

RULES AND REGULATIONS

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 53, 93 AND 109]

Personal Flotation Devices; Issuing Agents; Parasails

The Fish and Boat Commission (Commission) by this order amends Chapters 55, 93 and 109. The Commission is publishing these amendments under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The amendments relate to Commission property and boating.

A. *Effective Date*

These amendments will go into effect upon publication of an order adopting the amendments.

B. *Contact Person*

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

C. *Statutory Authority*

These amendments are published under the statutory authority of sections 741, 5122 and 5123 of the code (relating to control of property; registration, licenses, permits, plates and statistics; and general boating regulations).

D. *Purpose and Background*

The amendments are designed to update, modify and improve Commission regulations pertaining to Commission property, issuing agents and boating. The specific purpose of the amendments is described in more detail under the summary of changes. Prior to consideration by the Commission on proposed rulemaking, the Commission's Boating Advisory Board reviewed all proposals relating to boating and recommended that the Commission approve the publication of a notice of proposed rulemaking containing the amendments.

E. *Summary of Changes*

(1) *Section 53.8 (relating to boats)*. In response to a request by an individual boater, the Commission in the early 1990s approved the use of non-Coast Guard approved inflatable personal flotation devices (PFDs) by operators of sculls and rowing shells and racing kayaks. Without this exemption, these boats were excluded from Commission lakes because at the time no approved inflatable PFDs were available. In the spring of 1998, manufacturers began to make approved devices. With the introduction of these devices, the exemption is no longer needed.

Additional staff review of this regulation determined that it was redundant in that the requirement for PFD carriage is covered under § 97.1 (relating to personal flotation devices). Section 97.1(f) exempts sculls, shells and racing kayaks from the PFD requirements except on Commission and State Park lakes. The Commission therefore has adopted an amendment restating this restriction in § 53.8 to assure that there is no misunderstanding about the requirements.

(2) *Section 93.13 (relating to issuing agents)*. In an attempt to provide a greater opportunity for the boating

public to be able to register or transfer registration of a boat, the addition of businesses dealing in temporary tag services or messenger services as boat issuing agents will provide one-step service for the boater with regard to the registration of the boat trailer and boat. Currently these businesses fill out boat registration forms and bring them to the Harrisburg office for the issuance of temporary boat registration decals. This practice has placed an additional demand on the staff in the Registration Section. Boaters currently using these businesses for processing their boat registrations may at times leave with the impression that their boats are legally registered once the messenger or tag service has completed the application. Many of these messengers and tag services provide evening and weekend hours that will be a direct benefit to the public. The Commission therefore has amended § 93.13 to include temporary tag services or messenger services as issuing agents for temporary boat registrations.

(3) *Section 109.4 (relating to water skiing, aquaplaning, kite skiing and similar activities)*. In February 1998, the Commission received a letter requesting that it consider permitting the use of longer rope by commercial parasail operators using winch boats and platforms. This type of operation is common in resort areas and has been successfully used for many years. The benefit of using a winch boat and platform is that rope up to 1,200 feet is possible. This gives the user a greater thrill than the standard 300 foot length currently permitted in this Commonwealth. Additionally, the user is able to take his trip and unless planned can take off and land on the boat without getting in the water. Overall, this type of operation is safer than a nonplatform boat or taking off from the shore or dock. Therefore, the Commission has amended this section to allow ski tow ropes of 600 feet for commercial winch boat parasails.

F. *Paperwork*

The amendments will not increase paperwork and will create no new paperwork requirements.

G. *Fiscal Impact*

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

H. *Public Involvement*

A notice of proposed rulemaking containing the proposed amendments was published at 28 Pa.B. 5132 (October 10, 1998). The Commission did not receive any public comments regarding the proposals.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the amendments adopted 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) A public comment period was provided and no comments were received.

(3) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapters 53, 93 and 109, are amended by amending §§ 53.8, 93.13 and 109.4 to read as set forth at 28 Pa.B. 5132.

(b) The Executive Director will submit this order and 28 Pa.B. 5132 to the Office of Attorney General for approval as to legality as required by law.

(c) The Executive Director shall certify this order and 28 Pa.B. 5132 and deposit them with the Legislative Reference Bureau as required by law.

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

PETER A. COLANGELO,
Executive Director

Fiscal Note: Fiscal Note 48A-85 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 99-298. Filed for public inspection February 26, 1999, 9:00 a.m.]

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 65]

Raystown Lake and Youghiogheny River; Miscellaneous Special Regulations

The Fish and Boat Commission (Commission) by this order amends Chapter 65 (relating to special fishing regulations). The Commission is publishing these amendments under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The amendment relates to fishing.

A. Effective Date

These amendment will go into effect upon publication of an order adopting the amendment.

B. Contact Person

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

C. Statutory Authority

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

D. Purpose and Background

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

E. Summary of Changes

Section 65.24 (relating to miscellaneous special regulations).

(1) In 1991, the Commission received requests for the issuance of net permits under section 2902 of the code (relating to net permits) to use throw or cast nets to take gizzard shad and alewife in Lake Raystown. Based upon the recommendations of the Bureaus of Law Enforcement and Fisheries, and after discussion at a FUTURE

Taskforce meeting, the Executive Director exercised his discretion to issue the permits subject to certain conditions. In 1998, the Commission issued about 160 cast net permits valid for Lake Raystown only to be used exclusively for the seining of gizzard shad and alewife. The nets are limited to a 6-foot radius (12-foot diameter). Although the original discussion indicated that mesh size should be no less than 1/2 inch, the vast majority of the current permits cover mesh size of at least 3/8 inches. Six of the current permits cover nets with 1/8 inch mesh.

This program has worked well on Lake Raystown, and the Commission has received requests to issue similar permits for cast nets or throw nets for use on other waters. The original intent, however, was to limit these permits to Lake Raystown, and the Commission believes that it would be inappropriate to expand the program at this time.

Although no regulatory action is required to maintain the program in its present scope since the issuance of these permits on a discretionary basis is expressly authorized by both statute and regulation, the Commission believed that it was desirable to spell out the guidelines for use of cast nets and throw nets in its regulations and the Summary booklet. The Commission, therefore, has adopted a new regulation that will allow the present practice to continue with standardized guidelines for net size and mesh size. The new regulation also makes it clear that these permits will only be issued for Lake Raystown.

(2) The Youghiogheny River, located in Somerset, Fayette, Westmoreland and Allegheny Counties, provides a popular coldwater fishery in southwestern Pennsylvania. As a result of the coldwater release from Youghiogheny River Lake, 28.3 miles of the river is managed to provide trout angling opportunities. Present management provides for catchable trout angling opportunities on the 1.1 mile section from the outflow of the lake downstream to the confluence with the Casselman River, and an additional 27.2 miles downstream of the confluence with the Casselman River managed with the planting of fingerling trout. Currently, the section of the river from the confluence with the Casselman River downstream to the mouth is managed under § 65.24. Under this regulation, there is no closed season on trout, a minimum size limit of 7 inches, a creel limit of 8 trout per day from opening day through Labor Day and a three trout per day creel limit until the following opening day of trout season.

The provision of the coldwater release offers an opportunity to enhance the quality of the coldwater fishery on the Youghiogheny River. Therefore, the Commission has designated a 3.5 mile section (from the confluence with Ramcat Run downstream to the pipeline crossing at the confluence with Lick Run) to be regulated and managed under § 65.4a (relating to all-tackle trophy trout). This regulation provides for year 'round trout angling with no tackle restriction and a 14 inch minimum size limit and two trout daily creel limit during the regular trout season (8 a.m. opening day through midnight Labor Day) and no harvest permitted during the remainder of the season. Because the Commission has added this stream section to its all-tackle trophy trout program, the Commission has adopted an amendment to clarify the length of the section described in § 65.24.

In Annex A of the notice of proposed rulemaking, the section to be amended was incorrectly referred to as § 64.24, instead of § 65.24. The Commission corrected

this error on final rulemaking. The Commission otherwise adopted the amendment as proposed.

F. Paperwork

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

G. Fiscal Impact

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

H. Public Involvement

A notice of proposed rulemaking containing the proposed amendments was published at 28 Pa.B. 5134 (October 10, 1998). The Commission did not receive any public comments regarding the proposal.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the amendment adopted 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) A public comment period was provided and no comments were received.

(3) The adoption of the amendment of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 65, are amended by amending § 65.24 to read as set forth at 28 Pa.B. 5134.

(b) The Executive Director will submit this order and 28 Pa.B. 5134 to the Office of Attorney General for approval as to legality as required by law.

(c) The Executive Director shall certify this order and 28 Pa.B. 5134 and deposit them with the Legislative Reference Bureau as required by law.

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

PETER A. COLANGELO,
Executive Director

Fiscal Note: Fiscal Note 48A-84 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 99-299. Filed for public inspection February 26, 1999, 9:00 a.m.]

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 111]

Special Regulations Counties; Wyoming County

The Fish and Boat Commission (Commission) by this order amends Chapter 111 (relating to special regulations counties). The Commission is publishing this amendment under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The amendment deals with boating.

A. Effective Date

This amendment will go into effect upon publication of an order adopting the amendment in the *Pennsylvania Bulletin*.

B. Contact Person

For further information on the changes, contact John F. Simmons, Director, Bureau of Boating and Education, (717) 657-4538, or Laurie E. Shepler, Assistant Counsel, (717) 657-4546, P. O. Box 67000, Harrisburg, PA 17106-7000. This final rulemaking is available electronically through the Commission's Web site (<http://www.fish.state.pa.us>).

C. Statutory Authority

This amendment is published under the statutory authority of section 5124 of the code (relating to particular areas of water).

D. Purpose and Background

The amendment is designed to update, modify and improve the Commission's special boating regulations at Lake Winola. The specific purpose of the amendment is described in more detail under the summary of changes. Prior to consideration by the Commission on proposed rulemaking, the Commission's Boating Advisory Board reviewed the proposal and recommended that the Commission approve the publication of a notice of proposed rulemaking to seek public comment on the change.

E. Summary of Changes

Section 111.66 (relating to Wyoming County). The Commission has received a petition from an ad hoc committee at Lake Winola requesting that the Commission adopt special boating regulations to ban, among other things, the use of motor boats on Sunday mornings. Lake Winola, a 185 +/- acre lake, is located entirely in Overfield Township in Wyoming County. Wyoming County asserts ownership of all of the land that lies under the lake. Lake Winola is divided into two boating areas by a promontory of land. The lake is surrounded by numerous cottages, many of which have boats at docks or moorings. There is an active Cottagers Association. The Commission maintains an access area at the lake.

It appears that an informal practice of limiting use of motorboats on Lake Winola during a quiet period on Sunday mornings has been in effect for several summers. The Commission has adopted an amendment formalizing this current practice.

F. Paperwork

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

G. Fiscal Impact

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

H. Public Involvement

A notice of proposed rulemaking containing the proposed amendment was published at 28 Pa.B. 6184 (December 19, 1998). The Commission did not receive any public comments regarding this proposal.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the amendment adopted 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) A public comment period was provided and no comments were received.

(3) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 111, are amended by amending § 111.66 to read as set forth at 28 Pa.B. 6184.

(b) The Executive Director will submit this order and 28 Pa.B. 6184 to the Office of Attorney General for approval as to legality as required by law.

(c) The Executive Director shall certify this order and 28 Pa.B. 6184 and deposit them with the Legislative Reference Bureau as required by law.

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

PETER A. COLANGELO,
Executive Director

Fiscal Note: Fiscal Note 48A-88 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 99-300. Filed for public inspection February 26, 1999, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CHS. 133, 145 AND 147]

Wildlife Classification; Hearing Procedures; and Special Permits for Nonresident Falconers

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its January 12, 1999, meeting, adopted the following changes:

Amend § 133.21 (relating to classification of birds) to change the status of several species of birds of special concern in this Commonwealth.

Amend § 145.21 (relating to deputy wildlife conservation officer hearing procedure) to make editorial changes to more accurately reflect the proper title for deputy wildlife conservation officers, and to provide for deputy wildlife conservation officer's trial board hearing procedures to be closed to the public.

Amend § 147.109 (relating to restrictions on taking raptors) to provide for a limited number of special permits for nonresident falconers from reciprocating states to take a raptor from the wild in this Commonwealth.

These amendments are hereby adopted under the authority of 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Amendment to § 133.21

1. *Introduction*

To more effectively manage the wildlife resources of this Commonwealth, the Commission at its meeting held

on July 14, 1998, proposed and at its January 12, 1999, meeting finally adopted amendments to § 133.21 (relating to classification of birds), to change the endangered and threatened status of a number of birds. This action resulted from a recommendation of the Ornithological Technical Committee of the Pennsylvania Biological Survey. The changes are being adopted under authority contained in sections 322(c)(8) and 2102(a) of the code (relating to power and duties of commission; and regulations).

2. *Purpose and Authority*

The Ornithological Technical Committee of the Pennsylvania Biological Survey reviews the status of birds on the list of birds of special concern in this Commonwealth every 5 years. The Committee recently completed a review and recommended to the Commission that the status of seven birds be changed. The status of five birds are upgraded while the status of two birds, Osprey and Common Tern, are downgraded.

Section 322(c)(8) of the code authorizes the Commission to add to or change the classifications of any wild bird or wild animal. Section 2102(a) of the code directs the Commission to promulgate regulations it deems necessary and appropriate concerning game or wildlife. The changes are adopted under this authority.

3. *Regulatory Requirements*

Since species that are endangered or threatened are essentially equally protected, the changes in classification will make little difference, with one exception. The status of the Dickcissel is being changed from "undetermined" to "threatened." As such it will receive increased protection.

4. *Persons Affected*

As was indicated under Regulatory Requirements, the changes in status will not have any practical impact. Those encountering Dickcissels or owning land on which they nest may be impacted by the change to threatened status.

5. *Comment and Response Summary*

No official comments were received with regard to the proposed changes.

6. *Cost and Paperwork Requirements*

None.

Amendment to § 145.21

1. *Introduction*

To better administer the code, the Commission at its meeting held on July 14, 1998, proposed, and at its January 12, 1999, meeting finally adopted amendments to § 145.21 to update terminology and provide that the hearings be closed to the public. These changes were adopted under powers conferred in section 304 of the code (relating to deputy game commission officers).

2. *Purpose of Authority*

With the adoption of the code, the designation of the Commission officers was changed from "game protector" to "wildlife conservation officer." This terminology was never changed in § 145.21. The adopted change rectifies this situation.

In addition, hearings for deputy officers are usually disciplinary in nature which may involve disclosure of essentially private information. To protect the privacy and rights of the officers involved, the Commission has decided that the hearings will not be open to the public.

Section 304 of the code authorizes the Commission to appoint deputy game commission officers. That section also makes those deputies "... subject to all requirements and regulations, either of the law or of the commission ..."

3. *Regulatory Requirements*

The adopted changes will not impose any additional regulatory requirements.

4. *Persons Affected*

Wildlife Conservation Officers, deputies and other individuals involved in deputy hearings will be affected by the change.

5. *Comment and Response Summary*

No official comments were received with regard to the adopted changes.

6. *Cost and Paperwork Requirements*

None

Amendment to § 147.109

1. *Introduction*

To more effectively manage the wildlife resources of this Commonwealth, the Commission, at its meeting held on July 14, 1998, proposed, and at its January 12, 1999, meeting finally adopted amendments to § 147.109 (relating to restrictions on taking raptors), to allow nonresident falconers to apply for a permit to take a raptor in this Commonwealth provided that their home state reciprocates. The changes were adopted under the provisions of section 2901(b) of the code (relating to regulations for permits).

2. *Purpose and Authority*

With certain exceptions, prior to enactment of the act of April 4, 1996 (P. L. 53, No. 18) (Act 19), which amended section 2901 of the code, the Commission could not issue permits to nonresidents. This meant that Pennsylvania falconers could not take advantage of a wider variety of raptors available in other states because other states will only reciprocate in allowing the taking of raptors. Act 19 changed this and authorizes the Commission to now reciprocate in allowing nonresidents to take raptors in this Commonwealth. The adopted changes are the implementing provisions for this reciprocity.

Section 2901(b) of the code authorizes this Commonwealth to promulgate regulations "... for the issuance of any permit or ... to control the activities which may be performed under authority of any permit issued." This provision is the basis for the adopted changes.

3. *Regulatory Requirements*

Nonresident falconers wishing to take a raptor in this Commonwealth will need to be from a state that reciprocates in the taking of raptors and will be subject to a number of limitations.

4. *Persons Affected*

Nonresident falconers will be affected by the changes. Resident falconers will benefit from the changes.

5. *Comment and Response Summary*

No official comments were received with regard to the changes.

6. *Cost and Paperwork Requirements*

Nonresident falconers will need to submit an application and pay a nonrefundable fee of \$100. Given the fact

that the maximum number of permits that will be issued each year is 20, the number of the applications should be small.

7. *Effective Date*

These changes will be effective on final publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

8. *Contact Person*

For further information on the adopted changes, contact James R. Fagan, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted 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 thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapters 133, 145 and 147, are amended by amending §§ 133.21, 145.21 and 147.109 to read as set forth at 28 Pa.B. 5244 (October 17, 1998).

(b) The Executive Director of the Commission shall submit this order and 28 Pa.B. 5244 (October 17, 1998) and deposit them with the Legislative Reference Bureau as required by law.

(c) This order amending §§ 133.21, 145.21 and 147.109, shall become effective upon final publication in the *Pennsylvania Bulletin*.

DONALD C. MADL,
Executive Director

Fiscal Note: Fiscal Note 48-105 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 99-301. Filed for public inspection February 26, 1999, 9:00 a.m.]

GAME COMMISSION [58 PA. CODE CH. 147] Deer Depredation Permit

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its January 12, 1999, meeting, adopted the following change:

Amend § 147.552 (relating to application) to allow applications for a deer depredation permit to be received from persons who have been enrolled in the Deer Damage Area Program or one of the Commission public access programs for at least two hunting seasons.

These amendments are hereby adopted under the authority of 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

1. *Introduction*

To more effectively manage the wildlife resources of this Commonwealth, the Commission at its October 6, 1998, meeting proposed, and at its January 12, 1999, meeting finally adopted a change to § 147.552 (relating to application) to reduce the requirement of enrollment in the Deer Damage Area Program for an agricultural deer control permit from at least 2 years to at least two hunting seasons. This change was adopted under the authority contained in section 2901(b) of the code relating to regulations for permits.

2. *Purpose and Authority*

Previously, for a person to qualify for an agricultural deer control permit, the area to be included had to be enrolled in the Deer Damage Area Program for at least 2 years. After discussions with a number of agricultural and sportsmen groups, it has been determined that what is important from a deer control point of view is the number of hunting seasons a farm has been enrolled in the deer damage area program rather than the number of years of enrollment. The adopted change will accomplish this modification and somewhat reduce the requirement.

Section 2901(b) of the code relating to regulations for permits, authorizes the Commission to promulgate regulations for the issuance of any permit. This provides the authority for the adopted change.

3. *Regulatory Requirements*

The adopted change will relax an existing requirement.

4. *Persons Affected*

Only persons wishing to obtain an agricultural deer control permit will be affected by the adopted change.

5. *Comment and Response Summary*

No official comments were received with regard to the adopted change.

6. *Cost and Paperwork Requirement*

The adopted change should not result in any additional cost or paperwork.

7. *Effective Date*

This change will be effective on final publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

8. *Contact Person*

For further information on the adopted change contact James R. Fagan, Director, Bureau of Law Enforcement, (717) 783-6526, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendment adopted 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 thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of the amendment of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 147, are amended by amending § 147.552, to read as set forth at 28 Pa.B. 6185 (December 19, 1998).

(b) The Executive Director of the Commission shall submit this order and 28 Pa.B. 6185 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order amending § 147.552, shall become effective upon final publication in the *Pennsylvania Bulletin*.

DONALD C. MADL,
Executive Director

Fiscal Note: Fiscal Note 48-106 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 99-302. Filed for public inspection February 26, 1999, 9:00 a.m.]