extensions; Temporary Withdrawal; L-930089/57-152 (#1606)**

The Pennsylvania Public Utility Commission (Commission) withdrew the above referenced regulation on April 12, 1996, from the immediate review of the Independent Regulatory Review Commission.

The Commission will reconsider certain issues and will resubmit a final regulation at a later date. This notice is provided to those individuals and organizations that had submitted comments to the proposed regulation which was published at 24 Pa.B. 5103 (October 8, 1994). The comment period of 45 days was extended until January 22, 1995, due to sine die adjournment.

As required by statute, the Commission shall transmit a copy of the reconsidered final regulation to parties that commented during the proposed phase, 71 P.S. § 745.5(b.5).

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-705. Filed for public inspection April 26, 1996, 9:00 a.m.]

### **Fuel Cost Adjustment Statements; Doc. No. M-FACE9601—M-FACE9615, M-FACP9601**

This notice is to inform the public that the following companies:

Wellsboro Electric Company  
West Penn Power Company  
Citizens Electric Company

UGI Utilities, Inc.—Electric Division  
 Borough of Schuylkill Haven  
 Duquesne Light Company  
 Pennsylvania Power & Light Company  
 PECO Energy Company  
 Pennsylvania Power Company  
 Metropolitan Edison Company  
 Pennsylvania Electric Company  
 Pennsylvania Electric Company—Elkland Service Area  
 Borough of Saint Clair  
 Pike County Light and Power Company  
 Borough of Duncannon  
 Interstate Energy Company

have filed statements of their revenues and expenses attributable to their use of the automatic adjustment cause (Fuel Cost Adjustment) for the 12 month period ending January 31, 1996.

The filing of these statements is required by section 1307(e) of the Public Utility Code, 66 Pa.C.S. § 1307(e).

The Pennsylvania Public Utility Commission has scheduled a hearing on Thursday, May 16, 1996, at 10 a.m. in the Commission's Hearing Room, Ground Floor, North Office Building, North Street and Commonwealth Avenue, Harrisburg, PA when and where all persons in interest may appear and be heard if they so desire.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-706. Filed for public inspection April 26, 1996, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before May 20, 1996, 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 as common carriers for transportation of persons as described under each application.**

**A-00112970, Regency Transportation Group, Ltd.** (57 Greismere Street, Pittsburgh, Allegheny County, PA 15223), a corporation of the Commonwealth of Pennsylvania—persons in limousine service between points in the counties of Fayette, Somerset and Washington, and from points in said counties, to points in the county of Allegheny and return; which is to be a transfer of *part* of the rights authorized under the certificate at A-00108503, F. 1, Am-A to Gary L. Arndt, t/d/b/a Limousine Service, subject to the same limitations and conditions. *Attorney:* John A. Pillar, 1106 Frick Building, Pittsburgh, PA 15219.

**A-00112970, Folder 2. Regency Transportation Group, Ltd.** (57 Greismere Street, Pittsburgh, Allegheny County, PA 15223), a corporation of the Commonwealth of

Pennsylvania—(1) persons in limousine service from points in the county of Allegheny, to other points in Pennsylvania and return; (2) between points in the counties of Armstrong and Washington, and from points in said counties to points in Pennsylvania and return; subject to the following conditions: that no right is granted to provide service for funeral homes or persons attending funerals: (a) between points in Armstrong County and from points in said county to points in Pennsylvania; and (b) between points in Washington County and from points in said county to points in the counties of Beaver, Westmoreland, Fayette and Allegheny; and (3) between points in Westmoreland County, and from said county to points in Pennsylvania and return; subject to the following conditions: (a) that no right is granted to transport rain crews; and (b) that no right is granted to transport persons to and from the Greater Pittsburgh International Airport, located in the township of Moon, Allegheny County; which is to be a transfer of *all* of the rights authorized under the certificate issued at A-00109934 to Exter Limousine Service, L. P., a corporation of the Commonwealth of Pennsylvania, subject to the same limitations and conditions. *Attorney:* John A. Pillar, 1106 Frick Building, Pittsburgh, PA 15219.

**A-00112970, Folder 3. Regency Transportation Group, Ltd.** (57 Greismere Street, Pittsburgh, Allegheny County, PA 15223), a corporation of the Commonwealth of Pennsylvania—persons in airport transfer service, in luxury-type vehicles on an exclusive basis, from points in the city of Greensburg, Hempfield Township lying northeast of the Pennsylvania Turnpike, and Unity Township, Westmoreland County, to the Greater Pittsburgh International Airport and vice versa; subject to the following conditions: (a) that the order for service is received in advance of the actual rendering of service and not by street hail; (b) that the charge for service is based upon the use of a limousine with payment made by a single person or organization and not by passengers as individuals; (c) that service may only be operated in luxury-type vehicles with seating capacities of nine passengers or less, excluding the driver; and (d) that no right, power or privilege is granted to transport relief, engine and train crews and other employes of Consolidated Rail Corporation for that Corporation, its successors or assigns; which is to be a transfer of *all* of the right authorized under the certificate issued at A-00109934, F. 2 to Exter Limousine Service, L. P., a corporation of the Commonwealth of Pennsylvania, subject to the same limitations and conditions. *Attorney:* John A. Pillar, 1106 Frick Building, Pittsburgh, PA 15219.

**Applications of the following for the approval of the transfer of stock as described under each application.**

**A-00108057, Folder 5000. Capital Messenger Service, Inc.** (3101 Wayne Street, Harrisburg, Dauphin County, PA 17111), a corporation of the Commonwealth of Pennsylvania—stock transfer—for approval of the transfer of 250 shares of the issued and outstanding stock from James R. Stubbs to Stephen P. Gift. *Attorney:* David H. Radcliff, 2216 Walnut Street, Harrisburg, PA 17103.

**Applications of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under each application.**

**A-00081736, Folder 4. Peter Sabia and Dominick Sabia, Copartners, t/d/b/a Peter's Garage** (400 Calvin Street, Dunmore, Lackawanna County, PA 18512)—additional right—persons in limousine service, between

points in the counties of Lackawanna, Luzerne and Monroe, and from points in said counties, to points in Pennsylvania and return. *Attorney:* W. Boyd Hughes, 1421 East Drinker Street, Dunmore, PA 18512-2614.

**A-00106639, Folder 4 (corrected). Norristown Transportation Co.** (41 Burnside Avenue, Norristown, Montgomery County, PA 19403), a corporation of the Commonwealth of Pennsylvania—additional right—persons in paratransit service, between points in the borough of Norristown, and within an airline distance of 5 statute miles of the limits of said borough and the township of Whitemarsh, all in Montgomery County.

**Notice of 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 May 13, 1996.

- A-00097544, F. 2 Meckley's Limestone Products, Inc.  
R. D. 1, Box 950, Herndon, PA  
17830
- A-00112963 A. J. Trunzo, Inc.  
2678 Butztown Road, Bethlehem,  
PA 18017
- A-00112965 Town & Country Transport, Inc.  
21 Ponderosa Drive, Penfield, PA  
15849
- A-00112979 Bradley L. Burkholder and Amy L.  
Burkholder, tenants by the  
entireties, t/d/b/a Burkholder Trucking  
102 South Line Road, Stevens, PA  
17578
- A-00112980 Scott Parks, t/d/b/a Scott Parks  
Transport  
115 Bigler Avenue, Pleasant Gap,  
PA 16823
- A-00112964 Kenneth E. Lawton, Jr., t/d/b/a  
Lawton JR Trucking  
R. R. 2, Box 216, Shelocata, PA  
15774
- A-00112968 Robert J. Shoff, t/d/b/a R. J. Shoff  
Trucking  
830 Bahns Mills Road, Red Lion, PA  
17356
- A-00112975 John L. Foiera  
119 Greenwood Street, Trevorton,  
PA 17881
- A-00112976 Robert C. Stewart, t/d/b/a Stewart  
Service  
16808 Shreve Run Road,  
Pleasantville, PA 16341
- A-00112981 William A. Frantz  
H.C.R. 1, Box 434, Brodheads ville,  
PA 18322
- A-00112983 Robbie Spehar, t/d/b/a Ultimate  
Courier Service  
1611 Denniston Street, Pittsburgh,  
PA 15217

- A-00112984 Randy J. Wilsoncroft  
R. D. 1, Box 238B, West Decatur, PA  
16878
- A-00112985 Paul E. Soles  
Box 30, Star Route, Mount Pleas-  
ant, PA 15666
- A-00112986 T.G.F. Transport, Inc.  
409 Lakehurst Avenue, National  
Park, NJ 08063
- A-00112987 Curtis W. Frantz  
5 Frantz Road, Kunkletown, PA  
18058

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-707. Filed for public inspection April 26, 1996, 9:00 a.m.]

**Stock Purchase  
Without Hearing**

**A-310071F5000. Commonwealth Long Distance Company, RCN Corporation and C-TEC Corporation.** Joint application to approve the purchase of Commonwealth Long Distance Company's stock by RCN Corporation from C-TEC Corporation.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before May 13, 1996, under 52 Pa. Code (relating to public utilities).

*Counsel for Applicants:* Norman James Kennard, Malatesta Hawke & Mckeon, 100 North Tenth Street, P. O. Box 1778, Harrisburg, PA 17105.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 96-708. Filed for public inspection April 26, 1996, 9:00 a.m.]

**PHILADELPHIA REGIONAL  
PORT AUTHORITY**

**Request for Proposals**

The Philadelphia Regional Port Authority (PRPA) will accept proposals until 2 p.m. on Thursday, May 9, 1996, for Project #96-106-001 (Purchase of One New Four-Door Mid-Size Sedan). The Bid Document can be obtained from the Procurement Administrator, Phila. Regional Port Authority (PRPA), 210 W. Washington Square, 8th Floor, Phila., PA 19106, (215) 928-9100 and will be available April 30, 1996. PRPA is an equal opportunity employer. Contractor will be required to comply with all applicable equal opportunity laws and regulations.

JAMES T. MCDERMOTT,  
*Executive Director*

[Pa.B. Doc. No. 96-709. Filed for public inspection April 26, 1996, 9:00 a.m.]



## STATE TRANSPORTATION ADVISORY COMMITTEE

### Meeting Scheduled

The State Transportation Advisory Committee will hold a scheduled quarterly meeting on Friday, May 10, 1996. This meeting is open to the public and will begin at 10 p.m. at the following location:

Executive Conference Room 1201, Transportation and Safety Building, Harrisburg, PA 17120.

The meeting location is accessible to persons having disabilities. Persons having special needs or requiring special aides are requested to contact the State Transportation Commission Office at (717) 787-2913 in order that special disability needs may be accommodated.

H. MICHAEL LIPTAK,  
*Chairperson*

[Pa.B. Doc. No. 96-710. Filed for public inspection April 26, 1996, 9:00 a.m.]

## STATE TRANSPORTATION COMMISSION

### Meeting Scheduled

The State Transportation Commission will hold a regular scheduled business meeting on Thursday, May 23, 1996. This meeting is open to the public and will begin at 1 p.m. at the following location:

Eisenhower Inn and Conference Center, (Formally the Ramada Inn—Gettysburg), 2634 Emmitsburg Road, Gettysburg, PA 17325, (717) 334-8121.

The meeting location is accessible to persons having disabilities. Persons having special needs or requiring special aides are requested to contact the State Transpor-

tation Commission Office at (717) 787-2913 in order that special disability needs may be accommodated.

BRADLEY L. MALLORY,  
*Chairperson*

[Pa.B. Doc. No. 96-711. Filed for public inspection April 26, 1996, 9:00 a.m.]

## TURNPIKE COMMISSION

### Request for Proposals

Sealed proposals will be received by Jeffrey L. Hess, Director of Purchases, 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. 86-021-RD69-C.** Expansion of parking facilities North and South Midway Plazas.

*Bid Opening:* May 23, 1996, 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 \$85 per paper copy set (do not add State tax) by check or U.S.P.S. Money Order (no cash) to the Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106-7676; Attn: Secretary/Treasurer's Office. No refund will be made for any reason.

A Prequalification Certification and Maximum Capacity Rating assigned by the Prequalification Committee of the Department of Transportation is a necessary prerequisite for bidding on this project.

Contact the Director of Purchases for listing of other locations where plans and specs can be inspected.

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 96-712. Filed for public inspection April 26, 1996, 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.

CATHERINE BAKER KNOLL,  
*State Treasurer*

**Online Subscriptions At <http://www.statecontracts.com> 1-800-334-1429 x337**

### Commodities

**PR-7313540** Containers, household, commercial, packaging and packing—225 m; carton, gift, inside dimension 3-5/8" x 3-5/8" x 12-7/16".

**Department:** Liquor Control Board  
**Location:** Harrisburg, Dauphin County, PA 17124-0001  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**PR-2220135** Data processing and computer equipment and supplies—5 each; Hitachi 20" Super Scan Elite monitor—m5 each; artist graphics controller card (no substitute).

**Department:** Military Affairs  
**Location:** Annville, Lebanon County, PA 17003-5002  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**PR-2015125** Data processing and computer equipment and supplies—1 each; disk array subsystem rated at raid 5+ 100 gb of storage—1 each; 3700 Escon channel group addition.

**Department:** Labor and Industry  
**Location:** Scranton, Lackawanna County, PA 18505-5100  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**PR-2650215** Data processing and computer equipment and supplies—5,000 each; tape, EDP magnetic computer tape cartridge 3490E (3M or approved equal).

**Department:** Public Welfare  
**Location:** Harrisburg, Dauphin County, PA 17105  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**PR-8231370** Highway maintenance equipment—1 each; variable message board—trailer and 1 each; option to purchase one additional unit.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA 17120  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**PR-2342385** Highway maintenance equipment—1 each; latest model tracked dozer with an operating weight of 16,000 lbs.

**Department:** Conservation and Natural Resources  
**Location:** Fayetteville, Franklin County, PA 17222  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**PR-2614225** Highway and roads construction materials—various square yards; bituminous surface course ID-2A in place.

**Department:** Fish and Boat Commission  
**Location:** Bellefonte, Centre County, PA 16823  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**PR-2554215** Household and commercial furnishings and appliances—12 each; work tables, different sizes w/appropriate accessories.

**Department:** Public Welfare  
**Location:** Harrisburg, Dauphin County, PA 17105-2675  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**PR-7313490** Household and commercial furnishings and appliances—146 each; furnish and install all materials, labor, supervision and drayage to install flow racks and conveyor system.

**Department:** Liquor Control Board  
**Location:** Harrisburg, Dauphin County, PA 17124-0001  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**PR-1020116** Household and commercial furnishings and appliances—150,000 lbs.; batting cotton.

**Department:** Corrections  
**Location:** Frackville, Schuylkill County, PA 17932  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**PR-2621215** Household and commercial furnishings and appliances—8 each; utility tables, cases w/appropriate accessories.

**Department:** Public Welfare  
**Location:** Harrisburg, Dauphin County, PA 17105-2675  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**PR-2651205** Laboratory equipment and supplies—1 lot; microscope, universal, to include sculptured base with arm rests, counter-balanced rack and pinion focusing pillar, comparison bridge with trinocular body.

**Department:** State Police  
**Location:** Harrisburg, Dauphin County, PA 17110  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**PR-2571155** Laboratory equipment and supplies—4 each; mobile 8 cage metabolic unit for rats.

**Department:** University of Pittsburgh  
**Location:** Pittsburgh, Allegheny County, PA 15203  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**PR-2641185** Paper and printing—125m; application for PA Boat Registration.

**Department:** Revenue  
**Location:** Harrisburg, Dauphin County, PA 17128-1200  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**PR-2653185** Paper and printing—265 m; 1997 Intra-State decals and 1997 Inter-State international fuel tax agreement decals.

**Department:** Revenue  
**Location:** Harrisburg, Dauphin County, PA 17128-1200  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**PR-8205370** Paper and printing—8,000 m; MV-4 Certificate of Title.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA 17120  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**PR-2467135** Tractors—1 each; latest model industrial tractor.

**Department:** Military Affairs  
**Location:** Annville, Lebanon County, PA 17003-5992  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**PR-2475115** Tractors—2 each; latest model lawn and garden tractor Model 455 diesel with 60" mower deck.

**Department:** Corrections  
**Location:** Houtzdale, Clearfield County, PA 16698-1000  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**PR-2423385** Tractors—1 each; latest model turf tractor.

**Department:** Conservation and Natural Resources  
**Location:** Hickory Run State Park, White Haven, Luzerne County, PA 18661-9712  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**PR-2429135** Tractors—4 each; latest model tractor—4 each; rotary mower, 3 pt. hitch, 72 inch, to fit above tractors—4 each; front snow blade, 54 inch wide for above tractors.

**Department:** Military Affairs  
**Location:** Annville, Lebanon County, PA 17003-5002  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

**PR-2428135** Tractors—5 each; latest model lawn/garden tractor—5 each; mid mount mowing deck, 54 inch, cutting height to be 1 to 4 inch in 1/8 inch increments, for above tractor.

**Department:** Military Affairs  
**Location:** Annville, Lebanon County, PA 17003-5002  
**Duration:** Indeterminate 1995-96  
**Contact:** Vendor Services, (717) 787-2199 or (717) 787-4705

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## SERVICES

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### Advertising—01

**R.F.P. CAL95-11** California University of Pennsylvania, State System of Higher Education (CUP), is seeking proposals for exclusive advertising rights at CUP in exchange for monetary support to purchase an artificial turf and shock pad. Proposals will be received at the CUP purchasing office no later than Wednesday, May 29, 1996, at 2:00 p.m. Pre-proposal conference will be held at 1:00 p.m. on Tuesday, May 7, 1996 at the Azorsky Administration Building, Room 236. Attendance is mandatory. For further information and a copy of the Request for Proposal, contact Ms. Vickie A. Laubach, Purchasing Agent, at (412) 938-4430. The University encourages responses from small firms, minority firms, women owned firms and those firms which have not previously performed work for the system.

**Department:** State System of Higher Education  
**Location:** California University of PA, California, PA 15419-1394  
**Duration:** Indeterminate 1995-96  
**Contact:** Vickie A. Laubach, (412) 938-4430

### Audio/Video—04

**96-15-98** The Department of General Services is issuing a Request for Proposal (RFP) to establish a Statewide contract for purchase of EPABX telephone systems. Vendors are asked to submit cost proposals for four (4) configurations: 225 ports, 226 to 450 ports, 451 to 900 ports and 901 ports and up. Cabling of the systems will be at the option of the Commonwealth. New contract is scheduled to start on November 4, 1996.

**Department:** General Services  
**Location:** Statewide contract  
**Duration:** 3 years with option for 2-one year renewals  
**Contact:** Charles F. Siford, (717) 787-9688

**Tech-2-34** Provide Statewide radio services: to include, but not limited to repairs, modifications, programming, installations, removals, etc. Service will include mobile and portable radios, repeaters/control stations, antenna systems, transmission lines, leased telephone circuits, etc.

**Department:** Office of Attorney General  
**Location:** Statewide (Commonwealth of Pennsylvania)  
**Duration:** July 1, 1996—June 30, 1997—One (1) year  
**Contact:** M. Rebecca Harley, (717) 783-6275

### Agricultural Services—02

**PGC-2511** The equivalent of Game Bird (pheasant) Starter Feed (16 tons) and Grower 1 (40 tons) pellet size 5/32, together with the following additions: medication approximately 67.40 lbs. added to feed by request. Request quotes on Amprolium 0.0175% (22.40 lbs.) and Thiabendazole 0.05% or 2 1/4 lbs. of TBZ "200"/ton (45 lbs.), and Stress Plus Vitamin Pack at 1 lb./ton. Feed and medication quantities are estimates only, the actual amounts ordered may be greater or lesser than the estimated quantity. Bulk delivery—pneumatic blower unloading. Delivery as requested in 8—24 ton lots. Bids will be opened at 11:00 a.m., May 1, 1996 at the PA Game Commission, Bureau of Administration, Division of Procurement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

**Department:** Game Commission  
**Location:** Bureau of Wildlife Management, Eastern Game Farm, 30 Pheasant Road, Schwenksville, PA 19473  
**Duration:** June 3, 1996 to November 1, 1996  
**Contact:** Gerald Piotrowski, Superintendent, (610) 287-6653

**X97453** Provide fencing and livestock stream crossings in the following counties: Group 1: Adams, Berks, Chester, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, Northumberland, Perry, Schuylkill and York. Group 2: Bedford, Blair, Cambria, Fulton, Huntingdon, Indiana, and Somerset. Group 3: Cameron, Centre, Clearfield, Clinton, Elk, Juniata, Mifflin, and Snyder. Group 4: Bradford, Columbia, Lackawanna, Lycoming, Luzerne, McKean, Montour, Potter, Sullivan, Susquehanna, Tioga, Union, Wayne and Wyoming.

**Department:** Environmental Protection  
**Location:** Various locations  
**Duration:** Through 6/30/97 with option to renew  
**Contact:** Ally Castaneira, (717) 787-2471/TDD users 1-800-654-5984

### Computer Related Services—08

**4220-01** The Department of General Services is seeking bids for CADD software with the following specifications: five copies of Microstation for NT software by Intergraph, current release; and, two copies of Project Architect for NT software by Intergraph, current release.

**Department:** General Services  
**Location:** DGS, MIS Office, 610 North Office Bldg., Harrisburg, PA 17125  
**Duration:** May 15, 1996 through June 30, 1996  
**Contact:** William Head, (717) 783-3813

**9999-3500-000** Contractor shall provide maintenance service to include preventative maintenance, drum replacement, repair parts and emergency service for an IBM Series III Model 60 Copier equipped with Model 6852 collator and automatic document feed.

**Department:** Corrections  
**Location:** State Regional Correctional Facility, 801 Butler Pike, Route 258 South, Mercer, PA 16137-9651  
**Duration:** July 1, 1996 to June 30, 1997  
**Contact:** John Pitonyak, Purchasing Agent, (412) 662-1837, ext. 194

**C 100706-707** System engineering services for Sun Microsystems Workstations.

**Department:** Conservation and Natural Resources  
**Location:** Environmental Protection, Harrisburg, PA  
**Duration:** Through 6/30/99  
**Contact:** Corinna Gaiski, (717) 783-0760

**Construction Maintenance—09**

**Project No. 9709** Interior concrete pad.  
**Department:** Military and Veteran Affairs  
**Location:** PAARNG Armory, R. D. 2, Box 2828, Grove City, Mercer County, PA  
**Duration:** 1 July 96—30 June 97  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. DGS A 251-334** Project title: Truck Wash Facility. Brief description: build a new truck wash building including all utility hookup; new mechanical systems, electrical and sewage. General, mechanical and electrical construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, Pennsylvania 17125. Telephone: (717) 787-3923. Bid date: Wednesday, May 15, 1996 at 2:00 p.m.

**Department:** General Services  
**Location:** PennDOT Maintenance District 5-6, Schuylkill Haven, Schuylkill County, PA  
**Duration:** 180 calendar days from date of initial job conference  
**Contact:** Bidding Unit, (717) 787-6556

**Project No. DGS A 251-131 Revised Rebid** Project title: New Paint Spray Facility. Brief description: furnish and install new paint spray booth (auto/truck drive through type) inside existing sheet metal building, makeup air unit, gas piping, new roll-up door, electrical service modifications including emergency generator connections. General, mechanical and electrical construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, Pennsylvania 17125. Bid date: Wednesday, May 15, 1996 at 11:00 a.m.

**Department:** General Services  
**Location:** PennDOT Maintenance Building, Somerset, Somerset County, PA  
**Duration:** 180 calendar days from date of initial job conference  
**Contact:** Bidding Unit, (717) 787-6556

**Project No. 12-9601** Interested contractors are invited to prepare and submit proposals for consideration by the Pennsylvania Department of Transportation for the development of a Traffic and Weather Monitoring System for Districts 1-0, 9-0 and 12-0. The project resulting from this RFP will involve the development and installation of a traffic and weather monitoring system utilizing pavement sensors, radio waves and solar power. In addition, conduct and demonstrate the interoperability to exchange or transfer data from District 1-0, 9-0 and 12-0's RPU/CPU to the existing RWIS CPU's located in District 1-0, Franklin, PA and District 9-0, Hollidaysburg, PA, using the protocol specification and data format developed by the American Association of State Highway and Transportation Officials (AASHTO). Detailed requirements and an RFP are available from District 12-0, Uniontown, PA. Call Bill Monstrola at (412) 439-7333.

**Department:** Transportation  
**Location:** District 12-0, P. O. Box 459, Uniontown, PA 15401  
**Duration:** 2 years  
**Contact:** Bill Monstrola or Ted Keiter, (412) 439-7333 or (717) 783-8594

**Project No. DGS A 251-332** Project title: Truck Wash Facility. Brief description: construct a new truck wash building including all utility hookups; new mechanical systems, electrical and sewage. General, mechanical and electrical construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, Pennsylvania 17125. Telephone: (717) 787-3923. Bid date: Wednesday, May 15, 1996 at 2:00 p.m.

**Department:** General Services  
**Location:** PennDOT Maintenance District 5-3, Allentown, Lehigh County, PA  
**Duration:** 180 calendar days from date of initial job conference  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**Project No. DGS A 251-333** Project title: Truck Wash Facility. Brief description: build a new truck wash building including all utility hookups, new mechanical systems, electrical and sewage. General, mechanical and electrical construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: Commonwealth of PA, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, Pennsylvania 17125. Telephone: (717) 787-3923. Bid date: Wednesday, May 15, 1996 at 11:00 a.m.

**Department:** General Services  
**Location:** PennDOT Maintenance District 5-1, Temple, Berks County, PA  
**Duration:** 180 calendar days from date of initial job conference  
**Contact:** Bidding Unit, (717) 787-6556

**K-96062** Edinboro University of Pennsylvania of the State System of Higher Education is seeking bids for parking lot construction/improvements. Work will consist of new paving of a 62 car lot at Centennial Hall and repair and repaving of new 1 1/2" wear surface at existing McComb Fieldhouse parking lot. Plans and documents are available for a \$25.00 non-refundable deposit from Edinboro University, 237 McNeerney Hall, Edinboro, PA 16444. MBE/WBE firms are urged to respond.

**Department:** State System of Higher Education  
**Location:** Edinboro University of Pennsylvania, Edinboro, PA 16444  
**Duration:** 60 days  
**Contact:** Angela E. Holler, Director, (814) 732-2704

**Project No. DGS 657-12** Project title: New Welcome Center. Brief description: construct one story building with related HVAC, plumbing and electrical, access road car and truck parking area, sewer, water, electrical and telephone services, off site signalization and left turn lanes. General construction, HVAC, plumbing, electrical and site civil construction. Plans deposit: \$200.00 per set. Payable to: Gwin Engineers, The Eads Group. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: Gwin Engineers, The Eads Group, 1126 Eighth Avenue, Altoona, PA 16602. Telephone (814) 944-5035. Bid date: Wednesday, May 22, 1996 at 2:00 p.m. A pre-bid conference has been scheduled for Wednesday, May 1, 1996, 1:00 p.m. at Pike County Administration Building, Commissioners Meeting Room, 506 Broad Street, 1st Floor, Millford, PA. Contact: Bob Kretschmer, telephone (717) 963-4065. All contractors who have secured contract documents are invited and urged to attend this pre-bid conference.

**Department:** General Services  
**Location:** Department of Transportation, Westfall Township, Pike County, PA  
**Duration:** 270 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**SPC 293326** Bituminous paving, 2" ID-2 wearing surface: No. 1 6' wide x 275' long; No. 2 6' wide x 128' long plus 10' x 22' pad for handicap access. Bidders must visit the site prior to submitting bid to view site conditions. Bid opening date: May 9, 1996, 2:00 p.m., Little Buffalo State Park, R. R. 2, Box 256A, Newport, PA 17074-9428.

**Department:** Conservation and Natural Resources  
**Location:** State Parks, Little Buffalo State Park, R. R. 2, Box 256A, Newport, PA 17074-9428  
**Duration:** Completion time 6/30/96  
**Contact:** Michael J. Brennan, (717) 567-9255

**080892** Erie County, S. R. 20-06M; Erie County, S. R. 8-04M; Warren County, S. R. 62-10M; District Wide (2-0), S. R. 80-SNP and S. R. 322-SNP; Lackawanna County, GR 4-96-GR1; Luzerne County, GR 4-96-ST4; Wayne County, S. R. 4020-650; Berks County, S. R. 78-96L; Northampton County, S. R. 22-96L; Delaware County, GR 6-96-BL1; York County, S. R. 3011-001; Dauphin County, S. R. 3026-003; District Wide (10-0), GR 100-96-PM; Armstrong County, S. R. 422-109; Indiana County, S. R. 2008-401; Indiana County, GR 104-96-SIA; Indiana County, GR 104-96-SIB; Allegheny County, S. R. 79-A14; Fayette County, GR 12-96-GR1; Greene County, GR 12-96-GR2; Washington County, S. R. 18-06M; Westmoreland County, GR 12-96-GR5; Westmoreland County, GR 12-96-S15; District Wide (6-0), GR 6-96-GRD; Chester County, GR 6-96-TIM.

**Department:** Transportation  
**Location:** Districts 1, 2, 4, 5, 6, 8, 10, 11, and 12  
**Duration:** FY 1995/1996  
**Contact:** V. C. Shah, P.E., (717) 787-5914

**Court Reporting—10**

**96-5** Professional court reporting/stenographic services for administrative hearings and, on occasion, depositions to be held at its central headquarters in Harrisburg.

**Department:** State Employees' Retirement System  
**Location:** 30 North Third Street, Fifth Floor, Harrisburg, PA 17101  
**Duration:** 07/01/96—06/30/99  
**Contact:** Mandi Shadle, (717) 787-6981

**Engineering Services and Consultation—14**

**Project No. 95-13** "Bicyclist/Motorist Crash Reduction Program" The objective of this project is to develop and distribute public information and educational materials aimed at reducing the bicycle/motor vehicle crash rate among motorists and adult cyclists (over the age of 21) in major metropolitan areas. Detailed requirements and an RFP are available upon request. FAX requests to Dorothy Irvin at (717) 783-7971.

**Department:** Transportation  
**Location:** Bureau of Office Services, 9th Floor, State Street Building, 500 North 3rd Street, Harrisburg, PA 17101  
**Duration:** 18 months  
**Contact:** Dorothy Irvin, (717) 787-7997

**08430AG1990** Preliminary engineering and environmental studies for S. R. 0028, Section 153, Pine Creek Bridge and S. R. 1038, Section 150, West Kittanning Bridge, in Armstrong County.

**Department:** Transportation  
**Location:** Engineering District 10-0  
**Duration:** Twenty-four (24) months  
**Contact:** Consultant Agreement Division, (717) 783-9309

**Project No. 95-18** "Safety and Congestion Management Research and Advanced Technology Applications." This will be an open ended agreement against which work orders will be written. The objective of the project is to provide information needed to define or implement, direction or strategy on a quick turn-around basis, in support of PennDOT's safety and congestion mitigation efforts such as: bicycle safety, human factor analysis, efficiency of signal systems, reduction of tort risk, and ITS Technologies. Detailed requirements and an RFP are available upon request. FAX requests to Dorothy Irvin at (717) 783-7971.

**Department:** Transportation  
**Location:** Bureau of Office Services, 9th Floor, State Street Building, 500 North Third Street, Harrisburg, PA 17101  
**Duration:** 60 months  
**Contact:** Dorothy Irvin, (717) 787-7997

**Environmental Maintenance Services—15**

**OSM 40(2235)101.1** Backfilling Abandoned Mine Shaft, Pennsylvania Avenue. Involves an estimated 910 tons of backfill material and 900 S. Y. of seeding. One hundred percent of this project is financed by the Federal Government. Federal funds available for this program total 19.04 million dollars for Pennsylvania's 1995 AML Grant.

**Department:** Environmental Protection  
**Location:** City of Wilkes-Barre, Luzerne County, PA  
**Duration:** 40 days after notice to proceed  
**Contact:** Construction Contracts Unit, (717) 783-7994

**BOL-1** The contractor shall supply all chemicals test equipment, lab analysis, staff training, to provide a complete water treatment service program that will include steam boilers, deaerator, condensate system, hot water recirculation system and chilled water recirculation system.

**Department:** Corrections  
**Location:** State Correctional Institution Houtzdale, State Route 2007, Houtzdale, PA 16698-1000  
**Duration:** 07/01/96—06/30/97  
**Contact:** Diane K. Davis, (814) 378-1000

**OSM 37(0183)102.1** Sealing of Abandoned Mine Openings, Papermill Bridge. Involves an estimated 9,000 tons of coarse aggregate and 4,500 bags of cement. One hundred percent of this project is financed by the Federal Government. Federal funds available for this program total 19.04 million dollars for Pennsylvania's 1995 AML Grant.

**Department:** Environmental Protection  
**Location:** City of New Castle, Lawrence County, PA  
**Duration:** 90 days after notice to proceed  
**Contact:** Construction Contracts Unit, (717) 783-7994

**OSM 17(0667)101.1** Abandoned Strip Mine Reclamation, Chestnut Grove Northwest. Involves an estimated 66,600 C. Y. of grading and 7.6 acres of seeding. One hundred percent of this project is financed by the Federal Government. Federal funds available for this program total 19.04 million dollars for Pennsylvania's 1995 AML Grant.

**Department:** Environmental Protection  
**Location:** Union Township, Clearfield County, PA  
**Duration:** 120 days after notice to proceed  
**Contact:** Construction Contracts Unit, (717) 783-7994

**Extermination Services—16**

**9999-3600-000** Contractor shall provide pest extermination and control for the institutional grounds and physical structures. The requested service shall include the control of white-tailed deer through natural or artificial repellents.

**Department:** Corrections  
**Location:** State Regional Correctional Facility, 801 Butler Pike, Route 258 South, Mercer, PA 16137-9651  
**Duration:** July 1, 1996 to June 30, 1999  
**Contact:** John J. Pitonyak, Purchasing Agent, (412) 662-1837, ext. 194

**Financial and Insurance Consulting—17**

**PSRS9502** The Public School Employees' Retirement System (PSERS) is issuing an RFP to satisfy a need for actuarial services. The services would include an annual actuarial valuation, a five year experience study, determination of the recommended annual employer contribution rate, other actuarial studies as required by the Board and analyses of pending legislation affecting the PSERS.

**Department:** Public School Employees' Retirement System  
**Location:** 5 North 5th Street, Harrisburg, PA 17101  
**Duration:** 5 year contract  
**Contact:** Donna Peterson, (717) 720-4690

**Food—19**

**No. 868** Meat and meat products: beef cubes, flaked and formed—1350 lbs.; ground beef—3060 lbs.; beef round, top (inside) boneless—60 lbs.; beef steaks, flaked and formed—200 lbs.; ground veal and beef patties, unbreaded, oval—320 lbs.; pork shoulder, Boston Butt, boneless—60 lbs.; pork spareribs—90 lbs. (flaked and formed); pork chops, boneless, flaked and formed—90 lbs.; pork cubes, flaked and formed—580 lbs.; pork sausage, precooked, patties, browned—50 lbs.; pork, ham cured and smoked, stuffed, fully cooked, shankless—660 lbs.; beef liver, portion cut—150 lbs.; ham, chopped, Pullman style—90 lbs.; frankfurters, beef—330 lbs.; meat food product loaves, pickle and pimento—140 lbs.

**Department:** Public Welfare  
**Location:** Polk Center, Polk, Venango County, PA 16342  
**Duration:** July, 1996  
**Contact:** Don D. Lynn, Purchasing Agent, (814) 432-0329

**4127** Frozen juice: various deliveries for the period beginning July 1, 1996 through September 30, 1996.

**Department:** Public Welfare  
**Location:** Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599  
**Duration:** 7/1/96—9/30/96  
**Contact:** F. Molisee, Purchasing Agent, (412) 257-6215

**4126** Prepared vegetables: various deliveries for the period beginning July 1, 1996 through September 30, 1996.

**Department:** Public Welfare  
**Location:** Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599  
**Duration:** 7/1/96—9/30/96  
**Contact:** F. Molisee, Purchasing Agent, (412) 257-6215

**4125** Dairy products and drinks: various deliveries for the period beginning July 1, 1996 through September 30, 1996.

**Department:** Public Welfare  
**Location:** Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599  
**Duration:** 7/1/96—9/30/96  
**Contact:** F. Molisee, Purchasing Agent, (412) 257-6215

**4136** Bread, rolls and related products: various deliveries for the period beginning July 1, 1996 through September 30, 1996.

**Department:** Public Welfare  
**Location:** Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599  
**Duration:** 7/1/96—9/30/96  
**Contact:** F. Molisee, Purchasing Agent, (412) 257-6215

**4135** Miscellaneous frozen foods: various deliveries for the period beginning July 1, 1996 through September 30, 1996.

**Department:** Public Welfare  
**Location:** Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599  
**Duration:** 7/1/96—9/30/96  
**Contact:** F. Molisee, Purchasing Agent, (412) 257-6215

**4134** Meat and meat products: various deliveries for the period beginning July 1, 1996 through September 30, 1996.

**Department:** Public Welfare  
**Location:** Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599  
**Duration:** 7/1/96—9/30/96  
**Contact:** F. Molisee, Purchasing Agent, (412) 257-6215

**4133** Ice cream and sherbet: various deliveries for the period beginning July 1, 1996 through September 30, 1996.

**Department:** Public Welfare  
**Location:** Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599  
**Duration:** 7/1/96—9/30/96  
**Contact:** F. Molisee, Purchasing Agent, (412) 257-6215

**4132** Fish and fish products, frozen: various deliveries for the period beginning July 1, 1996 through September 30, 1996.

**Department:** Public Welfare  
**Location:** Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599  
**Duration:** 7/1/96—9/30/96  
**Contact:** F. Molisee, Purchasing Agent, (412) 257-6215

**4131** Frozen vegetables: various deliveries for the period beginning July 1, 1996 through September 30, 1996.

**Department:** Public Welfare  
**Location:** Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599  
**Duration:** 7/1/96—9/30/96  
**Contact:** F. Molisee, Purchasing Agent, (412) 257-6215

**4137** Prepared salads: various deliveries for the period beginning July 1, 1996 through September 30, 1996.

**Department:** Public Welfare  
**Location:** Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599  
**Duration:** 7/1/96—9/30/96  
**Contact:** F. Molisee, Purchasing Agent, (412) 257-6215

**4129** Fresh fruits and vegetables: various deliveries for the period beginning July 1, 1996 through September 30, 1996.

**Department:** Public Welfare  
**Location:** Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599  
**Duration:** 7/1/96—9/30/96  
**Contact:** F. Molisee, Purchasing Agent, (412) 257-6215

**4128** Poultry and poultry products: various deliveries for the period beginning July 1, 1996 through September 1996.

**Department:** Public Welfare  
**Location:** Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599  
**Duration:** 7/1/96—9/30/96  
**Contact:** F. Molisee, Purchasing Agent, (412) 257-6215

**4130** Pastries, pies and cakes, fresh: various deliveries for the period beginning July 1, 1996 through September 30, 1996.

**Department:** Public Welfare  
**Location:** Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599  
**Duration:** 7/1/96—9/30/96  
**Contact:** F. Molisee, Purchasing Agent, (412) 257-6215

**6772** Meat and meat products.

**Department:** Military Affairs  
**Location:** Hollidaysburg Veterans Home, Route 220 at Meadows Intersection, P. O. Box 319, Hollidaysburg, PA 16648  
**Duration:** July 1996  
**Contact:** Nancy Keith, Purchasing Agent, (814) 696-5210

**6781** Ice cream and related products.

**Department:** Military Affairs  
**Location:** Hollidaysburg Veterans Home, Route 220 at Meadows Intersection, P. O. Box 319, Hollidaysburg, PA 16648  
**Duration:** July, August, September 1996  
**Contact:** Nancy Keith, Purchasing Agent, (814) 696-5210

**6782** Bread, rolls, and related products, fresh.

**Department:** Military Affairs  
**Location:** Hollidaysburg Veterans Home, Route 220 at Meadows Intersection, P. O. Box 319, Hollidaysburg, PA 16648  
**Duration:** July, August, September 1996  
**Contact:** Nancy Keith, Purchasing Agent, (814) 696-5210

**5873** Juices, frozen and juice drinks for July through December 1996. 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:** July through December 1996  
**Contact:** Jack W. Heinze, Purchasing Agent, (717) 772-7435

**5874** Bread, rolls, and related products, fresh for July through December 1996. 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:** July through December 1996  
**Contact:** Jack W. Heinze, Purchasing Agent, (717) 772-7435

**5875** Pies and cakes for July through December 1996. 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:** July through December 1996  
**Contact:** Jack W. Heinze, Purchasing Agent, (717) 772-7435

**5876** Pastries, fresh; various types for July through December 1996. 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:** July through December 1996  
**Contact:** Jack W. Heinze, Purchasing Agent, (717) 772-7435

**5881** Fruits and vegetables, frozen for July, August, and September 1996. 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:** July, August, and September 1996  
**Contact:** Jack W. Heinze, Purchasing Agent, (717) 772-7435

**5882** Miscellaneous foods for July, August, and September 1996. 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:** July, August, and September 1996  
**Contact:** Jack W. Heinze, Purchasing Agent, (717) 772-7435

**5883** Prepared salads, fresh—various varieties for July, August, and September 1996. 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:** July, August, and September 1996  
**Contact:** Jack W. Heinze, Purchasing Agent, (717) 772-7435

**5884** Poultry and poultry products for July, August, and September 1996. 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:** July, August, and September 1996  
**Contact:** Jack W. Heinze, Purchasing Agent, (717) 772-7435

**5885** Meat and meat products for July, August, and September 1996. 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:** July, August, and September 1996  
**Contact:** Jack W. Heinze, Purchasing Agent, (717) 772-7435

**5886** Fruits and vegetables, fresh for July, August, and September 1996. 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:** July, August, and September 1996  
**Contact:** Jack W. Heinze, Purchasing Agent, (717) 772-7435

**5887** Prepared vegetables, fresh for July, August, and September 1996. 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:** July, August, and September 1996  
**Contact:** Jack W. Heinze, Purchasing Agent, (717) 772-7435

**8199** Poultry and poultry products. Delivery date(s), special delivery instructions and quantities may be obtained from the hospital. Award to be made on an item by item basis. Delivery schedules 8 a.m.—3:30 p.m., Monday through Friday except State and National holidays.

**Department:** Public Welfare  
**Location:** Warren State Hospital, Institutional Storeroom, Route 62 North, North Warren, Warren County, PA 16365  
**Duration:** July 1996  
**Contact:** BD Muntz, (814) 726-4496

**6783** Frozen milkshakes.

**Department:** Military Affairs  
**Location:** Hollidaysburg Veterans Home, Route 220 at Meadows Intersection, P. O. Box 319, Hollidaysburg, PA 16648  
**Duration:** July, August, and September 1996  
**Contact:** Nancy Keith, Purchasing Agent, (814) 696-5210

**FS 96** Contractor shall supply various food items. These items will be bid quarterly except produce which is bid monthly. Quarterly bid items are delivered monthly as specified. Produce ordered weekly as needed.

**Department:** Corrections  
**Location:** State Correctional Institution Cambridge Springs, 451 Fullerton Avenue, Cambridge Springs, PA 16403  
**Duration:** 7-1-96 to 6-30-97  
**Contact:** Quentin Hargenrater Jr., (814) 398-5442

**96-005** The contractor shall provide produce products such as lettuce, celery, carrots, oranges, apples, potatoes, onions, bananas, cabbage, grapefruit, tomatoes, peppers, cucumbers, and any other vegetables or fruit as required by agency. Note: cantaloupe, watermelon, and tangerines in season, PA. Spec. F-46 for fresh fruit and PA. Spec. V-14 for fresh vegetables.

**Department:** Corrections  
**Location:** Training Academy, 1451 North Market Street, Elizabethtown, PA 17022-1299  
**Duration:** 07-01-96—06-30-97  
**Contact:** Ruth Gibson, (717) 367-9070

**96-006** The contractor shall provide meat products and processed meats such as turkey ham, turkey, salami, pork loin, boneless chicken thigh, frozen beef liver, turkey bologna, turkey franks, hot Italian sausage, ground veal patties, bacon, chicken wing-dings, chicken patties, sandwich steaks (100% beef), Lebanon bologna, and other processed meats as required by agency.

**Department:** Corrections  
**Location:** Training Academy, 1451 North Market Street, Elizabethtown, PA 17022-1299  
**Duration:** 07-01-96—06-30-97  
**Contact:** Ruth Gibson, (717) 367-9070

**96-007** The contractor shall provide dairy products such as processed cheese, eggs-fresh (USDA Grade A or AA), frozen eggs, ice cream, butter/margarine or any other dairy products as required by agency.

**Department:** Corrections  
**Location:** Training Academy, 1451 North Market Street, Elizabethtown, PA 17022-1299  
**Duration:** 07-01-96—06-30-97  
**Contact:** Ruth Gibson, (717) 367-9070

**96-004** The contractor shall provide loaves of wheat, white bread and hamburger, hot dog buns with no pork by-products.

**Department:** Corrections  
**Location:** Training Academy, 1451 North Market Street, Elizabethtown, PA 17022-1299  
**Duration:** 07-01-96—06-30-97  
**Contact:** Ruth Gibson, (717) 367-9070

**96-008** The contractor shall provide poultry products such as frying chicken quarters, stewing chickens, turkey, turkey roaster and any other poultry products as required by agency.

**Department:** Corrections  
**Location:** Training Academy, 1451 North Market Street, Elizabethtown, PA 17022-1299  
**Duration:** 07-01-96—06-30-97  
**Contact:** Ruth Gibson, (717) 367-9070

**8198** Miscellaneous foods. Delivery date(s), special delivery instructions and quantities may be obtained from the hospital. Award to be made on an item by item basis. Delivery schedules 8 a.m.—3:30 p.m., Monday through Friday except State and National holidays.

**Department:** Public Welfare  
**Location:** Warren State Hospital, Institutional Storeroom, Route 62 North, North Warren, Warren County, PA 16365  
**Duration:** July 1996  
**Contact:** J. D. Sample, Purchasing Agent I, (814) 726-4448

**8206** Meat and meat products. Delivery date(s), special delivery instructions and quantities may be obtained from the hospital. Award to be made on an item by item basis. Delivery schedules 8 a.m.—3:30 p.m., Monday through Friday except State and National holidays.

**Department:** Public Welfare  
**Location:** Warren State Hospital, Institutional Storeroom, Route 62 North, North Warren, Warren County, PA 16365  
**Duration:** July—August, 1996  
**Contact:** J. D. Sample, (814) 726-4448

**6785** Dairy products and drinks.

**Department:** Military Affairs  
**Location:** Hollidaysburg Veterans Home, Route 220 at Meadows Intersection, P. O. Box 319, Hollidaysburg, PA 16648  
**Duration:** July, August, and September 1996  
**Contact:** Nancy Keith, Purchasing Agent, (814) 696-5210

## Fuel Related Services—20

**Project No. 729** Removal and remediation of a 1,000 gallon underground gasoline dispensing storage tank and relating piping at the National Guard Armory at Milton, PA.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, 133 Ridge Avenue, Milton, Northumberland County, PA  
**Duration:** 1 July 96—30 June 97  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. DGS A 251-217** Project title: New Fuel Facility. Brief description: removal and replacement of underground storage tanks/above ground storage tanks and dispenser island as part of a fuel facility upgrade. Construction of a fuel truck containment pit. UST/AST construction. Plans deposit: \$90.00 per set. Payable to: R. E. Wright Environmental, Inc. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: R. E. Wright Environmental, Inc., 3240 Schoolhouse Road, Middletown, PA 17057. Telephone (717) 944-5501. Bid date: Wednesday, May 29, 1996 at 2:00 p.m. Pre-bid conference has been scheduled for Wednesday, May 8, 1996, 10:00 a.m. Meet at main office, meeting to be held in training room, Selinsgrove, PA. Contact person: Kerry Grosser, telephone (717) 368-4221. All contractors who have secured contract documents are invited and urged to attend this pre-bid conference.

**Department:** General Services  
**Location:** PennDOT Maintenance Building, Selinsgrove, Snyder County, PA  
**Duration:** 115 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**DLR 010** The vendor shall perform surface preparation, priming and painting of all mild steel surface areas of coal handling equipment, support structures, platforms, ladders, walkways, handrails and areas associated with the coal handling equipment.

**Department:** Corrections  
**Location:** State Correctional Institution at Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652  
**Duration:** May 1, 1996 through May 31, 1996  
**Contact:** Sharon M. Burks, Purchasing Agent, (814) 643-6520

## Hazardous Material Services—21

**AE-2541** Removal and replacement of windows in garage area, asbestos is present in the glazing and caulking of the present windows. Fax (717) 787-0462.

**Department:** Transportation  
**Location:** District 6-4 Office Building, Markley and Johnson Highway, Norristown, Montgomery County, PA  
**Duration:** 90 calendar days, proposed bid May 1996  
**Contact:** Tina Chubb, (717) 787-7001



## Heating, Ventilation, Air Conditioning—22

**Project No. DGS 506-22** Project title: Electrical Renovation in Building Number 23. Brief description: the work consists of selective demolition of the existing electrical system and construction of new electrical system renovations within the existing Building No. 23. Electrical construction. Plans deposit: \$45.00 per set. Payable to: Paul and Nagle Associates, Inc. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: Paul and Nagle Associates, Inc., 3738 Peters Mountain Road, Halifax, PA 17032-9038. Bid date: Wednesday, May 29, 1996 at 2:00 p.m. A pre-bid conference has been scheduled for Wednesday, May 8, 1996 at 10:30 a.m. in the Petry Building, Petry Conference Room No. 160, Harrisburg State Hospital, Harrisburg, PA. Contact person: Terry Keiter, telephone (717) 772-7371. All contractors who have secured contract documents are invited and urged to attend this pre-bid conference.

**Department:** General Services  
**Location:** Harrisburg State Hospital, Harrisburg, Dauphin County, PA  
**Duration:** 120 calendar days from date of initial job conference  
**Contact:** Bidding Unit, (717) 787-6556

**Project No. 9708** Zone heating controls.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, R. D. 1, Catawissa Avenue, Sunbury, Northumberland County, PA  
**Duration:** 1 July 96—30 June 97  
**Contact:** Emma Schroff, (717) 861-8518

## Janitorial Services—23

**SP288453** Contractor to provide all cleaning materials, equipment, paper supplies, anti-bacterial soap, sanitary napkins, tampons, paper can liners, air sanitizer for restrooms and toilet bowl fresheners for janitorial services at the Dauphin County Assistance Office. Complete details and specifications may be obtained by contacting the Procurement Office.

**Department:** Public Welfare  
**Location:** 2432 North 7th Street, P. O. Box 5959, Harrisburg, PA 17110-0959  
**Duration:** 07-01-96—06-30-99  
**Contact:** Lori Vessella, (717) 783-9281

**PDA381** Provide janitorial service at the Animal Diagnostic Laboratory, Region VI Office and Annex Building. Special Note: The Animal Diagnostic Laboratory will be relocating to Harrisburg during the term of this contract and only the Region VI Office will require service.

**Department:** Agriculture  
**Location:** Summerdale, PA  
**Duration:** 7/01/96 to 6/30/97  
**Contact:** Michael Mesaris, (717) 787-5674

**JC-8-96** Janitorial services—cleaning of 5,600 square feet of office space to include daily, weekly and monthly duties.

**Department:** Labor and Industry  
**Location:** Huntingdon Job Center, 54 Pennsylvania Avenue, Huntingdon, Huntingdon County, PA 16652  
**Duration:** 10/01/96—09/30/98  
**Contact:** Ronald S. Thomas, Manager, (814) 643-1530

**025001** Janitorial services at maintenance building located at Cyclone, PA. Contractor to supply necessary supervision and personnel for daily cleaning (Monday through Friday) of 17 areas. Consisting of floors, desks, tables and filing cabinets. Rest room areas cleaned and sanitized daily. Contractor to supply all materials and equipment.

**Department:** Transportation  
**Location:** 025001 Star Route 1, Box 124, Cyclone, PA 16726  
**Duration:** 07-01-96 to 06-30-97  
**Contact:** Ronald J. Keim, (814) 465-7754

**Project No. 0126** Custodial services.

**Department:** Military and Veterans Affairs  
**Location:** Area 1, Ft. Indiantown Gap, Annville, Lebanon County, PA  
**Duration:** 1 October 1996—30 September 1999  
**Contact:** Emma Schroff, (717) 861-8518

**9617** Window washing—bidder required to make on-site visit.

**Department:** Public Welfare  
**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411  
**Duration:** 07/01/96—06/30/97  
**Contact:** Stanley Rygelski, (717) 587-7291

**SP288452** Janitorial services for four (4) Philadelphia CAO District Offices. Vendor to furnish all tools, equipment, supplies and labor to perform all duties. Office cleaning hours are 5:00 p.m. through 9:00 p.m., Monday through Friday. Contractor shall provide a minimum of 3 persons per building each evening to assure services are completed as required per specifications. Complete details and specifications may be obtained by contacting the Procurement Office.

**Department:** Public Welfare  
**Location:** 1400 Spring Garden Street, Room 701-95-03, Philadelphia, PA 19130  
**Duration:** 07-01-96—12-31-97  
**Contact:** Lori Vessella, (717) 783-9281

**FM-158** Furnish all labor, equipment and materials to perform janitorial services including empty waste baskets; clean lavatories; sweep floors; machine buff tile floors; vacuum carpets; dust furniture; wash windows inside and outside; general housecleaning twice a year; and shampoo carpets at the Schuylkill Haven Station, 23 Meadowbrook Drive, Schuylkill Haven, PA 17972. Detailed work schedule and bid must be obtained from the Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Facility Management Division, Schuylkill Haven Station, 23 Meadowbrook Drive, Schuylkill Haven, PA 17972  
**Duration:** 8/1/96 to 6/30/99  
**Contact:** Joan Berkoski or Deshawn Lewis, (717) 783-5484

**523** Janitorial services. Vendor will be responsible for maintaining a neat, clean and sanitary environment in offices, classrooms, and residence halls by sweeping and mopping all tile floors, vacuuming carpeted areas, dusting/vacuuming furniture, emptying waste baskets and trash cans on a daily basis; maintain sanitary conditions in restrooms by cleaning floors, sinks and commodes daily. Interested contractors may obtain bid package for a non-refundable cost of \$10.00. Make checks payable to Cheyney University. There will be a pre-bid meeting on Wednesday, May 8, 1996 at 10:00 a.m. Bids are due on Friday, May 17, 1996 at 2:00 p.m.

**Department:** State System of Higher Education  
**Location:** Cheyney University, Cheyney and Creek Roads, Cheyney, PA 19319-0200  
**Duration:** 1 year with option to renew for additional years  
**Contact:** Antonia Williams, Contract Administrator, (610) 399-2360

**FM-157** Furnish all equipment, materials and labor to perform janitorial services three (3) times a week, including empty waste baskets; clean lavatories; sweep floors; machine buff tile floors; vacuum carpets; dust furniture; wash windows inside and outside; general housecleaning twice a year and shampoo carpets. To include cutting of grass and snow removal from sidewalks, as required at the Dushore Station. Detailed work schedule and bid must be obtained from the Facility Management Division, (717) 783-5484.

**Department:** State Police  
**Location:** Facility Management Division, Dushore Station, P. O. Box 250, Dushore, PA 18614-0250  
**Duration:** 7/1/96 to 6/30/99  
**Contact:** Joan Berkoski or Deshawn Lewis, (717) 783-5484

## Laundry/Dry Cleaning and Linen/Uniform Rental—25

**10-96-06** Cut, make and trim of Pennsylvania State Police uniform trousers and breeches. State Police to provide Raeford summer weight and winter weight material. All other construction requirements to be acquired by winning vendor as per specifications.

**Department:** State Police  
**Location:** State Police Clothing Warehouse, Harrisburg, PA  
**Duration:** 7-1-96 through 6-30-99  
**Contact:** Alan F. Bowman, Procurement and Supply Division, (717) 783-5485

**Mailing Services—28**

**BOWC-16-96** Bulk mailing service: to provide overnight delivery of packages to various locations within Pennsylvania. Detailed specifications, obtained upon request.

**Department:** Labor and Industry  
**Location:** Bureau of Workers' Compensation, Various locations within Pennsylvania  
**Duration:** July 1, 1996 through June 30, 1998  
**Contact:** Kathryn Davis, (717) 783-5421, ext. 614

**Medical Services—29**

**RFP-001** Sex Offender Treatment Program. The purpose of this contract is to solicit proposals for approximately eight (8) hours per week of Sex Offender Treatment Services and training of Department of Corrections staff to be provided to the State Correctional Institution at Coal Township. The primary point of contact is Nancy A. Lasko, Purchasing Agent at ext. 142 or Alan Santarelli, Psychology Department, ext. 253.

**Department:** Corrections  
**Location:** State Correctional Institution at Coal Township, 1 Kelley Drive, Coal Township, PA 17866  
**Duration:** One year beginning approximately 7/1/96 to 6/30/97  
**Contact:** Nancy A. Lasko, (717) 644-7890, ext. 142

**Inquiry No. 8797** Service on Utilization Review Committee: approximately 1400 yearly. Review intermediate cases twice each year (700 cases). Review all new admissions as required by level of care (10 cases per year); vendor to complete all reports as required and to review the Medical Care Evaluation Study for Skilled Care Areas (one to be completed annually); must have license and provide services meeting ICF/MR and Federal and State rules and regulations.

**Department:** Public Welfare  
**Location:** Selingsgrove Center, Selingsgrove, Snyder County, PA 17870  
**Duration:** July 1, 1996 to June 30, 2001  
**Contact:** Arletta K. Ney, Purchasing Agent, (717) 372-5070

**YFC No. 2** Dental services for residents at Youth Forestry Camp No. 2.

**Department:** Public Welfare  
**Location:** Youth Forestry Camp No. 2, White Haven, Carbon County, PA 18661  
**Duration:** 7-1-96 to 6-30-97  
**Contact:** Rose M. Palermo, (717) 443-9524

**Personnel—31**

**BOWC-4-96** Temporary typing/clerical assistance, as needed, for data input, pulling records, filing, opening mail and assigning cases during peak workload periods and/or absences of permanent staff.

**Department:** Labor and Industry  
**Location:** Bureau of Workers' Compensation, 1171 South Cameron Street, Room 103, Harrisburg, PA 17104-2501; To also include Harrisburg and Mechanicsburg Board, Cumberland County and Dauphin County, PA  
**Duration:** July 1, 1996 through March 31, 1998  
**Contact:** Jane C. Williams, (717) 783-5421

**BOWC-5-96** Temporary typing/clerical assistance, as needed, to prepare and process workers' compensation cases for hearings and decisions during peak workload periods and/or absences of permanent staff.

**Department:** Labor and Industry  
**Location:** Bureau of Workers' Compensation, Suite 202, 208 West Third Street Rear, Williamsport, Lycoming County, PA 17701  
**Duration:** July 1, 1996 through March 31, 1998  
**Contact:** Karl Baldys, (717) 327-3735

**BOWC-6-96** Temporary typing/clerical assistance, as needed, to prepare and process workers' compensation cases for hearings and decisions during peak workload periods and/or absences of permanent staff.

**Department:** Labor and Industry  
**Location:** Bureau of Workers' Compensation, 933 Penn Avenue, Suite 300, Pittsburgh, Allegheny County, PA 15222; to also include Pittsburgh Board  
**Duration:** July 1, 1996 through March 31, 1998  
**Contact:** Barbara Laurin, (412) 565-5277

**BOWC-7-96** Temporary typing/clerical assistance, as needed, to prepare and process workers' compensation cases for hearings and decisions during peak workload periods and/or absences of permanent staff.

**Department:** Labor and Industry  
**Location:** Bureau of Workers' Compensation, 112 South Claude A. Lord Boulevard, Side Entrance, Second Floor, Pottsville, Schuylkill County, PA 17901  
**Duration:** July 1, 1996 through March 31, 1998  
**Contact:** Paul Baker, (717) 621-3146

**BOWC-8-96** Temporary typing/clerical assistance, as needed, to prepare and process workers' compensation cases for hearings and decisions during peak workload periods and/or absences of permanent staff.

**Department:** Labor and Industry  
**Location:** Bureau of Workers' Compensation, 1201 North Church Street, Building A, Suite 203, Hazleton, Luzerne County, PA 18201  
**Duration:** July 1, 1996 through March 31, 1998  
**Contact:** Wayne Rapkin, (717) 459-3922

**BOWC-9-96** Temporary typing/clerical assistance, as needed, to prepare and process workers' compensation cases for hearings and decisions during peak workload periods and/or absences of permanent staff.

**Department:** Labor and Industry  
**Location:** Bureau of Workers' Compensation, 253 South Mount Vernon Avenue, Uniontown, Fayette County, PA 15401  
**Duration:** July 1, 1996 through March 31, 1998  
**Contact:** Albert Diaz, (412) 439-7420

**BOWC-10-96** Temporary typing/clerical assistance, as needed, to prepare and process workers' compensation cases for hearings and decisions during peak workload periods and/or absences of permanent staff.

**Department:** Labor and Industry  
**Location:** Bureau of Workers' Compensation, 79 Lancaster Avenue, Second Floor, Malvern, Chester County, PA 19355  
**Duration:** July 1, 1996 through March 31, 1998  
**Contact:** Cynthia Lupi, (215) 436-3595

**BOWC-11-96** Temporary typing/clerical assistance, as needed, to prepare and process workers' compensation cases for hearings and decisions during peak workload periods and/or absences of permanent staff.

**Department:** Labor and Industry  
**Location:** Bureau of Workers' Compensation, 615 Howard Avenue, Altoona, Blair County, PA 16601  
**Duration:** July 1, 1996 through March 31, 1998  
**Contact:** Ann Marie Mullen, (814) 946-7355

**BOWC-12-96** Temporary typing/clerical assistance, as needed, to prepare and process workers' compensation cases for hearings and decisions during peak workload periods and/or absences of permanent staff.

**Department:** Labor and Industry  
**Location:** Bureau of Workers' Compensation, 115 West Otterman Street, Greensburg, Westmoreland County, PA 15601; to also include Greensburg Board  
**Duration:** July 1, 1996 through March 31, 1998  
**Contact:** Ada Guyton, (412) 832-5310

**BOWC-13-96** Temporary typing/clerical assistance, as needed, to prepare and process workers' compensation cases for hearings and decisions during peak workload periods and/or absences of permanent staff.

**Department:** Labor and Industry  
**Location:** Bureau of Workers' Compensation, 1523 State Office Building, 1400 Spring Garden Street, Philadelphia, Philadelphia County, PA 19130; to also include Bristol, Bristol Board and Upper Darby WC Offices, Bucks County and Delaware County, PA  
**Duration:** July 1, 1996 through March 31, 1998  
**Contact:** Clarice Floyd, (215) 560-2701

**BOWC-14-96** Temporary typing/clerical assistance, as needed, to prepare and process workers' compensation cases for hearings and decisions during peak workload periods and/or absences of permanent staff.

**Department:** Labor and Industry  
**Location:** Bureau of Workers' Compensation, 101-105 North Main Street, Wilkes-Barre, Luzerne County, PA 18701  
**Duration:** July 1, 1996 through March 31, 1998  
**Contact:** Linda Montville, (717) 826-2577

**BOWC-15-96** Temporary typing/clerical assistance, as needed, to prepare and process workers' compensation cases for hearings and decisions during peak workload periods and/or absences of permanent staff.

**Department:** Labor and Industry  
**Location:** Bureau of Workers' Compensation, 609 Main Street, Johnstown, Cambria County, PA 15901; to also include Johnstown Board  
**Duration:** July 1, 1996 through March 31, 1998  
**Contact:** Francis J. Desimone, (814) 533-2494

### Photography Services—32

**PDA 382** To supply photofinish equipment and services to each State Fair conducting Harness Racing and special One Day Events. Such services to include camera, film processing (with negatives and prints), radio communication system between photofinish booth and judges stand. Equipment to read Baton Lengths for the Charter, and a qualified person to operate any and all necessary equipment.

**Department:** Agriculture  
**Location:** PA State Harness Racing Commission, 2301 North Cameron Street, Harrisburg, PA 17110  
**Duration:** June 23, 1996 to October 31, 1998 (3 years)  
**Contact:** Michael Mesaris, (717) 787-5674

### Property Maintenance—33

**K-96058** Edinboro University of Pennsylvania of the State System of Higher Education is seeking bids for renovations to Compton Hall classroom building. Work will consist of electrical, mechanical thermal, and moisture protection, door and window replacement and masonry and finish work. A pre-bid meeting will be held May 3, 1996 at 9:00 a.m. at Compton Hall Auditorium/Gymnasium. Bids are due by 2:00 p.m. on May 20, 1996 in the Purchasing Office, 237 McEnerney Hall, Edinboro, PA 16444. Plans and documents are available for a \$50.00 nonrefundable deposit from Edinboro University of PA Purchasing Department, 237 McEnerney Hall, Edinboro, PA 16444. MBE/WBE firms urged to respond.

**Department:** State System of Higher Education  
**Location:** Edinboro University of Pennsylvania, Edinboro, PA 16444  
**Duration:** 270 days  
**Contact:** Angela Holler, Director of Purchasing, (814) 732-2704

**00717 001 96 AS-1** Work to include replacing areas of existing built up roof, insulation, and vapor barrier with new EDPM roof, insulation, and vapor retarder on the Museum of Anthracite Mining in Ashland, PA. Work to begin sometime after July 1, 1996. A mandatory site visit and sign in is required between April 29—May 10, 1996. Questions on the project will be accepted by the project manager, Gina Douty at (717) 772-4992. Contractors who have made site visits for the previous roof project are exempt from the mandatory site visit. No bids will be accepted by any contractors who do not make the mandatory site visit. For directions please contact the site at (717) 875-4708. All interested bidders should submit a request for the purchase of the bid package in writing, along with a \$25.00 check (non-refundable made payable to PHMC and mailed to: PA Historical and Museum Commission, P. O. Box 1026, Room 526, Harrisburg, PA 17108-1026, Attention: Judi McClain. Bids are due on Friday, May 31, 1996 at 3:00 p.m. Bid opening will be held in Room 526 of The State Museum of PA, corner of 3rd and North Streets, Harrisburg, PA.

**Department:** Historical and Museum Commission  
**Location:** Bureau of Historic Sites and Museums, Museum of Anthracite Mining, 17th and Pine Streets, Ashland, PA 17921  
**Duration:** July 1, 1996 to June 30, 1997  
**Contact:** Judi McClain or Gina M. Douty, (717) 772-2401

**AE-4031** Removal and replacement of fence and gates. FAX (717) 787-0462.

**Department:** Transportation  
**Location:** PennDOT Maintenance Building No. 007-5762, 1 mile east of Sunbury off T. R. 61, Northumberland County, PA  
**Duration:** 90 calendar days, proposed bid May 1996  
**Contact:** Tina Chubb, (717) 787-7001

**AE-2849** Removal and replacement of 18 lower-level windows. FAX (717) 787-0462.

**Department:** Transportation  
**Location:** District 4-0 Office Building, O'Neill Highway, Dunmore, Lackawanna County, PA  
**Duration:** 90 calendar days, proposed bid May 1996  
**Contact:** Tina Chubb, (717) 787-7001

**Project No. DGS 589-7** Project title: Renovate Intensive Treatment Complex. Brief description: work consists of interior renovations and exterior repairs involving general construction, HVAC, plumbing and electrical construction to the intensive treatment complex. General construction, heating, ventilating and air conditioning, plumbing and electrical construction. Plans deposit: \$60.00 per set. Payable to: Salvucci Engineers, Inc. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: Salvucci Engineers, Inc., 355 Fifth Avenue, 12th Floor, Pittsburgh, PA 15222. Telephone (741) 392-8600. Bid date: Wednesday, May 15, 1996 at 11:00 a.m.

**Department:** General Services  
**Location:** Youth Development Center, New Castle, Lawrence County, PA  
**Duration:** 230 calendar days from date of initial job conference  
**Contact:** Contract and Bidding Unit, (717) 787-6556

**FM-17429507** Contractor will supply all labor, scaffolding, tools, equipment, paint and appurtenances to paint exterior, fascia, soffit, trim and gravity vents on the Cherry Wood Building No. 33 located at the Harrisburg State Hospital, Harrisburg, PA. Work will also include the repair of existing stainless steel gutters. Complete specifications and drawings can be obtained by contacting the Procurement Office.

**Department:** Public Welfare  
**Location:** Cherry Wood Building No. 33, Harrisburg State Hospital, Harrisburg, PA 17105  
**Duration:** 05/04/96 through 06/04/96  
**Contact:** Ed Blandy, (717) 772-4883

**Project No. 9710** Downspouting and gutters fascia, repairs, replacement.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, P. O. Box 510, Lock Haven, Clinton County, PA  
**Duration:** 1 July 96—30 June 97  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 9712** Replacement/shower stalls.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, 324 Emerson Street, Pittsburgh, Allegheny County, PA  
**Duration:** 1 July 96—30 June 97  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 9714** Interior/exterior door replacement.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, 150 Janet Street, Beaver Falls, Beaver County, PA  
**Duration:** 1 July 96—30 June 97  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 9715** Slate roof repairs.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, Route 550 East, Bellefonte, Centre County, PA  
**Duration:** 1 July 96—30 June 97  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 9716** Gutter downspouting repairs.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, 580 U.S. Route 15 South, Lewisburg, Union County, PA  
**Duration:** 1 July 96—30 June 97  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 728** Overhead door replacement.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, P. O. Box 510, Lock Haven, Clinton County, PA  
**Duration:** 1 July 96—30 June 97  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 9711** Replacement/repair automatic transfer switch ATS.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, 324 Emerson Street, Pittsburgh, Allegheny County, PA  
**Duration:** 1 July 96—30 June 97  
**Contact:** Emma Schroff, (717) 861-8518

**CL-454** Replace windows and doors—Special Education Building. Replace window wall of approximately 1600 square feet and 360 square foot glass doors and replacement of 8 other exterior doors. Pre-bid conference: May 16, 1996. Bids due: 1:30 p.m. May 30, 1996. Bids open May 31, 1996. \$15 non-refundable deposit for bid package.

**Department:** State System of Higher Education  
**Location:** Clarion University, Clarion, Clarion County, PA  
**Duration:** 60 days from notice to proceed  
**Contact:** Judy McAninch, Contract Manager, (814) 226-2240

**Project No. 709** Roof repairs.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, 4011 Finleyville-Elrama Road, Finleyville, Washington County, PA  
**Duration:** 1 July 96—30 June 97  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. DGS A 999-94** Project title: Replace Roof. Brief description: replace shingle roof on Judson House, carpentry repairs and painting exterior, replace gutters and downspouts, replace broken window glass and repair wooden shutters. Repair to interior plaster work is limited to renovations to existing building. General construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: Commonwealth of Pennsylvania, Room 107, 18th and Herr Streets, Harrisburg, Pennsylvania 17125. Telephone: (717) 787-3923. Bid date: Wednesday, May 15, 1996 at 11:00 a.m.

**Department:** General Services  
**Location:** Judson House, Waterford, Erie County, PA  
**Duration:** 120 calendar days from date of initial job conference  
**Contact:** Bidding Unit, (717) 787-6556

**Project No. DGS A 970-98** Project title: Roof Replacement. Brief description: remove existing EPDM, shingle roofing and insulation down to existing wood deck. Install new insulation, fully adhered EPDM membrane roofing, shingle roofing and flashing. General construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, Pennsylvania 17125. Telephone: (717) 787-3923. Bid date: Wednesday, May 15, 1996 at 2:00 p.m.

**Department:** General Services  
**Location:** Lancaster National Armory Building, Lancaster, Lancaster County, PA  
**Duration:** 120 calendar days from date of initial job conference  
**Contact:** Bidding Unit, (717) 787-6556

**AE-2839** Removal and replacement of 15 window units. FAX (717) 787-0462.

**Department:** Transportation  
**Location:** Maintenance District 3-4, Sunbury, Northumberland County, PA  
**Duration:** 90 calendar days proposed bid May, 1996  
**Contact:** Tina Chubb, (717) 787-7001

## Real Estate Services—35

**893A** Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Department of Public Welfare with 24,435 useable square feet of new or existing office space in Philadelphia, Philadelphia County, PA, with minimum parking for fifty-three (53) vehicles, within the following boundaries: North: Tioga Street; South: Buttonwood Street; East: Front Street; East: Front Street, Cambria Street, Delaware Avenue; West: Broad Street (Route 611). Proposals due: June 10, 1996. Solicitation No.: 092252.

**Department:** General Services  
**Location:** Real Estate, 505 North Office Building, Harrisburg, PA 17125  
**Duration:** Indeterminate 1995-96  
**Contact:** Doris Deckman or Cynthia T. Lentz, (717) 787-4394

**894A** Lease Office Space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Department of Public Welfare with 23,489 useable square feet of new or existing office space in Philadelphia, Philadelphia County, PA, with minimum parking for fifty (50) vehicles, within the following boundaries: North: Montgomery Avenue, 22nd Street, Cecil B. Moore Avenue; South: Buttonwood Street; East: 12th Street; West: Fairmount Park. Proposals due: June 17, 1996. Solicitation No.: 092251.

**Department:** General Services  
**Location:** Real Estate, 505 North Office Building, Harrisburg, PA 17125  
**Duration:** Indeterminate 1995-96  
**Contact:** Doris Deckman or Cynthia T. Lentz, (717) 787-4394

## Sanitation—36

**Project No. DGS 578-16** Project title: Sewage Treatment Plant Improvements. Brief description: sewage treatment plant improvements at State Correctional Institution Dallas. General and electrical construction. Plans deposit: \$70.00 per set. Payable to: William G. Karam Associates, Inc. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: William G. Karam Associates, Inc., 1001 Lackawanna Trail, Clarks Summit, Pennsylvania 18411. Bid date: Wednesday, May 29, 1996 at 2:00 p.m. A pre-bid conference has been scheduled for Wednesday, May 8, 1996 at 10:00 a.m. Meet at main gate, State Correctional Institution Dallas, Dallas, PA. Contact person: George Bures, telephone (717) 675-1101. All contractors who have secured contract documents are invited and urged to attend this pre-bid conference.

**Department:** General Services  
**Location:** State Correctional Institution, Dallas, Luzerne County, PA  
**Duration:** 320 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**1178** The contractor shall provide for the removal of garbage (referred to as "municipal waste" in PA Act 101) and/or recyclable material(s) generated by the State Correctional Institution at Greensburg. It shall be the responsibility of the contractor to provide containers necessary for the collection of institutional garbage and/or recyclables.

**Department:** Corrections  
**Location:** State Correctional Institution at Greensburg, R. D. 10, Box 10, Route 119 South, Greensburg, PA 15601-8999  
**Duration:** July 1, 1996 to June 30, 1999  
**Contact:** Jack Loughry, Business Manager, (412) 837-4397, ext. 339

**523** Vendor required to provide dumpsters for trash and refuse disposal and recycling services. Additional dumpsters may be required for disposal of construction debris. Prebid meeting on Wednesday, May 8, 1996 at 9:00 a.m. Bids are due on Friday, May 17, 1996 at 10:00 a.m.

**Department:** State System of Higher Education  
**Location:** Cheyney University, Cheyney and Creek Roads, Cheyney, PA 19319-0200  
**Duration:** 1 year with option to renew for additional years  
**Contact:** Antonia Williams, Contract Administrator, (610) 399-2360

## Security Services—37

**522** Intrusion detection system. Vendor to furnish and install an intrusion detection system consisting of motion detectors, control panel with digital station, power supply, digital communicator and required wiring. All interested bidders to submit a request for the purchase of the bid package to Contracts Office, along with a \$25.00 check (non-refundable) made payable to Cheyney University. Prebid meeting on Wednesday, May 8, 1996 at 11:30 a.m. Bids due on Friday, May 17, 1996 at 11:00 a.m.

**Department:** State System of Higher Education  
**Location:** Cheyney University, Cheyney and Creek Roads, Cheyney, PA 19319-0200  
**Duration:** 3 months  
**Contact:** Antonia Williams, Contract Administrator, (610) 399-2360

**Inquiry No. 8764** Perform repairs and maintenance on all components and peripherals of the facility fire alarm system.

**Department:** Public Welfare  
**Location:** Laurelton Center, Route 45, Laurelton, Union County, PA 17835-0300  
**Duration:** June 1, 1996 to June 30, 2001  
**Contact:** Arletta K. Ney, Purchasing Agent, (717) 372-5070

**X103349** Provide monitoring, maintenance and time and material repairs/moves of the security systems located in the Evan Press Building and the Rachel Carson State Office Building.

**Department:** Environmental Protection  
**Location:** Bureau of Office Systems and Services, Harrisburg, PA  
**Duration:** Through 6/30/2000  
**Contact:** Ally Castaneira, (717) 787-2471/TDD users 1-800-654-5984

### Vehicle, Heavy Equipment and Powered Machinery Services—38

**0440** Remove and replace cabs on (2) two each 1986 International/Harvester tandem dump trucks. Model F2574 S-Series. Bidders should be within 150 miles radius of Scranton, PA.

**Department:** Transportation  
**Location:** District 0440, 101 Bennett Avenue, Milford, PA 18337  
**Duration:** 05-01-96 through 04-30-97  
**Contact:** Bob West, CEM, (717) 296-7193

**2591** Rental of Bobcat with bucket, sweeper and auger attachments. Complete specifications and instructions may be obtained by contacting the hospital. Award to be made on an aggregate basis.

**Department:** Public Welfare  
**Location:** Warren State Hospital, Route 62 North, North Warren, Warren County, PA 16365  
**Duration:** 04/01/96—03/31/99  
**Contact:** JD Sample, (814) 726-4448

**010297** We are seeking individuals with their own equipment (wreckers, dump trucks, loaders, concrete saws, etc.) to lease for different projects.

**Department:** Transportation  
**Location:** 1140 Liberty Street, P. O. Box 711, Franklin, PA 16323  
**Duration:** 7/96—6/97  
**Contact:** Tom Moore, (814) 437-4237

**NW962** Provide parts and labor for hydraulic repair to aquatic vegetation cutting machine.

**Department:** Game Commission  
**Location:** At vendor's facility  
**Duration:** Work to be completed within 30 calendar days of either the date of the notice to proceed or date machine is delivered to vendor  
**Contact:** Jerry A. Bish, LMGS, (814) 432-3187

### Miscellaneous—39

**9999-4000-000** Contractor shall provide Imam services for the residents of the Orthodox Muslim persuasion with considerations addressed to other sects of this faith.

**Department:** Corrections  
**Location:** State Regional Correctional facility, 801 Butler Pike, Route 258 South, Mercer, PA 16137-9651  
**Duration:** July 1, 1996 to June 30, 1999  
**Contact:** John J. Pitonyak, Purchasing Agent, (412) 662-1837, ext. 194

**CC-7800-96** Furnish and install four (4) four-head dispensers in the Institution Culinary Department areas for the purpose of preparing and serving carbonated drinks, as required, for the period of July 1, 1996 through June 30, 1999. Contractor will provide soda syrup furnished in 5 gallon "bag in a box" containers in regular and/or caffeine free flavors and diet and/or caffeine free flavors to the institution. Estimated quantity for three year period: 19,200 gallons. Flavors to be determined by the institution. CO<sub>2</sub> in 20 lb. tanks. Estimated quantity for three year period: 600 cylinders.

**Department:** Corrections  
**Location:** State Correctional Institution, Route 6, P. O. Box 256, Waymart, Wayne County, PA 18472-0256  
**Duration:** July 1, 1996 to June 30, 1999  
**Contact:** Andrew J. Booths, Purchasing Agent, (717) 488-2516

**4620-02** The Department of Transportation will solicit vending services for: Washington County, Site A. Items vended will be limited to nonperishables such as soda/juice, candy/snacks, ice cream, sandwiches and hot drinks. The vendor will be responsible for the installation, stocking and maintenance of a minimum of five vending machines. General liability insurance will be required. Contracts will be awarded to the highest monthly fee bid to the Department of Transportation expressed in lump sum bid form. Persons interested in obtaining a proposal to bid should contact the name listed below within 10 days of this notice. Bid opening is May 10, 1996 in Room 1008, Transportation and Safety Building at 2:00 p.m.

**Department:** Transportation  
**Location:** Washington County, I-70 EB  
**Duration:** 3 years, 3 months per specifications and provisions  
**Contact:** LuAnn J. Shadle, (717) 787-0188

**3509** Correctional Industries at Graterford Correctional institution will be seeking vendors to supply various types and amounts of yarns for use in hosiery, knitting, and weaving applications. Included shall be: acrylics, nylon filaments, mercerized combed peeler 100% cotton, 50/50 polyester/cotton yarns. All amounts are estimates and may vary according to actual needs. Contracts to be awarded throughout the fiscal year: July 1, 1996 through June 30, 1997.

**Department:** Corrections  
**Location:** Correctional Industries, P. O. Box 246, off Route 29, Graterford, PA 19426  
**Duration:** July 1, 1996 through June 30, 1997  
**Contact:** G. L. Arasin, Manager I, (610) 489-3466

[Pa.B. Doc. No. 96-713. Filed for public inspection April 26, 1996, 9:00 a.m.]

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## DESCRIPTION OF LEGEND

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| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction Maintenance: Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,  
*Secretary*

**Contract Awards**

The following awards have been made by the Department of General Services, Bureau of Purchases:

<b>Requisition or Contract #</b>	<b>Awarded On</b>	<b>To</b>	<b>In the Amount Of</b>	<b>Requisition or Contract #</b>	<b>Awarded On</b>	<b>To</b>	<b>In the Amount Of</b>
1849205-01	04/12/96	Quaker City Motor Parts	30,272.88	2418115-01	04/12/96	Weinstein Supply Corp.	16,542.22
1899135-01	04/12/96	Simplex Time Recorder	8,985.21	2439115-01	04/12/96	Atlantic Textile Co.	18,200.00
1920205-01	04/15/96	Westerbrook Draperies, Inc.	6,469.00	2466355-01	04/12/96	Corvallis Microtechnology, Inc.	10,780.00
2039215-01	04/15/96	C & I Boiler Repair, Inc.	23,467.00	2520215-01	04/15/96	General Supply Co.	3,100.00
2093215-01	04/12/96	Alling & Cory	6,172.00	2598215-01	04/12/96	J-O-M Pharmaceutical Services	12,317.52
2140215-01	04/12/96	Miles Pharmaceutical Division (Bayer)	843.29	4240-02	04/18/96	All Industrial Safety Products	783.00
2140215-02	04/12/96	Richie Pharmacal Company	756.80	4240-02	04/18/96	Safeware, Inc.	2,827.50
2140215-03	04/12/96	Superior Pharmaceutical Company	3,876.19	4240-02	04/18/96	Miller Safety Products, Inc.	1,537.50
2167355-01	04/15/96	Phillips Ford Sales	15,242.00	4240-02	04/18/96	Freemont Industries Corp.	2,478.78
2229115-01	04/15/96	Moyer & Sons, Inc.	18,160.00	4240-02	04/18/96	U. S. Safety	475.00
2230125-01	04/15/96	Digita-L-Ink	4,441.25	6530-07	04/18/96	Jordan-Reses Home Health Care	22,000.00
2237215-01	04/15/96	Rohrer Bus Sales	27,561.00	6530-07	04/18/96	Red Line Medical Supply	55,000.00
2244205-01	04/12/96	Excalibur Enterprises	10,025.00	7105-05	04/14/96	OFS	25,000.00
2251225-01	04/15/96	Milestone Materials, Inc.	11,339.00	7105-05	04/14/96	The Boling Co.	25,000.00
2252215-01	04/12/96	Artromick International	12,671.80	7105-05	04/14/96	McKinnon Assoc.	25,000.00
2270135-01	04/15/96	Parker Bath Corp.	13,348.00	7105-05	04/14/96	Keystate, Inc.	50,000.00
2270135-02	04/15/96	Glenko Patient Care Products	19,600.00	7105-05	04/14/96	Paoli, Inc.	25,000.00
2320205-01	04/15/96	Cardels	3,160.00	7105-05	04/14/96	Recreation Resource	25,000.00
2333125-01	04/12/96	Mail-Well Envelope Co.	9,788.80	7105-05	04/14/96	PA House Furniture	25,000.00
2335115-01	04/12/96	PA Police Supply	3,596.60	7105-05	04/14/96	Carolina Business Furniture	25,000.00
2335115-02	04/12/96	Jerry's Sport Center, Inc.	34,960.24	7105-05	04/14/96	The Barrit Cl.	25,000.00
2359355-01	04/15/96	Zask International Medical Supply	10,184.00	7105-05	04/14/96	Spectra Wood, Inc.	25,000.00
2365115-01	04/15/96	CDC Global Enterprises, Inc.	15,243.00	7105-05	04/14/96	PA Office Service Group, Inc.	25,000.00
				7105-05	04/14/96	David Edwards	25,000.00
				7105-05	04/14/96	Sauder Manufacturing Co.	25,000.00
				7105-05	04/14/96	Period Furniture, Inc.	25,000.00

## STATE CONTRACTS INFORMATION

2079

Requisition or Contract #	Awarded On	To	In the Amount Of	Requisition or Contract #	Awarded On	To	In the Amount Of
7105-05	04/14/96	Design Contempo, Inc.	25,000.00	7105-05	04/14/96	Healthtech Products	25,000.00
7105-05	04/14/96	V & F Custom	25,000.00	7240-02	04/23/96	SCL Plastics, Inc./A-1 Prods.	414,000.00
7105-05	04/14/96	Blockhouse Co., Inc.	25,000.00	7313510-01	04/12/96	Xerxes Com- puter Corp.	6,972.75
7105-05	04/14/96	This End Up Furniture Co.	25,000.00	8203190-01	04/12/96	J & L Systems Limited	5,780.00
7105-05	04/14/96	American Desk Mfg. Co.	25,000.00	8203190-02	04/12/96	Calcium Chlo- ride Sales	2,145.70
7105-05	04/14/96	RM Wieland Co.	25,000.00	8502940-01	04/12/96	AC Miller Concrete Prod., Inc.	33,853.00
7105-05	04/14/96	John Savoy & Son, Inc.	25,000.00	9150-03	04/17/96	Gulf Oil	267,862.00
7105-05	04/14/96	Officenter, Inc.	50,000.00	9150-03	04/17/96	Minuteman Lubricants, Inc.	74,182.50
7105-05	04/14/96	Brodart Indus- tries	25,000.00	9150-03	04/17/96	Carlos R. Lef- fler	245,136.50
7105-05	04/14/96	Dar Ran Fur- niture, Ind.	25,000.00	9150-03	04/17/96	Export Fuel Co., Inc.	72,600.00
7105-05	04/14/96	Nemschoff Chairs, Inc.	25,000.00	9150-03	04/17/96	Christoff Oil Co., Inc.	63,100.00
7105-05	04/14/96	Phillips Office Products, Inc.	25,000.00	9150-03	04/17/96	Mobil Oil Company	5,792.60
7105-05	04/14/96	Thonet Indus- tries	25,000.00	9150-03	04/17/96	Guttman Oil Company	2,794.00
7105-05	04/14/96	University Loft Co.	25,000.00			GARY E. CROWELL, <i>Secretary</i>	
7105-05	04/14/96	Jofco, Inc.	25,000.00				
7105-05	04/14/96	Buckstaff Co.	25,000.00				
7105-05	04/14/96	Moduform	25,000.00				
7105-05	04/14/96	Mastercraft Specialties, Inc.	25,000.00				

[Pa.B. Doc. No. 96-714. Filed for public inspection April 26, 1996, 9:00 a.m.]