

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

PART IV. SUSQUEHANNA RIVER BASIN COMMISSION

[25 PA. CODE CH. 803]
Correct Amendment

SUSQUEHANNA RIVER BASIN COMMISSION

18 CFR Part 803

Review and Approval of Projects

AGENCY: Susquehanna River Basin Commission (SRBC)

ACTION: Correcting Amendment

SUMMARY: This document contains a correction to the final regulations, which were published in the Federal Register on Thursday, June 15, 1995 (60 FR 31391). The regulations provided the procedural and substantive rules for SRBC review and approval of water resources projects.

DATES: Effective upon publication in the Federal Register and retroactive on May 11, 1995

FOR FURTHER INFORMATION CONTACT: Richard A. Cairo, General Counsel, (717) 238-0423; Fax: (717)238-2436; e-mail: rcairo@srbc.net

SUPPLEMENTARY INFORMATION:

Background

The SRBC adopted a final rule on May 11, 1995 establishing: (1) the scope and procedures for review and approval of projects under Section 3.10 of the Susquehanna River Basin Compact, Pub. L. 91-575; 83 Stat. 1509 et seq. (the Compact); and (2) special standards under Section 3.4(2) of the Compact governing water withdrawals and consumptive use of water. The definitions included in that final rulemaking action were intended to match the definitions provided in the Compact. Because of a typographical transposition, the definition of "project" in the final rule does not match the definition of "project" in Article 1, Section 1.1(7) of the Compact.

Need for Correction

As published, the final regulations contain an error that may prove to be misleading to project applicants and needs to be corrected.

List of Subjects in 18 CFR Part 803

Administrative practice and procedure, Water resources.

Accordingly, 18 CFR part 803 is corrected by making the following correcting amendment:

PART 803—REVIEW AND APPROVAL OF PROJECTS

1. The authority citation for Part 803 continues to read as follows:

Authority: Secs. 3.4, 3.8, 3.10 and 15.2, Pub. L. 91-575, 84 Stat. 1509 et seq.

§ 803.3 [Corrected]

2. In § 803.3, revise the definition of "Project" to read as follows:

§ 803.3 Definitions.

* * * * *

Project. Any work, service, or activity which is separately planned, financed, or identified by the Commission, or any separate facility undertaken or to be undertaken by the Commission or otherwise within a specified area, for the conservation, utilization, control, development, or management of water resources which can be established and utilized independently or as an addition to an existing facility and can be considered as a separate entity for purposes of evaluation.

* * * * *

Dated: May 22, 1998

PAUL O. SWARTZ,
Executive Director

Fiscal Note: 72-2. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 98-1230. Filed for public inspection July 31, 1998, 9:00 a.m.]

Title 67—TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CH. 105]

Mechanical, Electrical and Electronic Speed-Timing Devices

The Department of Transportation (Department), Bureau of Motor Vehicles (Bureau), by this order adopts an amendment to Chapter 105 (relating to mechanical, electrical and electronic speed-timing devices) to read as set forth in Annex A.

Notice of proposed rulemaking was published at 27 Pa.B. 1821 (April 12, 1997) with an invitation to submit written comments within 30 days of publication. No comments were received by the Department.

Purpose of this Chapter

The purpose of this chapter is to provide rules concerning the calibrating and testing of mechanical, electrical and electronic speed-timing devices by stations appointed by the Department.

Purpose of the Amendment

The purpose of the amendment is to prescribe the method for calibrating and testing electronic devices (radar) which operate in the Ka-Band frequency to assure their accuracy under 75 Pa.C.S. § 3368 (relating to speed timing devices). Historically, the Department does not identify electronic devices (radar) by name in the regulations, but only the method of calibration for particular frequencies and that once the calibration method is approved in the regulations, the Department will list specific electronic devices (radar), by name, in its annual publication in the *Pennsylvania Bulletin* of approved devices and speed-timing calibration stations.

The most significant amendment to this regulation is the inclusion of the test frequencies for calibrating and

testing Ka-Band electronic devices (radar) in § 105.15(a)(3)(iii), (5)(v) and (7)(iii) (relating to calibration).

Additional Modifications to the Proposed Rulemaking

The final-form text of the regulation contains modifications none of which enlarge the scope of this regulation as originally proposed, and thus may be published as final rulemaking. The following represents a summary of the modifications:

Sections 105.15(a)(3)(iii) and (7)(iii) both contain printing errors. In § 105.15(a)(3)(iii) (relating to calibration and the stability test), the last sentence of subparagraph (iii) directs the person doing the calibrating to adjust the frequency of function generator, while observing the frequency counter, to one of three possible bands. This sentence was incorrectly published at 27 Pa.B. 1822, to read as follows: "While observing the frequency counter, adjust frequency of function generator to 1726 Hz (X-Band) [or], § 3961 Hz (K-Band) or 5692 Hz (Ka-Band)." The section symbol before 3961 Hz must be eliminated and the sentence should have read as follows: "While observing the frequency counter, adjust the frequency of function generator to 1726 Hz (X-Band) or 3961 Hz (K-Band) or 5692 Hz (Ka-Band)." Further for clarity and consistency, the Department has deleted, from both the proposed § 105.15(a)(3)(iii) and (7)(iii), the commas within the series since the word "or" eliminates the need for the use of the commas. In § 105.15(a)(7)(iii) subparagraph (iii) directs the person doing the calibrating to activate the four watt signal source, modulated to 100% for one of three bands. This sentence was incorrectly published in 27 Pa.B. 1822, to read as follows: "Activate the 4 watt signal source, modulated at 100%, 1726 Hz (X-Band) or 3961 Hz (K-Band) [or], § 5692 Hz (Ka-Band)." The section symbol before 5692 Hz must be eliminated. Further for clarity, the Department desires that the subparagraph be printed as originally submitted, that is, with the word "or" appearing after each band. Accordingly, the sentence should have read as follows: "Activate the 4 watt signal source, modulated at 100%, 1796 Hz (X-Band) or 3961 Hz (K-Band) or 5692 Hz (Ka-Band)."

Persons and Entities Affected

This final-form regulation affects drivers of motor vehicles, stations which calibrate and test speed-timing devices and the State Police.

Fiscal Impact

This final-form regulation will not impose any increased cost on private persons, speed-timing device calibration and testing stations, or State or local governments. The State Police may incur cost if it elects to purchase an electronic device (radar) which operates in the Ka-Band frequency. There are a few manufacturers that make an electronic device (radar) which operates in the Ka-Band frequency. The cost of one device tested and approved for accuracy by the State Police is priced at approximately \$1,385.

This final-form regulation will not occasion the development of any additional reports or other paperwork requirements.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 31, 1997, the Department submitted a copy of the notice of proposed rulemaking, published at 27 Pa.B. 1821, to the Independent Regula-

tory Review Commission (IRRC) and the Chairpersons of the House and Senate Transportation Committees.

This final-form regulation was deemed approved by the Committees on July 6, 1998. The amendment was deemed approved by IRRC July 9, 1998, in accordance with section 5(g) of the Regulatory Review Act.

Sunset Provisions

The Department is not establishing a sunset date for this regulation, since this regulation is needed to administer provisions required under 75 Pa.C.S. §§ 3368 and 6103 (relating to speed timing devices; and promulgation of rules and regulations by department). This regulation will be continuously monitored for its effectiveness by the Department and the State Police.

Contact Person

The contact person is Barb Tomassini, Bureau of Motor Vehicles, Vehicle Inspection Division, Third Floor, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104, (717) 787-2895.

Authority

This final-form regulation is amended under the authority contained in 75 Pa.C.S. §§ 3368 and 6103.

Findings

The Department finds that:

- (1) Public notice of intention to amend the administrative regulation amended by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.
- (2) The amendment of the regulation of the Department in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statutes.

Order

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

- (a) The regulations of the Department, 67 Pa. Code Chapter 105, are amended by amending § 105.15 to read as set forth in Annex A with ellipses referring to the existing text of the regulation.
- (b) The Secretary of the Department shall submit this order, and Annex A to the Office of Attorney General and the Office of General Counsel for approval as to legality, as required by law.
- (c) The Secretary of the Department shall certify this order, and Annex A, and deposit them with the Legislative Reference Bureau, as required by law.
- (d) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

BRADLEY MALLORY,
Secretary

Fiscal Note: Fiscal Note 18-340 remains valid for the final adoption of the subject regulation.

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 28 Pa.B. 3558 (July 25, 1998).)

Annex A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

Subpart A. VEHICLE CODE PROVISIONS

ARTICLE VI. OPERATION OF VEHICLES

CHAPTER 105. MECHANICAL, ELECTRICAL AND ELECTRONIC SPEED-TIMING DEVICES

Subchapter B. ELECTRONIC DEVICES (RADAR)

§ 105.15. Calibration and testing procedure.

(a) *General.* An electronic device shall be calibrated and tested as follows:

* * * * *

(3) *Stability test.* The stability test shall be conducted in the following manner:

* * * * *

(iii) Adjust square wave output of function generator to the switching level of the pin diode switch. While observing the frequency counter, adjust frequency of function generator to 1726 Hz (X-Band) or 3961 Hz (K-Band) or 5692 Hz (Ka-Band).

* * * * *

(5) *Accuracy test.* The accuracy test shall be conducted in the following manner:

* * * * *

(v) While observing the frequency counter, adjust the function generator to each test frequency. Note and record the speed indicated on the electronic device display. Each test frequency shall produce the correct speed in mph within the limits of +0, -1 mph.

Test Frequencies (in Hz)

	<i>X Band</i>	<i>K Band</i>	<i>Ka Band</i>	<i>Indicated Test Speed mph</i>
	628	1440	2070	20
	785	1801	2588	25
	942	2161	3105	30
	1099	2521	3622	35
	1256	2881	4140	40
	1412	3241	4657	45
	1569	3601	5175	50
	1726	3961	5692	55
	1883	4321	6210	60
	2040	4681	6727	65
	2197	5042	7246	70
	2354	5402	7762	75
	2511	5762	8281	80
	2668	6122	8797	85
	2825	6482	9316	90
	2982	6842	9832	95
	3139	7202	10351	100
	3296	7562	10867	105
	3453	7922	11385	110
	3610	8283	11902	115
	3767	8643	12420	120
	3924	9003	12937	125
	4081	9363	13455	130
	4238	9723	13972	135
	4394	10083	14490	140

* * * * *

(7) *Rejection of extraneous RF fields.*

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(iii) Activate the 4 watt signal source, modulated at 100%, 1726 Hz (X-Band) or 3961 Hz (K-Band) or 5692 Hz (Ka-Band).

* * * * *

[Pa.B. Doc. No. 98-1231. Filed for public inspection July 31, 1998, 9:00 a.m.]